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Contents

Federal Register

Vol. 80, No. 22

Tuesday, February 3, 2015

Agriculture Department
See Animal and Plant Health Inspection Service
See Natural Resources Conservation Service
See Rural Business-Cooperative Service

Air Force Department
NOTICES
Environmental Impact Statements; Availability, etc.:
Powder River Training Complex, Ellsworth Air Force Base, SD, 5739–5740

Animal and Plant Health Inspection Service
RULES
Commuted Traveltime; Correction, 5665–5666
Revisions to Testing and Certification Requirements:
Brucellosis Class Free States and Certified Brucellosis-Free Herds; Technical Amendment, 5665
NOTICES
Evaluations; Availability:
Classical Swine Fever and Vesicular Disease, Foot-and-Mouth Disease and Rinderpest Status of Croatia, 5728–5729
Meetings:
Stakeholder Workshop on Coexistence; Workshop, 5729–5731

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 5760–5761
Charter Renewals:
Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, 5761

Civil Rights Commission
NOTICES
Meetings:
Indiana Advisory Committee, 5733
Mississippi Advisory Committee, Project Proposal Regarding Childcare Subsidy Policies in Mississippi, 5733–5734

Coast Guard
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Certificate of Discharge to Merchant Mariner, 5769–5770
Meetings:
Navigation Safety Advisory Council, 5770–5771

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Interest-Rate-Risk Vendor Questionnaire, 5884–5885
Meetings:
Minority Depository Institutions Advisory Committee, 5885

Consumer Product Safety Commission
PROPOSED RULES
Substantial Product Hazard List:
Extension Cords, 5701–5713

Defense Department
See Air Force Department

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
College Assistance Migrant Program, 5740

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Meetings:
Environmental Management Site-Specific Advisory Board, Northern NM, 5740–5741

Federal Aviation Administration
RULES
Airworthiness Directives:
Bombardier, Inc. Airplanes, 5670–5674
NOTICES
Requests for Nominations:
Aviation Rulemaking Advisory Committee; New Task, 5880–5882

Federal Communications Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 5748–5749
National Nonbroadcast Network Rankings:
July 1, 2015 Update to Video Description Requirements, 5749–5750

Federal Deposit Insurance Corporation
NOTICES
Terminations of Receiverships:
Chestatee State Bank, Dawsonville, GA, 5750

Federal Election Commission
NOTICES
Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 5750–5752

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 5741–5743
Declaratory Order Petitions:
RTO Energy Trading, LLC, 5743
Environmental Assessments; Availability, etc.:
2015 Elko Area Expansion Project, 5743–5744
Environmental Impact Statements; Availability, etc.:
PennEast Pipeline Company, LLC, 5744–5747
License Transfer Applications:
Christine Falls of New York, Inc., Ampersand Christine Falls Hydro, LLC, 5748
Trafalgar Power, Inc., Ampersand Cranberry Lake Hydro, LLC, 5747

Trafalgar Power, Inc., Ampersand Kayuta Lake Hydro, LLC, 5748

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 5882–5883
Environmental Impact Statements; Availability, etc.:
Payson, Utah County, UT, 5883

Federal Reserve System
RULES
Regulatory Capital Rules:
Small Savings and Loan Holding Company Exemption, 5666–5670
PROPOSED RULES
Small Bank Holding Company Policy Statement; Capital Adequacy of Board-Regulated Institutions; Bank Holding Companies; Savings and Loan Holding Companies; Changes to Reporting Requirements, 5694–5699
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 5752–5753

Federal Trade Commission
PROPOSED RULES
Regulatory Review Schedule, 5713–5715
NOTICES
Proposed Consent Orders:
Cerberus Institutional Partners V, L.P., AB Acquisition LLC, and Safeway Inc., 5753–5758

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
90-Day Finding on Petition to List the Island Marble Butterfly as an Endangered Species; Correction, 5719
NOTICES
Safe Harbor Agreements:
Smith's Blue Butterfly and California Red-legged Frog at Garrapata State Park, Monterey County, CA, 5775–5776

Food and Drug Administration
RULES
Requirement for Premarket Approval for Automated External Defibrillator Systems:
Effective Date; Republication, 5674–5683
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
General Licensing Provisions; Section 351(k) Biosimilar Applications, 5761–5763

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 5885–5886

General Services Administration
NOTICES
Meetings:
Commission to Eliminate Child Abuse and Neglect Fatalities, 5758–5759

Geological Survey
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 5776–5777

Government Accountability Office
NOTICES
Health Information Technology Policy Committee Nomination Letters, 5759

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See National Institutes of Health
NOTICES
Meetings:
National Advisory Committee on Children and Disasters, 5759–5760

Homeland Security Department
See Coast Guard
See U.S. Customs and Border Protection

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Community Challenge Planning Grant Program, 5773

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Tribal Probate Codes, 5777–5778
Alcoholic Beverage Sales Law of the Pueblo of Acoma, 5778–5781
Indian Gaming, 5781

Interior Department
See Fish and Wildlife Service
See Geological Survey
See Indian Affairs Bureau
See Land Management Bureau
See Reclamation Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Documenting, Managing and Preserving Department of the Interior Museum Collections Housed in Non-Federal Repositories, 5774–5775

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 5886–5887

International Trade Administration
NOTICES
Applications:
Safety and Security Business Development Mission to Morocco, Algeria and Egypt; Extension of Application Deadline, 5734
Meetings:
8th Annual U.S. Industry Program at the International Atomic Energy Agency General Conference, 5735–5737
Civil Nuclear Trade Advisory Committee, 5734–5735

International Trade Commission
NOTICES
Determinations:
Ferrovanadium from China and South Africa, 5787
Investigations; Determinations, Modifications, and Rulings, etc.:
Citric Acid and Certain Citrate Salts from Canada and China, 5788

Justice Department
See Justice Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application and Permit for Permanent Exportation of Firearms, 5789–5790
Application for Federal Firearms License, 5790–5791
Application to Transport Interstate or Temporarily Export Certain National Firearms Act Firearms, 5788
Federal Firearms License Responsible Person Questionnaire, 5789

Justice Programs Office
NOTICES
Meetings:
Federal Advisory Committee on Juvenile Justice, 5791

Labor Department
PROPOSED RULES
Retrospective Review and Regulatory Flexibility, 5715–5716

Land Management Bureau
NOTICES
Idaho Statewide Supplementary Rules, 5781–5785
Meetings:
Nevada and Recreation Resource Advisory Councils, 5785
Requests for Nominations:
National Resource Advisory Councils, 5785–5786

Legal Services Corporation
PROPOSED RULES
Application of Federal Law to LSC Recipients, 5716–5718
NOTICES
Migrant Grants:
Agricultural Worker Population Data for Basic Field, 5791–5792

Maritime Administration
NOTICES
Deepwater Port License Applications:
Liberty Natural Gas LLC, Port Ambrose Deepwater Port, 5883–5884

National Institutes of Health
NOTICES
Charter Renewals:
National Cancer Institute, 5763
Meetings:
Center for Scientific Review, 5765–5768
National Cancer Institute, 5764, 5766–5767
National Heart, Lung, and Blood Institute, 5764–5765
National Institute of Allergy and Infectious Diseases, 5768–5769
National Institute of Biomedical Imaging and Bioengineering, 5764
National Institute of Environmental Health Sciences, 5763–5764
National Institute of Mental Health, 5764–5767

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Exclusive Economic Zone Off Alaska:
Atka Mackerel in the Bering Sea and Aleutian Islands Management Area, 5692–5693
PROPOSED RULES
Environmental Impact Statements; Availability, etc.:
Boundaries for Flower Garden Banks National Marine Sanctuary, 5699–5701
Pacific Halibut Fisheries:
Catch Sharing Plan, 5719–5727
NOTICES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Exempted Fishing Permits, Snapper–Grouper Fishery off the Southern Atlantic States, etc., 5737–5738
Meetings:
Council Coordination Committee, 5738–5739
Permits:
Endangered Species; File No. 18136, 5739

Natural Resources Conservation Service
NOTICES
Changes to Section I of the Iowa, Minnesota, North Dakota, and South Dakota State Technical Guides, 5731
Changes to the National Handbook of Conservation Practices for the Natural Resources Conservation Service, 5731–5732

Nuclear Regulatory Commission
NOTICES
Applications; Standard Design Certifications:
Korea Hydro and Nuclear Power Co., Ltd. and Korea Electric Power Corp., 5792–5793
Environmental Impact Statements; Availability, etc.:
LaSalle County Station, Units 1 and 2, 5793–5795
Exemptions:
Duke Energy Florida, Inc., Crystal River Unit 3 Nuclear Generating Plant, 5795–5798
Facility Operating and Combined Licenses:
Applications and Amendments Involving No Significant Hazards Considerations, 5798–5816
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 5816–5822
License Applications:
Exelon Generation Company, LLC; LaSalle County Station, 5822–5825
Meetings; Sunshine Act, 5825

Postal Service
RULES
Domestic Competitive Products Pricing and Mailing Standards Changes, 5691–5692
International Product and Price Changes, 5683–5688
International Service Changes:
Burma, Kiribati, Sao Tome and Principe, 5688–5691

Reclamation Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Lower Colorado River Well Inventory, 5786–5787

Rural Business-Cooperative Service
NOTICES
Meetings:
National Public Stakeholder Forum; Rural Energy for America Program, 5732–5733

Securities and Exchange Commission
NOTICES
Applications:
AlphaMark Advisors, LLC, et al., 5834–5840
Crow Point Partners, LLC and Northern Lights Fund Trust, 5849–5851
CSOP ETF Trust and CSOP Asset Management Ltd., 5840–5849
Diamond Hill Capital Management, Inc., et al., 5825–5834
Trust for Professional Managers and William Blair and Co., LLC, 5851–5853
Meetings; Sunshine Act, 5853–5854
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 5861–5863
BATS Y-Exchange, Inc., 5858–5861
Chicago Board Options Exchange, Inc., 5863–5865
EDGA Exchange, Inc., 5856–5858
EDGX Exchange, Inc., 5854–5856
NASDAQ OMX PHLX, LLC, 5865–5875

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 5875–5876
Conflict of Interest Exemptions:
Eagle Fund III, L.P., 5876
Eagle Fund III–A, L.P., 5876
Small Business Investment Company; Surrender of License:
Virginia Capital SBIC, LP, 5876

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Maritime Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Voluntary Near Miss Reporting in Oil and Gas Operations on the Outer Continental Shelf, 5876–5880

Treasury Department
See Comptroller of the Currency
See Foreign Assets Control Office
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Crew Member's Declaration, 5772–5773
Crew's Effects Declaration, 5771–5772

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Survivors' and Dependents' Application for VA Education Benefits, 5887
Funding Availability:
Supportive Services for Veteran Families Program, 5887–5894

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR

Proposed Rules:
Ch. XLII.....5715

9 CFR
78.....5665
97.....5665

12 CFR
217.....5666

Proposed Rules:
217.....5694
225.....5694
238.....5694

14 CFR
39.....5670

15 CFR

Proposed Rules:
922.....5699

16 CFR

Proposed Rules:
Ch. I.....5713
1120.....5701

20 CFR

Proposed Rules:
Ch. IV.....5715
Ch. V.....5715
Ch. VI.....5715
Ch. VII.....5715
Ch. IX.....5715

21 CFR
870.....5674

29 CFR

Proposed Rules:
Subtitle A.....5715
Ch. II.....5715
Ch. IV.....5715
Ch. V.....5715
Ch. XVII.....5715
Ch. XXV.....5715

30 CFR

Proposed Rules:
Ch. I.....5715

39 CFR
20 (2 documents) 5683, 5688
111.....5691

41 CFR

Proposed Rules:
Ch. 50.....5715
Ch. 60.....5715
Ch. 61.....5715

45 CFR

Proposed Rules:
1640.....5716

48 CFR

Proposed Rules:
Ch. 29.....5715

50 CFR
679.....5692

Proposed Rules:
17.....5719
300.....5719

Rules and Regulations

Federal Register
Vol. 80, No. 22
Tuesday, February 3, 2015

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. APHIS–2009–0083]

RIN 0579–AD22

Brucellosis Class Free States and Certified Brucellosis-Free Herds; Revisions to Testing and Certification Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule that was published in the **Federal Register** on November 10, 2014, and effective on December 10, 2014, we adopted, with changes, an interim rule that amended the brucellosis regulations to, among other things, reduce the age at which most cattle and domestic bison are included in herd blood tests. In that amendment we intended to include all sexually intact cattle and domestic bison 18 months of age or older in herd blood tests, however we inadvertently omitted the words ''or older.'' This document corrects that error.

DATES: Effective February 3, 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Mike Carter, Assistant Director, Cattle Health Center, Surveillance, Preparedness and Response Services, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 851–3510.

SUPPLEMENTARY INFORMATION: In a final rule [1] published in the **Federal Register** on November 10, 2014 (79 FR 66591–66597, Docket No. APHIS–2009–0083), with an effective date of December 10, 2014, we adopted, with changes, an interim rule [1] that amended the brucellosis regulations in 9 CFR part 78 to, among other things, reduce the age at which most cattle and domestic bison are included in herd blood tests. In that document, we amended the interim rule by changing the age at which cattle and domestic bison are included in herd blood tests from 6 months to 18 months of age for all sexually intact cattle and domestic bison, except when conducting herd blood tests as part of affected herd investigations or other epidemiological investigations. In that amendment, we intended to include all sexually intact cattle and domestic bison 18 months of age or older in herd blood tests. While the language in the preamble makes this intention clear, we inadvertently omitted the words ''or older'' from the definition for *herd blood test* in § 78.1. We are correcting this omission in this technical amendment.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

■ 1. The authority citation for part 78 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 78.1 [Amended]

■ 2. In § 78.1, the definition for *herd blood test* is amended by adding the words ''or older'' after the words ''18 months of age''.

Done in Washington, DC, this 28th day of January 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–02024 Filed 2–2–15; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the interim and final rules and related documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0083.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 97

[Docket No. APHIS–2004–0108]

Commuted Traveltime; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Correcting amendment.

SUMMARY: In a final rule published in the **Federal Register** on April 1, 2005, and effective on April 1, 2005, we amended the regulations concerning overtime services provided by employees of the Agency's Plant Protection and Quarantine and Veterinary Services programs by adding or amending commuted traveltime allowances for travel between certain locations in Texas, New Mexico, and Mexico. In the final rule, two commuted traveltime allowances that should have appeared in the ''within the metropolitan area'' column were erroneously printed in the ''outside the metropolitan area'' column. This document corrects those errors.

DATES: Effective February 3, 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Adis Dijab, Air and Sea Port Services Director, National Import Export Services, VS, APHIS, 1445 Federal Drive, Suite 226, Montgomery, AL 36107; (334) 551–2181.

SUPPLEMENTARY INFORMATION: In a final rule that was published in the **Federal Register** on April 1, 2005 (70 FR 16691–16693, Docket No. 04–108–1), and effective on April 1, 2005, we amended the regulations concerning overtime services provided by employees of the Animal and Plant Health Protection Service's Plant Protection and Quarantine and Veterinary Services programs by adding or amending commuted traveltime allowances for travel between certain locations in Texas, New Mexico, and Mexico. Among other things, we increased the commuted traveltime allowance from 1 to 2 hours for Dallas-Fort Worth International Airport served from Fort Worth or Dallas, TX, within the metropolitan area. The commuted traveltime allowance of 2 hours for Houston (including Houston Intercontinental Airport) served from

within the metropolitan area remained the same. However, when the final rule was published, those two commuted travel time allowances appeared in the ''outside'' rather than ''within'' columns under metropolitan area in the table. This document corrects those errors.

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock, Poultry and poultry products, Travel and transportation expenses.

Accordingly, 9 CFR part 97 is corrected by making the following correcting amendments:

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 97.2, the table is amended, under Texas, by revising the entries for ''Dallas-Fort Worth International Airport'' and ''Houston (including Houston Intercontinental Airport)'' to read as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
* * * *	* * *		
Texas:			
* * * *	* * *		
Dallas-Fort Worth International Airport	Decatur		2
Do	Ft. Worth or Dallas	2	
* * * *	* * *		
Houston (including Houston Intercontinental Airport)		2	
Do	Bellville, TX		4
Do	Bryan, TX		4
Do	Georgetown, TX		8
Do	Pleasanton, TX		8
* * * *	* * *		

Done in Washington, DC, this 28th day of January 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–02027 Filed 2–2–15; 8:45 am]

BILLING CODE 3410–34–P

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R–1508]

RIN 7100–AE 29

Regulation Q; Regulatory Capital Rules: Interim Final Rule To Exempt Small Savings and Loan Holding Companies From the Regulatory Capital Rules

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Interim final rule with request for comment.

SUMMARY: The Board invites comment on an interim final rule that would exempt savings and loan holding companies that have total consolidated assets of less than $500 million and meet certain other requirements from the Board's regulatory capital requirements (Regulation Q). This interim final rule implements a law recently passed by the U.S. Congress, which exempts small savings and loan holding companies from the minimum capital requirements mandated by section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act that would meet the Board's Small Bank Holding Company Policy Statement if they were bank holding companies. In connection with this interim final rule, the Board is proposing to remove the requirement that qualifying savings and loan holding companies complete Schedule SC–R, Part I (Regulatory Capital Components and Ratios), of form FR Y–9SP (Parent Company Only Financial Statements for Small Holding Companies).

DATES: This interim final rule is effective January 30, 2015. Comments on the interim final rule must be received on or before March 5, 2015. Comments on the Paperwork Reduction Act burden estimates must be received on or before April 6, 2015.

ADDRESSES: You may submit comments, identified by Docket No. R–1508 and RIN No. 7100–AE 29, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room MP–500 of the Board's Martin Building (20th and C Streets NW., Washington, DC 20551)

between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Constance M. Horsley, Assistant Director, (202) 452–5239, Cynthia Ayouch, Manager, (202) 452–2204, Thomas Boemio, Manager (202) 452–2982, Douglas Carpenter, Senior Supervisory Financial Analyst, (202) 452–2205, or Page Conkling, Supervisory Financial Analyst (202) 912–4647), Capital and Regulatory Policy, Division of Banking Supervision and Regulation; Laurie Schaffer, Associate General Counsel, (202) 452–2277, Christine Graham, Counsel, (202) 452–3005, or Mark Buresh, Attorney, (202) 452–5270, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

In 2010, Congress enacted the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) to address weaknesses in the financial system that contributed to the financial crisis.[1] In part, the Dodd-Frank Act transferred supervision and regulatory responsibility for savings and loan holding companies to the Board from the Office of Thrift Supervision, and authorized the Board to promulgate regulations and orders in connection with supervising savings and loan holding companies, including establishing regulatory capital requirements.[2]

In addition, section 171 of the Dodd-Frank Act directed the Board to impose minimum regulatory capital requirements on state member banks, bank holding companies, and savings and loan holding companies that are no less than the generally applicable minimum capital requirements applicable to insured depository institutions.[3] Recognizing that small bank holding companies historically had not been subject to the Board's capital adequacy guidelines, section 171 exempted bank holding companies that were subject to the Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C) (Policy Statement).[4] However, prior to enactment of Public Law 113–250 (described below), there was no corresponding exception for small savings and loan holding companies.[5]

As a result of these actions, savings and loan holding companies of all sizes were made subject to the same minimum capital requirements that are generally applicable to banks. In July 2013, the Board adopted revisions to its regulatory capital framework (Regulation Q) to strengthen the requirements applicable to bank holding companies and state member banks, apply the regulatory capital framework to savings and loan holding companies for the first time in accordance with section 171 of the Dodd-Frank Act, and implement various requirements of the Dodd-Frank Act, including section 171.[6] Consistent with section 171 (prior to enactment of enactment of Pub. L. 113–250, described below), Regulation Q did not apply to small bank holding companies and generally applied to savings and loan holding companies, regardless of size, beginning on January 1, 2015.[7]

In December 2014, Congress enacted and the President signed into law Public Law 113–250 (the Act).[8] Among other changes, the Act revised section 171 of the Dodd-Frank Act to exempt a savings and loan holding company from the minimum regulatory capital requirements of section 171 of the Dodd-Frank Act effective on December 18, 2014, to the extent that the savings and loan holding company would have been exempt if it had been a small bank holding company that met the requirements of the Policy Statement (qualifying savings and loan holding company).[9] While it appears that Congress intended to exempt a qualifying savings and loan holding company from minimum regulatory capital requirements upon passage of the Act, the Act instead simply removes the statutory requirement that the Board impose minimum regulatory capital requirements on such a savings and loan holding company. Because the Board adopted Regulation Q, as applied to savings and loan holding companies, pursuant to the Home Owners' Loan Act and the Board's general safety and soundness authority, prior to enactment of the Act, and those requirements became effective as of January 1, 2015, the Board believes it is appropriate to issue an interim final rule revising Regulation Q to exempt qualifying savings and loan holding companies from consolidated regulatory capital requirements in a manner consistent with the Act. Without such action, qualifying savings and loan holding companies are subject to Regulation Q as of January 1, 2015.[10]

II. The Interim Final Rule

The interim final rule revises Regulation Q, effective January 30, 2015, to exclude a qualifying savings and loan holding company from consolidated regulatory capital requirements. Specifically, the exclusion from Regulation Q would apply to a savings and loan holding company that has total consolidated assets of less than $500 million and that also meets the qualitative requirements set forth in the Policy Statement. These qualitative requirements specify that the savings and loan holding company: (i) Is not engaged in significant nonbanking activities either directly or through a nonbank subsidiary; (ii) does not conduct significant off-balance sheet activities (including securitization and asset management or administration) either directly or through a nonbank subsidiary; and (iii) does not have a material amount of debt or equity securities outstanding (other than trust preferred securities) that are registered with the Securities and Exchange Commission (SEC) (Qualitative Requirements).

The Policy Statement currently applies only to bank holding companies. As such, the first Qualitative Requirement uses the terms

[1] Public Law 111–203, 124 Stat. 1376 (July 21, 2010).

[2] *See* 12 U.S.C. 5412; 12 U.S.C. 1467a(g)(1).

[3] 12 U.S.C. 5371.

[4] As in effect as of May 19, 2010, the Board's Small Bank Holding Company Policy Statement applied to bank holding companies with pro forma consolidated assets of less than $500 million that (i) are not engaged in any nonbanking activities involving significant leverage; (ii) are not engaged in any significant off-balance sheet activities; and (iii) do not have a significant amount of outstanding debt that is held by the general public. *See* 12 CFR 225, appendix C.

[5] 12 U.S.C. 5371(b)(5)(C) (prior to the enactment of Pub. L. 113–250).

[6] The Board and the OCC issued a joint final rule on October 11, 2013 (78 FR 62018), and the FDIC issued a substantially identical interim final rule on September 10, 2013 (78 FR 55340). In April 2014, the FDIC adopted the interim final rule as a final rule with no substantive changes. 79 FR 20754 (April 14, 2014).

[7] 12 CFR 217.1(c), (f). The Board's Regulation Q does not apply to savings and loan holding companies that are substantially engaged in insurance underwriting or commercial activities. 12 CFR 217.2.

[8] To enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes, Public Law 113–250 (December 18, 2014) (Pub. L. 113–250).

[9] Public Law 113–250, section 2(b). Public Law 113–250 also directs the Board to propose revisions to the Policy Statement that would increase the asset threshold for its applicability to bank holding companies from $500 million to $1 billion, and would apply the Policy Statement to savings and loan holding companies with total consolidated assets of less than $1 billion. Concurrent with this interim final rule, the Board is issuing a proposal to seek comment in implementing these other provisions of Public Law 113–250.

[10] 12 CFR 217.1(f).

''nonbanking activities'' and ''nonbank subsidiary'' to refer to the activities of a bank holding company. Under the Bank Holding Company Act of 1956, however, control of a savings association by a bank holding company is considered a nonbanking activity.[11] Because savings and loan holding companies control savings associations, all of their activities, including the control of savings associations, would be considered nonbanking activities under the Policy Statement. The Board believes this outcome would be inconsistent with Congressional intent to apply the Policy Statement to savings and loan holding companies.[12]

As is the case with bank holding companies, whether a savings and loan holding company engages in ''significant'' nonbanking activities (other than operation of one or more savings associations) will depend on the scope of the activities of the savings and loan holding company, the nature and level of risk of the activities, the condition of the savings and loan holding company, and other criteria as appropriate.[13]

III. Related Rulemaking and Revisions to Reporting Requirements

In connection with this interim final rule, the Board proposes to remove the requirement that qualifying savings and loan holding companies complete Schedule SC–R, Part I (Regulatory Capital Components and Ratios) of form FR Y–9SP (Parent Company Only Financial Statements for Small Holding Companies).[14] This schedule would have collected information on consolidated regulatory capital components and ratios from qualifying savings and loan holding companies that are subject to Regulation Q, effective June 30, 2015. Because the interim final rule excludes a qualifying savings and loan holding company from Regulation Q, the Board would not require such a savings and loan holding company to report information regarding regulatory capital components on the form FR Y–9SP.

In addition to amending section 171 for qualifying savings and loan holding companies as described above, the Act directs the Board to publish in the **Federal Register** proposed revisions to the Policy Statement that provide that the Policy Statement shall apply to bank holding companies and savings and loan holding companies that have pro forma consolidated assets of less than $1 billion. Elsewhere in today's **Federal Register**, the Board is inviting comment on a proposal that would raise the asset size threshold for determining applicability of the Policy Statement and expand the scope of the Policy Statement to include savings and loan holding companies.

IV. Request for Comments

The Board invites comment on all aspects of the interim final rule.

V. Effective Date; Solicitation of Comments

This interim final rule is effective January 30, 2015. Pursuant to the Administrative Procedure Act (APA), at 5 U.S.C. 553(b)(B), notice and comment are not required prior to the issuance of a final rule if an agency, for good cause, finds that ''notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.''[15] Similarly, a final rule may be published with an immediate effective date if an agency finds good cause and publishes such with the final rule.[16] In December 18, 2014, the President signed into law Public Law 113–250, which revised section 171 of the Dodd-Frank Act. Public Law 113–250 was effective upon enactment and exempts a savings and loan holding company from the minimum capital requirements of section 171 of the Dodd-Frank Act to the extent that the savings and loan holding company would have been exempt if it were a similarly-sized bank holding company. Prior to enactment of the Act, the Board revised the minimum capital requirements in accordance with section 171 of the Dodd-Frank Act and, in accordance with that section, made these minimum capital requirements applicable to savings and loan holding companies of all sizes. Because Congress intended to exempt qualifying savings and loan holding companies from minimum capital requirements upon passage of the Act, the Board believes it is appropriate to revise Regulation Q in order to effect Congressional intent. Immediate adoption of revisions to Regulation Q would implement Congressional intent, provide clarity to the public and qualifying savings and loan holding companies regarding the capital rules applicable to them, and relieve burden on qualifying savings and loan holding companies that became subject to Regulation Q for the first time beginning on January 1, 2015.

The Board finds that, under these circumstances, prior notice and comment through the issuance of a notice of proposed rulemaking are impracticable and that the public interest is best served by making the rule effective January 30, 2015. Delaying revisions to Regulation Q to complete a traditional notice and comment rulemaking process would cause qualifying savings and loan holding companies to expend significant resources to come into compliance with Regulation Q, only to be relieved from these requirements upon the effective date of the Board's final regulations implementing the changes contemplated by the Act.

For these reasons, the Board finds good cause to dispense with the delayed effective date otherwise required by 5 U.S.C. 553(b)(B) and 553(d)(3).

VI. Regulatory Analysis

A. Regulatory Flexibility Act Analysis

The requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*) (RFA) are not applicable to this interim final rule.[17] Nonetheless, the Board believes that the interim final rule would not have a significant economic impact on a substantial number of small entities. The Board requests comment on its conclusion that the new interim final rule should not have a significant economic impact on a substantial number of small entities.

The RFA generally requires an agency to assess the impact a rule is expected to have on small entities.[18] The RFA requires an agency either to provide a regulatory flexibility analysis or to certify that the interim final rule will not have a significant economic impact on a substantial number of small

[11] *See* 12 U.S.C. 1841(c)(2)(B), 1841(j), and 1843(i)(1).

[12] *See, e.g.,* Public Law 113–250, sec. 2(b).

[13] For purposes of applying the Policy Statement to savings and loan holding companies, the term ''nonbank subsidiary'' as used in the Policy Statement would refer to a subsidiary of a savings and loan holding company other than a savings association or a subsidiary of a savings association.

[14] Pursuant to Paperwork Reduction Act's emergency review process, 44 U.S.C. 3507(j), the Board is filing an emergency clearance review to remove the requirement that qualifying savings and loan holding companies complete Schedule SC–R, Part I of form FR Y–9SP. The change implemented through the emergency clearance process would be effective for six months. The Board is now proposing to make the change permanent and invites public comment.

[15] 5 U.S.C. 553(b)(3)(B).

[16] 5 U.S.C. 553(d)(3).

[17] The requirements of the RFA are not applicable to rules adopted under the Administrative Procedure Act's ''good cause'' exception. *See* 5 U.S.C. 601(2) (defining ''rule'' and notice requirements under the Administrative Procedure Act).

[18] Under standards the U.S. Small Business Administration has established, an entity is considered ''small'' if it has $175 million or less in assets for banks and other depository institutions. U.S. Small Business Administration, Table of Small Business Size Standards Matched to North American Industry Classification System Codes, available at *http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf.*

entities. Based on this analysis and for the reasons stated below, the Board believes that this interim final rule will not have a significant economic impact on a substantial number of small entities.

Under regulations issued by the U.S. Small Business Administration, a small entity includes a depository institution, bank holding company, or savings and loan holding company with total assets of $550 million or less (a small banking organization).[19] As of June 30, 2014, there were 254 small savings and loan holding companies.

The Board believes that this interim final rule will reduce regulatory burden by excluding a significant majority of savings and loan holding companies with less than $500 million in total consolidated assets from the Board's regulatory capital requirements in Regulation Q. The Board believes that most affected savings and loan holding companies currently have sufficient capital to satisfy the minimum requirements of Regulation Q. Therefore, the relief provided by this interim final rule relates largely to the significant burden of establishing and maintaining the systems necessary to monitor and demonstrate compliance with Regulation Q.

The Board is aware of no other Federal rules that duplicate, overlap, or conflict with this interim final rule. The Board does not believe that there are significant alternatives to the interim final rule that would reduce the economic impact on small banking organizations supervised by the Board.

B. Paperwork Reduction Act Analysis

In accordance with section 3512 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number is 7100–0128. The Board reviewed the interim final rule under the authority delegated to the Board by OMB. The interim final rule contains requirements subject to the PRA. The reporting requirements are found in sections 217.1(c)(1)(iii).

Comments are invited on:

(a) Whether the proposed collections of information are necessary for the proper performance of the Federal Reserve's functions, including whether the information has practical utility;

(b) The accuracy of the Federal Reserve's estimate of the burden of the proposed information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

All comments will become a matter of public record. Comments on aspects of this notice that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. A copy of the comments may also be submitted to the OMB desk officer: By mail to U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by facsimile to 202–395–5806, Attention, Agency Desk Officer.

Proposed Revisions, With Extension, to the Following Information Collection

Title of Information Collection: Consolidated Financial Statements for Holding Companies; Parent Company Only Financial Statements for Large Holding Companies; Parent Company Only Financial Statements for Small Holding Companies; Financial Statements for Employee Stock Ownership Plan Holding Companies; and Supplement to the Consolidated Financial Statements for Holding Companies.

Agency Form Number: FR Y–9C; FR Y–9LP; FR Y–9SP; FR Y–9ES; and FR Y–9CS.

OMB Control Number: 7100–0128.

Frequency of Response: Quarterly, semiannually, annually, and on occasion.

Affected Public: Businesses or other for-profit.

Respondents: Bank holding companies, savings and loan holding companies, and securities holding companies (collectively, ''holding companies'').

Abstract: In 2013, the Board revised its regulatory capital rules (revised regulatory capital rules),[20] requiring corresponding revisions to the FR Y–9C and FR Y–9SP. Effective March 31, 2014, the Federal Reserve split the Schedule HC–R, Regulatory Capital, on the FR Y–9C into two parts: Part I, which collected information on regulatory capital components and ratios under the revised regulatory capital rules, and Part II, which collected information on the existing risk-weighted assets reporting requirements. Advanced approaches holding companies, except savings and loan holding companies, began reporting on the proposed Schedule HC–R, Part I.B, Regulatory Capital Components and Ratios[21] effective March 2014. All other HC–R filers would begin reporting on the proposed Schedule HC–R, Part I, Regulatory Capital Components and Ratios, effective March 31, 2015.[22] The Board also approved in January 2014, Schedule SC–R, Part I, Regulatory Capital Components and Ratios, to collect information on consolidated regulatory capital components and ratios from small SLHCs that are subject to the revised regulatory capital rules, effective June 30, 2015. Schedule SC–R, Part I, would collect the same data items as Schedule HC–R, Part I, except Schedule HC–R, Part I, would collect

[19] *See* 13 CFR 121.201. Effective July 14, 2014, the Small Business Administration revised the size standards for banking organizations to $550 million in assets from $500 million in assets. 79 FR 33647 (June 12, 2014).

[20] The revised regulatory capital rules were approved and issued by the Board in July 2013 and published in the **Federal Register** on October 11, 2013. *See* 78 FR 62018.

[21] An advanced approaches institution as defined in section 100 of the revised regulatory capital rules (i) has consolidated total assets (excluding assets held by an insurance underwriting subsidiary) on its most recent year-end regulatory report equal to $250 billion or more; (ii) has consolidated total on-balance sheet foreign exposure on its most recent year-end regulatory report equal to $10 billion or more (excluding exposures held by an insurance underwriting subsidiary), as calculated in accordance with FFIEC 009 (OMB No. 7100–0035); (iii) is a subsidiary of a depository institution that uses the advanced approaches pursuant to subpart E of 12 CFR part 3 (OCC), 12 CFR part 217 (Board), or 12 CFR part 325 (FDIC) to calculate its total risk-weighted assets; (iv) is a subsidiary of a BHC or SLHC that uses the advanced approaches pursuant to 12 CFR part 217 to calculate its total risk-weighted assets; or (v) elects to use the advanced approaches to calculate its total risk-weighted assets. *See* 78 FR 62018.

[22] During the 2014 reporting periods, Part I Schedule HC–R was divided into Part I.A and Part I.B. Part I.A (completed by non-advanced approaches HCs) included data items 1 through 33 of current Schedule HC–R. Part I.B (completed by advanced approaches HCs) included reporting revisions consistent with the revised regulatory capital rules. Part II (completed by all HC–R filers) included data items 34 through Memoranda item 10 of current Schedule HC–R. Effective March 31, 2015, Part I.A would be removed and Part I.B would become Part I (to be completed by all HC–R filers). Part II would be renumbered data items 1 through Memoranda item 4 and, consistent with the revised regulatory capital rules, would implement the standardized approach for the risk weighting of assets (to be completed by all HC–R filers).

additional data from advanced approaches HCs.

Pursuant to the PRA's emergency review process, 44 U.S.C. 3507(j), the Board is filing an emergency clearance review to eliminate Schedule SC–R, Regulatory Capital, Part I, on the Parent Company Only Financial Statements for Small Holding Companies (FR Y–9SP) to reduce burden on small SLHCs immediately. In the emergency submission, the burden for the FR Y–9SP related to the elimination of Schedule SC–R, Regulatory Capital, Part I, would decrease by 156,935 hours. The change implemented through the emergency clearance process would be effective for six months. The Board is now proposing to make the change permanent and welcomes public comment on any aspect of this information collection. The burden estimates below reflect the updated number from the total emergency clearance review.

Estimated Paperwork Burden

Estimated Burden per Response:
FR Y–9C (non Advanced Approaches bank holding companies)—48.84 hours;
FR Y–9C (Advanced Approaches bank holding companies)—50.09 hours;
FR Y–9LP—5.25 hours;
FR Y–9SP—5.40 hours;
FR Y–9ES—0.5 hours; and
FR Y–9CS—0.5 hours.

Number of respondents:
FR Y–9C (non Advanced Approaches bank holding companies)—644;
FR Y–9C (Advanced Approaches bank holding companies)—12;
FR Y–9LP—818;
FR Y–9SP—4,390;
FR Y–9ES—86; and
FR Y–9CS—236.

Total estimated annual burden:
FR Y–9C (non Advanced Approaches bank holding companies)—125,812 hours;
FR Y–9C (Advanced Approaches bank holding companies)—2,404 hours;
FR Y–9LP—17,178 hours;
FR Y–9SP—47,412 hours;
FR Y–9ES—43 hours; and
FR Y–9CS—472 hours. (Total burden 193,321 hours)

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Federal banking agencies to use ''plain language'' in all proposed and final rules published after January 1, 2000. In light of this requirement, the Board has sought to present the interim final rule in a simple and straightforward manner. The Board invites comments on whether there are additional steps it could take to make the rule easier to understand.

List of Subjects in 12 CFR Part 217

Administrative practice and procedure, Banks, banking, Capital, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

Board of Governors of the Federal Reserve System

12 CFR CHAPTER II

Authority and Issuance

For the reasons set forth in the supplementary information, the Board amends 12 CFR Chapter II part 217 to read as follows:

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–l, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 2. In § 217.1, amend paragraph (c)(1)(iii) to read as follows:

§ 217.1 Purpose, applicability, reservations of authority, and timing.

* * * * *

(c) * * *

(1) * * *

(iii) A covered savings and loan holding company domiciled in the United States, other than a savings and loan holding company that has total consolidated assets of less than $500 million and meets the requirements of 12 CFR part 225, Appendix C, as if the savings and loan holding company were a bank holding company and the savings association were a bank. For purposes of compliance with the capital adequacy requirements and calculations in this part, savings and loan holding companies that do not file the FR Y–9C should follow the instructions to the FR Y–9C.

* * * * *

By order of the Board of Governors of the Federal Reserve System, January 29, 2015.

Michael Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–02038 Filed 1–30–15; 11:15 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0082; Directorate Identifier 2014–NM–233–AD; Amendment 39–18092; AD 2015–02–23]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, and CL–601–3R Variants) airplanes. This AD requires repetitive inspections for fractured or incorrectly oriented fasteners on the inboard flap hinge-box forward fittings on both wings, and replacement of all fasteners, if necessary. This AD was prompted by several reports of incorrectly oriented and fractured fasteners found on the inboard flap hinge-box forward fitting at wing station (WS) 76.50. We are issuing this AD to detect and correct incorrectly oriented or fractured fasteners, which could result in detachment of the flap hinge-box and the flap surface, and consequent reduced controllability of the airplane.

DATES: This AD becomes effective February 18, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 18, 2015.

We must receive comments on this AD by March 20, 2015.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0082.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0082; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Emergency Airworthiness Directive CF–2013–39R2, dated December 12, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on certain Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, and CL–601–3R Variants) airplanes. The MCAI states:

There have been three in-service reports on 604 Variant aeroplanes of a fractured fastener head on the inboard flap hinge-box forward fitting at Wing Station (WS) 76.50, found during a routine maintenance inspection. Investigation revealed that the installation of these fasteners on the inboard flap hinge-box forward fittings at WS 76.50 and WS 127.25, on both wings, does not conform to the engineering drawings. Incorrect installation may result in premature failure of the fasteners attaching the inboard flap hinge-box forward fitting. Failure of the fasteners could lead to the detachment of the flap hinge box and consequently the detachment of the flap surface. The loss of a flap surface could * * * [result in reduced controllability of the airplane].

The original issue of this [Canadian] AD [dated December 6, 2013] [*http://www.regulations.gov/#!documentDetail;D=FAA-2014-0054-0002*] [which corresponds to FAA AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014)] mandated a detailed visual inspection (DVI) of each inboard flap hinge-box forward fitting, on both wings, and rectification as required. Incorrectly oriented fasteners require repetitive inspections until the terminating action is accomplished.

Although there have been no reported fractured fastener heads found to date on any model CL–600–1A11, –2A12 or –2B16 (601–3A–3R Variant) aeroplanes, incorrectly oriented fasteners may also be installed.

After the issuance of the original [Canadian] AD [dated August 15, 2014], there has been one reported incident on a 604 Variant aeroplane where four fasteners were found fractured on the same flap hinge-box forward fitting. The investigation determined that the fasteners were incorrectly installed.

Revision 1 of this [Canadian] AD was issued to remove the 604 Variant aeroplanes from the Applicability section since they were addressed in [Canadian] AD CF–2014–27 [dated August 15, 2014] [which corresponds to FAA AD 2014–17–51, Amendment 39–17999 (79 FR 64088, October 28, 2014)] and to clarify paragraphs A.2. and C of this [Canadian] AD so that it matched the Bombardier Alert Service Bulletins.

After the issuance of Revision 1 of this [Canadian] AD, there have been several reports of incorrectly oriented fasteners found on CL–600–1A11, and –2B16 (601–3A Variant) aeroplanes. Although there have been no reports of fractured fasteners found to date, incorrectly oriented fasteners could result in the premature failure of the forward flap hinge-box fitting.

Revision 2 of this [Canadian] AD is issued to reduce the initial and repetitive inspection intervals and to impose replacement of the incorrectly oriented fasteners * * *. This [Canadian] AD also corrects various terminology errors which were found in previous French versions of this [Canadian] AD.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0082.

Related Rulemaking

On February 3, 2014, we issued AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014) for Bombardier, Inc. Model CL–600–1A11 (CL–600) airplanes, having serial numbers (S/Ns) 1004 through 1085 inclusive; Model CL–600–2A12 (CL–601) airplanes, having S/Ns 3001 through 3066 inclusive; and Model CL–600–2B16 (CL–601–3A, CL–601–3R, & CL–604 Variants) airplanes, having S/Ns 5001 through 5194 inclusive, 5301 through 5665 inclusive, and 5701 through 5920 inclusive. AD 2014–03–17 requires repetitive inspections for fractured or incorrectly oriented fasteners on the inboard flap hinge-box forward fittings on both wings, and fastener replacement if necessary, and was prompted by two reports of fractured fastener heads found on the inboard flap hinge-box forward fitting. AD 2014–03–17 was issued to detect and correct incorrectly oriented or fractured fasteners, which could result in detachment of the flap hinge-box and the flap surface, and consequent reduced controllability of the airplane.

After we issued AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), we received a report of an additional incident of fractured fasteners on a Model CL–600–2B16 (CL–604 Variant) airplane. We then issued AD 2014–17–51, Amendment 39–17999 (79 FR 64088, October 28, 2014), as a ''stand-alone'' AD to reduce compliance times for the initial and repetitive inspections only for Model CL–600–2B16 airplanes having S/Ns 5301 through 5665 inclusive, and 5701 through 5920 inclusive. Issuing AD 2014–17–51 as a ''stand-alone'' AD instead of superseding AD 2014–03–17 was determined to be clearer and less burdensome for operators with airplanes unaffected by the reduced compliance times required by AD 2014–17–51.

Since we issued AD 2014–17–51, Amendment 39–17999 (79 FR 64088, October 28, 2014), we received a report of incorrectly oriented fasteners on a Model CL–600–1A11 airplane and on a Model CL–600–2B16 (601–3A Variant) airplane. Consequently, we determined it was necessary to issue this AD to reduce compliance times for the other airplane models not affected by AD 2014–17–51. Doing so reduces the potential complexity for two groups of airplanes (those that are and are not affected by AD 2014–17–51).

Related Service Information Under 1 CFR Part 51

Bombardier has issued Alert Service Bulletins A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013; and A601–0627, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013. The service information describes procedures for repetitive inspections of the fasteners on the inboard flap hinge-box forward fittings on both wings, and replacement of all fasteners, if necessary. The actions described in this service information are

intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of these same type designs.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because we have received several reports of incorrectly oriented and fractured fasteners found on the inboard flap hinge-box forward fitting at WS 76.50. Incorrectly oriented or fractured fasteners could result in detachment of the flap hinge-box and the flap surface, and consequent reduced controllability of the airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Interim Action

We consider this AD interim action. We are currently considering requiring replacement of incorrectly oriented fasteners, which will constitute terminating action for the repetitive inspections required by this AD action. However, the planned compliance time for the replacement would allow enough time to provide notice and opportunity for prior public comment on the merits of the modification.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0082; Directorate Identifier 2014–NM–233–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this AD.

Costs of Compliance

We estimate that this AD affects 120 airplanes of U.S. registry.

We also estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $10,200, or $85 per product.

In addition, we estimate that any necessary follow-on actions will take about 58 work-hours and require parts costing $753, for a cost of $5,683 per product. We have no way of determining the number of aircraft that might need this action.

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

2015–02–23 Bombardier, Inc.: Amendment 39–18092. Docket No. FAA–2015–0082; Directorate Identifier 2014–NM–233–AD.

(a) Effective Date

This AD becomes effective February 18, 2015.

(b) Affected ADs

This AD affects AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014).

(c) Applicability

This AD applies to the Bombardier, Inc. airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Bombardier, Inc. Model CL–600–1A11 (CL–600) airplanes, having serial numbers (S/Ns) 1004 through 1085 inclusive.

(2) Bombardier, Inc. Model CL–600–2A12 (CL–601) airplanes, having S/Ns 3001 through 3066 inclusive.

(3) Bombardier, Inc. Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes, having S/Ns 5001 through 5194 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by several reports of incorrectly oriented and fractured fasteners found on the inboard flap hinge-box forward fitting at wing station (WS) 76.50. We are issuing this AD to detect and correct incorrectly oriented or fractured fasteners, which could result in detachment of the flap hinge-box and the flap surface, and consequent reduced controllability of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Inspection on Airplanes Not Previously Inspected

For airplanes that have not been inspected as required by paragraph (g) of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), as of the effective date of this AD: Within 10 flight cycles after the effective date of this AD or 100 flight cycles after March 6, 2014 (the effective date of AD 2014–03–17), whichever occurs first, do a detailed visual inspection for incorrect orientation and any fractured or missing fastener heads of each inboard flap fastener of the hinge-box forward fitting at WS 76.50 and WS 127.25, on both wings, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (g)(1) and (g)(2) of this AD. Accomplishing the inspection required by this paragraph terminates the requirements of paragraph (g) of AD 2014–03–17 for the inspected airplane only.

(1) For Model CL–600–1A11 (CL–600) airplanes having S/Ns 1004 through 1085 inclusive: Bombardier Alert Service Bulletin A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(2) For Model CL–600–2A12 (CL–601) airplanes having S/Ns 3001 through 3066 inclusive, and Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes having S/Ns 5001 through 5194 inclusive: Bombardier Alert Service Bulletin A601–0627, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(h) Corrective Actions for Paragraph (g) of This AD

(1) If, during any inspection required by paragraph (g) of this AD, all fasteners are found correctly oriented and not fractured, and no fastener heads are missing (fasteners found intact): No further action is required by this AD.

(2) If, during any inspection required by paragraph (g) of this AD, any fastener is found incorrectly oriented but no fasteners are fractured or are missing a fastener head (fasteners found intact), repeat the inspection required by paragraph (g) of this AD thereafter at intervals not to exceed 10 flight cycles until the replacement specified in paragraph (h)(3) or (k) of this AD is accomplished.

(3) If, during any inspection required by paragraph (g) of this AD, any fastener is found fractured or has a missing fastener head: Before further flight, remove and replace all forward and aft fasteners (regardless of orientation or condition) at WS 76.50 and WS 127.25, on both wings, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (h)(3)(i) and (h)(3)(ii) of this AD, except as required by paragraph (m) of this AD. After accomplishing the replacement required by this paragraph, no further action is required by this AD.

(i) For Model CL–600–1A11 (CL–600) airplanes having S/Ns 1004 through 1085 inclusive: Bombardier Alert Service Bulletin A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(ii) For Model CL–600–2A12 (CL–601) airplanes having S/Ns 3001 through 3066 inclusive, and Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes having S/Ns 5001 through 5194 inclusive: Bombardier Alert Service Bulletin A601–0627, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(i) Inspection for Airplanes Previously Inspected and Found To Have Incorrectly Oriented Fastener(s)

For airplanes on which an inspection required by paragraph (g) or (j) of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), has been done as of the effective date of this AD, and on which any incorrectly oriented fastener was found but no fasteners were fractured (fasteners found intact): Except as provided by paragraph (l) of this AD, within 10 flight cycles after the effective date of this AD, or within 100 flight cycles after accomplishing the most recent inspection required by AD 2014–03–17, whichever occurs first, do a detailed visual inspection for any fractured or missing fastener heads of each inboard flap fastener of the hinge-box forward fitting at WS 76.50 and WS 127.25, on both wings. Do the inspection in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (i)(1) and (i)(2) of this AD. Accomplishing the inspection required by this paragraph terminates the requirements of paragraphs (g) and (j) of AD 2014–03–17 for the inspected airplane only.

(1) For Model CL–600–1A11 (CL–600) airplanes having S/Ns 1004 through 1085 inclusive: Bombardier Alert Service Bulletin A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(2) For Model CL–600–2A12 (CL–601) airplanes having S/Ns 3001 through 3066 inclusive, and Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes having S/Ns 5001 through 5194 inclusive: Bombardier Alert Service Bulletin A601–0627, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(j) Corrective Actions for Paragraph (i) of This AD

(1) If, during any inspection required by paragraph (i) of this AD, no fasteners are found fractured or have missing fastener heads (fasteners are intact), repeat the inspection required by paragraph (i) of this AD thereafter at intervals not to exceed 10 flight cycles until the replacement specified in paragraph (j)(2) or (k) of this AD is accomplished.

(2) If, during any inspection required by paragraph (i) of this AD, any fastener is found fractured or has a missing fastener head: Before further flight, remove and replace all forward and aft fasteners (regardless of orientation or condition) at WS 76.50 and WS 127.25, on both wings, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (j)(2)(i) and (j)(2)(ii) of this AD, except as required by paragraph (m) of this AD. After accomplishing the replacement required by this paragraph, no further action is required by this AD.

(i) For Model CL–600–1A11 (CL–600) airplanes having S/Ns 1004 through 1085 inclusive: Bombardier Alert Service Bulletin A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(ii) For Model CL–600–2A12 (CL–601) airplanes having S/Ns 3001 through 3066 inclusive, and Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes having S/Ns 5001 through 5194 inclusive: Bombardier Alert Service Bulletin A601–0627, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(k) Optional Terminating Action for Incorrectly Oriented Fasteners

Replacement of all forward and aft fasteners (regardless of orientation or condition) at WS 76.50 and WS 127.25, on both wings, terminates the requirements of this AD. The replacement must be done in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (k)(1) and (k)(2) of this AD, except as provided by paragraph (m) of this AD. Doing the replacement specified in this paragraph terminates the requirements of paragraphs (g) and (j) of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), only for the airplane on which the replacement was done.

(1) For Model CL–600–1A11 (CL–600) airplanes having S/Ns 1004 through 1085 inclusive: Bombardier Alert Service Bulletin A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(2) For Model CL–600–2A12 (CL–601) airplanes having S/Ns 3001 through 3066 inclusive, and Model CL–600–2B16 (CL–601–3A and CL–601–3R Variants) airplanes having S/Ns 5001 through 5194 inclusive: Bombardier Alert Service Bulletin A601–0627, Revision 02, dated December 9, 2014,

including Appendices 1 and 2, dated September 26, 2013.

(l) Exception for Previously Replaced Fasteners

Replacement of all fractured and incorrectly oriented forward and aft fasteners, as specified in paragraph (i) or (k) of AD 2014–03–17, Amendment 39–17754 (79 FR 9389, February 19, 2014), if done before the effective date of this AD, is considered acceptable for compliance with the requirements of this AD.

(m) Exception to the Service Information

Where Bombardier Alert Service Bulletin A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013; and Bombardier Alert Service Bulletin A601–0627, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013; specify to contact Bombardier for repair instructions, before further flight, repair using a method approved by the Manager, New York Aircraft Certification Office (ACO), FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier's TCCA Design Approval Organization (DAO).

(n) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD using the applicable service information identified in paragraphs (n)(1) through (n)(4) of this AD.

(1) Bombardier Alert Service Bulletin A600–0763, including Appendices 1 and 2, dated September 26, 2013, which was previously incorporated by reference on March 6, 2014 (79 FR 9389, February 19, 2014).

(2) Bombardier Alert Service Bulletin A600–0763, Revision 01, dated February 26, 2014, including Appendices 1 and 2, dated September 26, 2013, which is not incorporated by reference in this AD.

(3) Bombardier Alert Service Bulletin A601–0627, including Appendices 1 and 2, dated September 26, 2013, which was previously incorporated by reference on March 6, 2014 (79 FR 9389, February 19, 2014).

(4) Bombardier Alert Service Bulletin A601–0627, Revision 01, dated February 26, 2014, including Appendices 1 and 2, dated September 26, 2013, which is not incorporated by reference in this AD.

(o) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York ACO, ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) Contacting the Manufacturer: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO, ANE–170, Engine and Propeller Directorate, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(p) Special Flight Permits

Special flight permits to operate the airplane to a location where the airplane can be repaired in accordance with sections 21.197 and 31.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) are not allowed.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Emergency Airworthiness Directive CF–2013–39R2, dated December 12, 2014, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0082.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (r)(3) and (r)(4) of this AD.

(r) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Bombardier Alert Service Bulletin A600–0763, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(ii) Bombardier Alert Service Bulletin A601–0627, Revision 02, dated December 9, 2014, including Appendices 1 and 2, dated September 26, 2013.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on January 20, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–01661 Filed 2–2–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2013–N–0234]

Effective Date of Requirement for Premarket Approval for Automated External Defibrillator Systems; Republication

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order; republication.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is republishing in its entirety a final order entitled ''Effective Date of Requirement for Premarket Approval for Automated External Defibrillator'' that published in the **Federal Register** on January 29, 2015 (80 FR 4783). FDA is republishing to correct an inadvertent omission of a comment regarding adverse tissue reaction as a risk to health and the Agency's response to that comment. The final order requires the filing of premarket approval applications (PMA) for automated external defibrillator (AED) systems, which consist of an AED and those AED accessories necessary for the AED to detect and interpret an electrocardiogram and deliver an electrical shock (*e.g.,* pad electrodes, batteries, adapters, and hardware keys for pediatric use).

DATES: This order is effective on February 3, 2015.

FOR FURTHER INFORMATION CONTACT: Linda Ricci, Center for Devices and Radiological Health, 10903 New Hampshire Ave., Bldg. 66, rm. 1314, Silver Spring, MD 20993, 301–796–6325, *linda.ricci@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Pub. L. 94–295), the Safe Medical Devices Act of 1990 (Pub. L. 101–629), the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115), the Medical Device User Fee and Modernization Act

of 2002 (Pub. L. 107–250), the Medical Devices Technical Corrections Act (Pub. L. 108–214), the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), and the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144), among other amendments, established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513(d) of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as ''preamendments devices''), are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as ''postamendments devices'') are automatically classified by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, the device is reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

A preamendments device that has been classified into class III and devices found substantially equivalent by means of premarket notification (510(k)) procedures to such a preamendments device or to a device within that type (both the preamendments and substantially equivalent devices are referred to as preamendments class III devices) may be marketed without submission of a premarket approval application (PMA) until FDA issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring premarket approval or until the device is subsequently reclassified into class I or class II. Section 515(b)(1) of the FD&C Act directs FDA to issue an order requiring premarket approval for a preamendments class III device.

Although, under the FD&C Act, the manufacturer of a class III preamendments device may respond to the call for PMAs by filing a PMA or a notice of completion of a product development protocol (PDP), in practice, the option of filing a notice of completion of a PDP has not been used. For simplicity, although corresponding requirements for PDPs remain available to manufacturers in response to a final order under section 515(b) of the FD&C Act, this document will refer only to the requirement for the filing and receiving approval of a PMA.

On July 9, 2012, FDASIA was enacted. Section 608(a) of FDASIA (126 Stat. 1056) amended section 513(e) of the FD&C Act, changing the mechanism for reclassifying a device from rulemaking to an administrative order. Section 608(b) of FDASIA amended section 515(b) of the FD&C Act changing the mechanism for requiring premarket approval for a preamendments class III device from rulemaking to an administrative order.

Section 515(b)(1) of the FD&C Act sets forth the process for issuing a final order. Specifically, prior to the issuance of a final order requiring premarket approval for a preamendments class III device, the following must occur: (1) Publication of a proposed order in the **Federal Register**; (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments from all affected stakeholders, including patients, payers, and providers.

Section 515(b)(3) of the FD&C Act provides that FDA shall, after the close of the comment period on the proposed order, consideration of any comments received, and a meeting of a device classification panel described in section 513(b) of the FD&C Act, issue a final order to require premarket approval or publish a document terminating the proceeding together with the reasons for such termination.

A preamendments class III device may be commercially distributed without a PMA until 90 days after FDA issues a final order (a final rule issued under section 515(b) of the FD&C Act prior to the enactment of FDASIA is considered to be a final order for purposes of section 501(f) of the FD&C Act (21 U.S.C. 351(f))) requiring premarket approval for the device, or 30 months after final classification of the device under section 513 of the FD&C Act, whichever is later. For AED systems, the later of these two time periods is the 90-day period. Therefore, section 501(f)(2)(B) of the FD&C Act requires that a PMA for such devices be filed within 90 days of the effective date of a final order. However, for the reasons discussed below, FDA does not intend to enforce compliance with the 90-day deadline for PMA submissions for currently marketed AEDs and those AED accessories identified in § 870.5310(a) (21 CFR 870.5310(a)) (see further discussion in section V, ''Implementation Strategy'').

Also, a preamendments device subject to the order process under section 515(b) of the FD&C Act is not required to have an approved investigational device exemption (IDE) (see part 812 (21 CFR part 812)) contemporaneous with its interstate distribution until the date identified by FDA in the final order requiring the filing of a PMA for the device. At that time, an IDE is required only if a PMA has not been filed. If the manufacturer, importer, or other sponsor of the device submits an IDE application and FDA approves it, the device may be distributed for investigational use. If a PMA is not filed by the later of the two dates, and the device is not distributed for investigational use under an IDE, the device is deemed to be adulterated within the meaning of section 501(f)(1)(A) of the FD&C Act, and subject to seizure and condemnation under section 304 of the FD&C Act (21 U.S.C. 334) if its distribution continues. Other enforcement actions include, but are not limited to, the following: Shipment of devices in interstate commerce may be subject to injunction under section 302 of the FD&C Act (21 U.S.C. 332), and the individuals responsible for such shipment may be subject to prosecution under section 303 of the FD&C Act (21 U.S.C. 333). FDA requests that manufacturers take action to prevent the further use of devices for which no PMA has been filed.

II. Regulatory History of This Device

On January 25, 2011, the Circulatory System Devices Panel (''Panel'') recommended that AED systems be classified as class III devices and subject to premarket approval to provide reasonable assurance of the safety and effectiveness of the device (Ref. 1). The Panel recommended that AED systems be regulated as class III devices because, among other things, they are lifesaving devices. Furthermore, the problems identified in adverse events in the

medical device reporting systems and recalls related to AED systems indicated these devices require more regulatory oversight.

FDA published a proposed order to require PMAs for AED systems in the **Federal Register** of March 25, 2013 (78 FR 17890). FDA is now requiring PMAs for AED systems, which include AED accessories necessary for the functionality of the AED (*e.g.,* pad electrodes, batteries, adapters, and hardware keys for pediatric use) (''necessary AED accessories'') (see section IV, ''The Final Order'').

FDA received and has considered comments on the AED systems proposed order as discussed in section III of this document.

III. Public Comments in Response to the Proposed Order

In response to the March 25, 2013 (78 FR 17890) proposed order to maintain the class III classification and require premarket approval for AED systems, FDA received 66 comments and one petition for reclassification (see FDA–2013–N–0234–0002) (Ref. 2). The comments and the FDA's responses to the comments are summarized below. Certain comments are grouped together under a single number because the subject matter of the comments is similar. The number assigned to each comment is purely for organizational purposes and does not signify the comment's value or importance or the order in which it was submitted.

(Comment 1) Many comments indicated that AED systems have already been demonstrated to be safe and effective, and referenced literature and studies supporting the reliability of these devices and the value of AED systems in treating sudden cardiac arrest (SCA). The comments stated that PMAs and associated increased regulatory cost and review time is not warranted and would hinder innovation, increase device cost to consumers, and reduce availability of AED systems. The comments further stated that it is widely recognized that improvement in the survival rate from SCA is due in large part to widespread distribution of AED systems and expressed concern that requiring PMAs would limit availability of the devices.

(Response 1) FDA agrees that many currently marketed AEDs have been demonstrated to be effective in clinical use and, when designed and manufactured appropriately, AEDs can be safe and effective. However, FDA believes that there is insufficient information to determine that general and special controls would provide a reasonable assurance of the safety and effectiveness of these devices, which are for a use in supporting or sustaining human life (see section 513(a)(1)(C) of the FD&C Act. Specifically, the postmarket information on AEDs supports increased regulatory review to ensure that device design and manufacturing practices provide a reasonable assurance of safety and effectiveness. FDA acknowledges that the PMA process may result in increased regulatory cost to manufacturers; however, FDA believes that device quality will improve, which will reduce costs associated with postmarket actions including recalls.

FDA also agrees that continued efforts to make safe and effective AED systems available is in the interest of public health, but disagrees that this call for PMAs will limit device availability. FDA believes that many manufacturers of currently marketed AEDs already have, or can reasonably obtain, the necessary data to support a PMA, and hence expects AED distribution to continue to meet demand. Also, for the reasons discussed below, FDA does not intend to enforce compliance with the 90-day deadline for submission of PMAs for currently marketed AEDs and necessary AED accessories (for further discussion see section V, ''Implementation Strategy'').

At the January 2011 Panel meeting, the Panel discussed the impact of FDA regulatory scrutiny on innovation. Various Panel members agreed that the appropriate focus should be on assuring reliability of AEDs and that there was no evidence presented to indicate that a call for PMAs would unduly hinder device innovation (Ref. 1). FDA notes that previous significant innovations for AED systems (*e.g.,* new defibrillation waveforms) have been supported by clinical evidence in the 510(k) process and that under the PMA process this clinical evidence is not expected to significantly change. As was mentioned in the proposed order, FDA anticipates that many AED manufacturers already have sufficient clinical evidence to support a PMA.

(Comment 2) Several comments noted that AED system failures are often the result of use error or improper maintenance (*e.g.,* expired batteries/pads, periodic checks not performed, etc.) and not of system failure or malfunction. The comments stated that efforts should be devoted to ensuring appropriate public awareness, training (particularly for lay users), and maintenance to address these issues as opposed to increasing premarket regulatory review. One comment stated that the proposed order should not be finalized until all stakeholders, not only device manufacturers, are engaged in an integrated approach to increase the likelihood that AED systems will be available and functional when needed.

(Response 2) FDA agrees that AED system training and maintenance are important to help ensure AED system availability and proper use and also believes manufacturers and users are in the best position to develop and implement training and maintenance materials. FDA supports ongoing discussions and efforts to improve training and maintenance, but disagrees that these activities should delay finalizing the requirement for PMAs for these devices. Although we recognize that there have been some medical device reports (MDRs) associated with use errors, the focus of FDA's review of MDRs and recalls of AED systems has been related to problems with the quality of these devices as related to device design and manufacture and FDA continues to believe that requiring PMAs is appropriate.

(Comment 3) Several comments stated that special controls, including performance testing to industry standards, device labeling, guidance documents, human factors analysis and design, summary of field actions and mitigations to address Quality System (QS) concerns, risk management, and post-market surveillance were sufficient to regulate AED systems as class II devices under the existing 510(k) regulatory regime. One comment indicated that several of the regulatory controls identified by FDA as consistent with PMA requirements—such as pre-market inspections, review of changes that could significantly affect the safety or effectiveness of the device, and postmarket surveillance—could also be conducted under the 510(k) regime. Other comments supported FDA's proposal to maintain the devices in class III and agreed that the manufacturing controls, premarket review requirements, and assessment of lay use are best managed under the PMA process.

(Response 3) FDA disagrees that there is sufficient information to determine that general and special controls would provide a reasonable assurance of safety and effectiveness of these devices given safety concerns related to the manufacturing processes and design changes, problems which FDA considered in determining that PMAs are warranted (see section 513(a)(1)(C) of the FD&C Act. FDA does not generally conduct preclearance inspections under the 510(k) process because such information is not required in a 510(k) submission under the FD&C Act or FDA regulations.

Further, under section 513(f)(5) of the FD&C Act, FDA may not withhold a 510(k) because of a failure to comply with any provision of this Act unrelated to a substantial equivalence decision, including a finding that the facility in which the device is manufactured is not in compliance with good manufacturing requirements as set forth in regulations of the Secretary under section 520(f) (other than a finding that there is a substantial likelihood that the failure to comply with such regulations will potentially present a serious risk to human health). In contrast, under section 515(c)(1)(C) of the FD&C Act, a PMA must include a full description of the methods used in, and the facilities and controls used for, the manufacturing, processing, and when relevant, packing and installation of, such device. Moreover, many of the design and manufacturing changes that have led to AED system recalls were not required to be reported to FDA under the 510(k) process. If these changes had been reported prior to implementation, as would be required in the PMA regime, these recalls may have been avoided. FDA continues to believe that the necessary regulatory controls for AED systems are consistent with the PMA review process, and that the 510(k) process does not provide sufficient regulatory oversight for these devices.

Similarly, FDA's oversight of postmarket changes to devices is very different in the 510(k) context as compared to the PMA context. Under § 807.81, FDA requires 510(k)s for a change to a device only when the change could significantly affect the safety or effectiveness of the device, *e.g.,* a significant change or modification in design, material, chemical composition, energy source, or manufacturing process. In contrast, under 21 CFR 814.39, FDA requires PMA supplements (including 30-day notices) for any change to a PMA-approved device that affects safety or effectiveness. These differences in authorities, among the other reasons discussed previously, warrant regulation of AEDs in class III.

(Comment 4) A few comments indicated that existing AED and AED accessory manufacturers are already subject to the QS regulation (21 CFR part 820) and manufacturing quality would not be measurably improved as a result of requiring PMAs. One comment noted that specific expectations under the QS regulation for design controls, purchasing controls, and other issues identified by FDA as problematic for AEDs could be addressed by special controls and other regulations, and AEDs could remain in class II. One comment further stated that such concerns could be managed via postmarket controls, which are available under the 510(k) regime, such as submission of a summary of recent field actions and related design mitigations.

(Response 4) FDA disagrees with the comments. FDA acknowledges that AED and AED accessory manufacturers are already subject to the QS regulation and that QS requirements result in rigorously designed and manufactured devices and resultant quality improvements. By requiring premarket review of QS processes as well as device changes for AEDs, FDA believes the PMA process will provide a reasonable assurance of safety and effectiveness (see Response 3).

(Comment 5) One comment stated that certain AED accessories, specifically electrodes, cables, and adapters, are well-understood devices and that their classification into class III is not warranted. The comment stated that these accessories could be adequately regulated in class II with special controls, as is already the case when these accessories are used with manual defibrillators. The comment recommended special controls, including the following: performance testing, usability evaluation, labeling, biocompatibility, and readiness for use. Two comments stated that because AED accessories often have identical designs and the same intended use as accessories used with class II manual defibrillators, FDA should not perform duplicative reviews under both the 510(k) and PMA regimes and that PMA review should be required only when use of the accessory with an AED results in a change in intended use or design.

(Response 5) Accessories necessary for an AED to detect and interpret an electrocardiogram and deliver an electrical shock (*e.g.,* battery, pad electrode, adapter, and hardware keys for pediatric use) are necessary for AED system functionality. Failure of these necessary accessories leads to the same negative outcomes as a failure of the AED itself; *e.g.,* an AED not ready for use because of a faulty battery is unable to detect heart rhythm abnormalities and/or deliver a defibrillation shock to a victim of SCA. FDA's review of adverse events and recalls has shown that problems with AED accessories have occurred during clinical use. As such, FDA continues to believe that the same regulatory oversight is warranted for certain critical accessories (*i.e.,* batteries, pad electrodes, adapters, and hardware keys for pediatric use) as for the AEDs with which they are used. As discussed in the response to Comment 3, FDA does not believe that adequate regulatory controls are available under the 510(k) process, and hence PMAs are necessary to provide a reasonable assurance of safety and effectiveness.

(Comment 6) Several comments questioned the validity of FDA's data regarding adverse events associated with AED failures. One comment noted that FDA provided no data in the proposed order on the frequency of adverse events or relationship of number of events to total distribution and use of AEDs. The comment requested additional information from FDA to support the validity of the MDR analysis presented at the 2011 Panel and relied upon to support the proposed order. A few comments presented alternate analyses of MDR data that suggested that MDRs for AEDs are not increasing. One comment presented an analysis that showed no statistically significant increase in the rate of adverse event reports over the time period of 2007 to 2011. Two comments stated that a majority of AED MDRs reported to FDA resulted from self-test errors—which are reported as malfunction MDRs because they could cause or contribute to a death or serious injury but do not represent device failures in clinical use. The comments contended that any analysis of MDRs should focus instead on actual use adverse events, which would represent a small subset of the overall MDRs. One comment stated that self-test related events are representative of an effective design risk mitigation strategy being employed for AEDs and that because AEDs are often in standby for a large percentage of time, self-test detection of problems before use should not be included in the overall assessment of the benefit-risk profile for AEDs. Two comments requested further guidance from FDA on MDR reporting expectations for AEDs.

(Response 6) Although FDA requires manufacturers to submit an MDR when their device may have caused or contributed to a death, serious injury, or in certain situations when their device has malfunctioned, FDA acknowledges that there are limitations on the review of MDR data, including the fact that FDA typically does not have complete information on the number of devices in distribution from which to calculate adverse events rates. These limitations were discussed at the 2011 Panel meeting. FDA has previously stated that fatality statistics and injury statistics from MDRs should be considered in light of underreporting (58 FR 61952 at 61972, November 23, 1993). In addition, FDA notes that the evaluation of MDR data for AEDs was focused on manufacturing and design concerns and was not aimed at developing specific

failure rates. Moreover, FDA believes that the large number of devices in distribution and the life-saving nature of these devices combined with the steady rate of MDRs support a call for PMAs to help ensure that these devices are adequately designed and manufactured so that they are available when needed.

FDA disagrees that evaluation of adverse events should focus only on those events that occur during clinical use. Although some distributed AEDs may seldom be used, this does not reduce the importance that they are safe and effective when needed. FDA acknowledges the importance of AED self-test features and recognizes that many self-test failures are not indicative of issues with overall device quality. FDA believes, however, that some self-test failures signal significant quality problems arising from device design or manufacturing issues and are appropriately considered as adverse events if recurrence of such failures could, for example, render the device unavailable for use when needed. FDA also recognizes that some MDRs may eventually be found to be the result of problems not associated with the device; however, this concern is applicable to all devices subject to adverse event reporting requirements and FDA does not believe such reports unduly influence overall reporting numbers.

FDA also notes that our review of available information, as presented at the January 2011 Panel meeting, included data on voluntary corrections and removals (*i.e.,* ''recalls'') of AEDs pursuant to section 519(g) of the FD&C Act (21 U.S.C. 360i(g)). Recalls are conducted ''(A) to reduce a risk to health posed by the device, or (B) to remedy a violation of this Act caused by the device which may present a risk to health,'' and as such may reflect safety concerns for AEDs (section 519(g)(1) of FD&C Act (21 U.S.C. 360i(g)(1)). Since the January 2011 Panel meeting, over 40 additional class I or class II recalls have been conducted by AED manufacturers and have impacted over 2 million distributed AEDs (Ref. 3). The root cause of these recalls has been attributed to a variety of causes, with design controls, purchasing controls, and receiving acceptance activities being the most common. FDA continues to believe that the recall data reinforces the overall conclusion regarding the inadequacy of regulatory controls for AED systems under the 510(k) process.

Additional guidance on MDR requirements for AEDs is beyond the scope of this document; however, FDA intends to continue efforts to clarify medical device reporting expectations and manufacturers who have questions regarding their reporting obligations should contact FDA.

(Comment 7) FDA received a recommendation regarding including adverse tissue reaction as a risk to health when using AEDs, and a recommendation to require biocompatibility testing as a special control to mitigate the risk, specifically by ensuring the biocompatibility of the patient-contacting materials. The patient-contacting materials of the device may produce local adverse tissue effects, such as skin rash or irritation. Device materials that are not biocompatible may either directly or through the release of their material constituents produce adverse local or systemic effects. Although medical devices may have myriad biocompatibility issues, the biocompatibility concerns from AEDs are likely limited to skin reactions from contact with the materials from which the pad electrode is made.

(Response 7) In the proposed order published in the **Federal Register** (78 FR 17890, March 25, 2013), FDA did not identify adverse tissue reaction as a risk associated with AEDs. However, FDA agrees that adverse tissue reaction is a risk to health for this device. For all of the reasons identified in the proposed order and this document, however, FDA believes that there is insufficient information to determine that general and special controls would provide a reasonable assurance of the safety and effectiveness of these devices. The risk of adverse tissue reactions, as well as the other risks posed by these devices, will be addressed during the premarket approval process of these devices.

(Comment 8) Several comments responded to FDA's request for feedback regarding whether 15 months is sufficient to allow companies to collect information necessary to support submission of a PMA. Two comments stated that this issue was dependent on the data expected by FDA and that FDA should provide more guidance in this respect. One comment requested clarification on what clinical data is known to FDA that would support a PMA because it is critical that AED manufacturers understand the type and amount of data that will be required. One comment stated that it is unclear what FDA's expectations would be for clinical trials of new AEDs or the need for clinical trials for AED accessories given available less burdensome methods for obtaining performance data on accessories. Another comment requested clarification on whether AED manufacturers would be expected to re-test and re-validate older AED models to currently recognized standards. One comment requested clarification on when marketing materials for AEDs would need to comply with 21 CFR 801.109.

One comment suggested that the 15-month period should be extended to 30 months, which the commenter claimed would be consistent with section 501(f)(2)(B) of the FD&C Act. One commenter requested clarification regarding whether the 15 months started at the 90th day after a final order was issued and another comment indicated that 15 months should be sufficient, but that the 15 months should not include FDA's 180-day PMA review time. One comment suggested that FDA require PMAs 90 days after the final order.

(Response 8) The data required to support premarket approval will vary by device and the specific data requirements. FDA is aware of clinical study information that can be leveraged for AEDs from both published studies and clinical data previously submitted to FDA under the 510(k) process, and, as was stated in the proposed order, FDA believes that many AED accessories ''may need to submit non-clinical performance testing with confirmatory animal studies in order to support independent PMA approval'' (78 FR 17890 at 17894, March 25, 2013). Performance testing of AEDs must be provided in a PMA to support a reasonable assurance of safety and effectiveness. Although retesting older AED models to currently recognized standards is one way to meet the performance testing requirements, compliance with such standards is voluntary and manufacturers may submit a justification for how other testing conducted on their devices provides equivalent assurances of safety and effectiveness. FDA encourages manufacturers to proactively engage FDA via the pre-submission process to discuss the specific data needed for their PMAs (Ref. 4). FDA notes that existing prescription AEDs are already subject to 21 CFR 801.109, and will remain so after this call for PMAs. FDA review of AED PMAs will include review of the associated AED labeling to ensure such device labeling complies with regulatory requirements.

FDA notes that the 30 months discussed in section 501(f)(2)(B) of the FD&C Act references the date from initial classification of a device into class III. AEDs have been classified as class III for more than 30 months, and hence this statutory provision has expired. FDA also acknowledges that it is in the interest of public health to ensure the availability of AEDs because they are life-saving devices and their

clinical use is well-established. After consideration of the comments, FDA continues to believe that the proposed 15 months for filing a PMA (Ref. 5) strikes an appropriate balance between the need to ensure continued availability of AEDs for the public health reasons stated previously and the implementation of PMA requirements to ensure the safety and effectiveness of AEDs.

For currently marketed AEDs, FDA does not intend to enforce compliance with the 90-day deadline by which PMAs must be submitted for 15 months after that deadline (*i.e.,* 18 months after the effective date of the final order), as long as a notice of intent to file a PMA is submitted within 90 days of the effective date of the final order (see section V, ''Implementation Strategy''). Even if a notice of intent and PMA are submitted by these dates, manufacturers must cease distribution of devices upon receiving a not approvable or denial decision rendered on a PMA. To resume distribution, these manufacturers must receive PMA approval for their devices.

Moreover, for currently marketed necessary AED accessories, FDA does not intend to enforce compliance with the 90-day deadline by which PMAs must be submitted for 57 months after that deadline (*i.e.,* 5 years after the effective date of the final order) (see section V, ''Implementation Strategy''). Continued availability of necessary AED accessories, including consumable accessory items (*e.g.,* pad electrodes) and accessories with limited useful life (*e.g.,* batteries), is critical to ensuring the safety and efficacy of currently marketed AEDs during the time while PMAs for those AEDs are being pursued. In addition, the continued availability of necessary accessories for ''legacy devices''—individual AEDs that have been distributed and are currently in use (*e.g.,* in public facilities, etc.) and for which the manufacturer is not seeking PMA approval for that AED model—ensures the availability of functional legacy AEDs until they are replaced with PMA-approved AEDs.

(Comment 9) One commenter stated that FDA did not have a legal basis for continuing with finalization of a call for PMAs for AED systems because FDA failed to convene a panel as is required under FDASIA prior to issuing a final order. The commenter stated that FDA may not rely on the 2011 pre-FDASIA Panel because that Panel meeting was related to reclassifications under section 515(i) of the FD&C Act and not related to calls for PMAs under section 515(b). The commenter further contended that the 2011 Panel neither considered new information contained in a reclassification petition submitted to FDA in 2009 nor adequately discussed the appropriateness of class II special controls.

(Response 9) FDA disagrees with the comment that FDA does not have a legal basis to finalize an order calling for PMAs for AED systems. Pursuant to FDASIA, the amendments to section 515(b) of the FD&C Act require, in relevant part, that issuance of an administrative order calling for PMAs for a preamendments device be preceded by a proposed order and a meeting of a classification panel. As amended, this section of the FD&C Act does not prescribe when these two events (the panel and proposed order) must occur in relation to each other. More importantly, FDA believes that the Panel's deliberations and recommendations remain relevant and fully satisfy the requirements in section 515(b) of FD&C Act.

FDA disagrees with the comment that the Panel did not consider new information contained in the 2009 reclassification petition. A representative from the petitioner was present at the meeting and provided comments on the reclassification petition during the Panel meeting (Ref. 1). In addition, the petitioner was given an opportunity to explain the petitioner's reasons for why AEDs should be class II devices, including a discussion of the special controls described in the reclassification petition. Therefore, the Panel heard the petitioner's arguments and these arguments were available for the Panel's consideration when it made its recommendation.

(Comment 10) One commenter objected to FDA's use of the term ''diagnose'' in the proposed order to describe the functionality of AEDs (78 FR 17890 at 17893, March 25, 2013), and stated that AEDs sense shockable rhythms and are not diagnostic devices.

(Response 10) FDA disagrees that these devices do not perform diagnostic functions. AEDs analyze and interpret ECG data to produce an assessment as to whether a shock should be delivered; while FDA does believe that AEDs have diagnostic functions, we note that the regulatory identification for the device in § 870.5310(a), as finalized in the order, does not use the term diagnose, and instead describes the function of the device as ''analyzes'' and ''interprets.''

(Comment 11) One commenter stated that FDA's proposal to allow manufacturers to ''bundle'' several AED models under a single PMA is inconsistent with the PMA regulatory paradigm, which relies on a device-by-device assessment. The comment points to FDA's guidance on bundling, which states that ''[g]enerally, [manufacturers] should not bundle differing generic device types in a single PMA submission because of the substantially different pre-clinical and clinical data needed to support each of the devices'' (Ref. 6).

(Response 11) FDA disagrees with the comment. Different AED models can be included in one PMA if they are the same generic device type. Because shock advisory algorithms and defibrillation waveforms will likely be common across various models from a given manufacturer of devices, FDA expects the clinical data needed to support devices within an appropriately bundled AED PMA to be the same. However, because of the differences in device labeling and user requirements between professional and lay use devices, FDA continues to believe that separate PMAs should be submitted for a manufacturer's professional use versus lay use devices. FDA believes this approach is least burdensome to manufacturers and is consistent with the bundling guidance, which states that ''[b]undling is appropriate for devices that present scientific and regulatory issues that can most efficiently be addressed during one review'' (Ref. 6).

(Comment 12) One comment requested clarification on whether separate PMAs are required for AEDs and the associated AED accessories when a company manufacturers both for use together. Two comments requested additional clarification on whether accessories not specified in the proposed order (such as electrocardiograph modules and electrodes, training pads/batteries, protective carrying cases, Bluetooth modules, hardware keys or specialized pads to reduce energy for pediatric use, self-testers, SpO_2/blood pressure monitoring devices, cardiopulmonary resuscitation (CPR) aids, medical device data systems (MDDS), etc.) would require PMAs. One comment suggested that AED accessories that are already 510(k) cleared should not be subject to premarket approval by virtue of being used with an AED.

(Response 12) In response to this comment, FDA has revised the identification language to clarify that AED accessories regulated under § 870.5310 are those accessories necessary for the AED to detect and interpret an electrocardiogram and deliver an electrical shock (*e.g.,* battery, pad electrode, adapter, and hardware keys for pediatric use). Manufacturers of accessory devices that are not addressed by the final order and are not already

the subject of an existing classification regulation should contact FDA.

Under the final order, manufacturers must submit PMAs for accessories that are necessary for operation of the AED system (*e.g.,* accessories necessary to allow the AED to detect or interpret an electrocardiogram or deliver a defibrillation shock). These AED accessories include batteries, pad electrodes (including reduced energy pads for pediatric use), adapters, and hardware keys for pediatric use. In response to this comment, FDA has added ''hardware keys for pediatric use'' to the identification. Necessary AED accessories that are for use with a specific AED should be included in that PMA for the AED system as a whole. Alternatively, necessary AED accessories, including those manufactured by a third party, may be submitted in their own PMAs.

Accessories that are not necessary for the functionality of the AED are not addressed by the final order. Currently marketed AED accessories that are not addressed by the final order, such as SpO_2/blood pressure monitoring devices, ECG modules and testers, CPR aids, and MDDS, may be subject to other regulations and will continue to be subject to those existing regulations. Training accessories such as training pads and batteries for training-only AEDs are not currently subject to any additional regulations, and will not become so as a result of the final order.

(Comment 13) One comment requested clarification regarding AEDs being considered adulterated 90 days after the effective date of a final order in the absence of submission of a statement of intent to submit a PMA or the submission of a full PMA. The comment questioned whether devices legally distributed prior to the 90th day could remain in distribution. Another comment requested clarification on whether manufacturers could continue to provide consumable accessory items (such as batteries and pads) for previously distributed devices even if a PMA will not be submitted for that AED model. Two comments requested clarification on how and whether manufacturers would be allowed to distribute components required for field servicing of a device, including refurbished replacement devices, before PMAs are submitted for the devices.

(Response 13) Under the final order (see section IV, ''the Final Order'') and section 501(f)(2)(B) of the FD&C Act, PMAs must be submitted within 90 days after the effective date of the final order for currently marketed AED systems. If a PMA is not submitted, the devices are adulterated. However, for the reasons discussed previously, for currently marketed AEDs, FDA does not intend to enforce compliance with the 90-day deadline by which PMAs must be submitted for 15 months after that deadline (*i.e.,* 18 months after the effective date of the final order), as long as a notice of intent to file a PMA is submitted within 90 days of the effective date of the final order (see section V, ''Implementation Strategy''). For currently marketed necessary AED accessories, FDA also does not intend to enforce compliance with the 90-day deadline by which PMAs must be submitted for 57 months after that deadline (*i.e.,* 5 years after the effective date of the final order) (see section V, ''Implementation Strategy). This intention applies to necessary AED accessories regardless of whether a PMA is being or has been sought for the AED model.

(Comment 14) One comment indicated that premarket review of medical devices such as AEDs should include review of the software embedded into the devices, including review of software verification and validation documentation. The comment noted that such review should also occur for software modifications and software developed for maintenance of the devices, including self-test functions. The comment relayed the importance of having reviewers with adequate training, expertise, and experience.

(Response 14) FDA agrees with the comment. Review of AEDs under the 510(k) process has included a detailed review of software documentation supporting premarket submissions by appropriately trained and experienced FDA reviewers. The PMA review will also involve a review of software documentation and will be conducted by trained and experienced FDA reviewers.

(Comment 15) One comment suggested an alternative regulatory approach whereby AEDs for medical professional use be reclassified into class II and public access defibrillators used by laypersons remain in class III with PMAs required. The comment stated that professional use devices have advanced functionality and are operated by skilled and trained professionals, which lessens the chance of human factor errors and increases the likelihood that the user will be able to recognize and troubleshoot any malfunctions. The comment stated that such users can rely on past experience and other means of attempting to rescue a patient, whereas lay users are often fully reliant on the AED. Two comments also indicated that professional use devices are typically manual defibrillators with additional functionality, including AED, and that the proposed order would create an inconsistent system whereby the same hardware if used only for manual defibrillation would be class II, but by virtue of configuring the device to include AED functionality would become a PMA class III product.

(Response 15) FDA disagrees with the comments and believes that the submission of PMAs is warranted regardless of the intended user of the device. FDA does not believe that there is sufficient information to establish special controls to provide a reasonable assurance of safety and effectiveness of the device regardless of the training of AED users.

FDA recognizes that some manual defibrillators and AEDs share common hardware and software platforms, and hence devices with similar or identical platforms may receive different regulatory review based on the configuration. For the reasons previously stated, however, FDA continues to believe AED systems should be class III devices. FDA also notes that the performance and other data needed to support safety and effectiveness for hardware and software platforms for both types of devices would be nearly identical; the difference would be related to the amount of information that must be submitted to FDA. For a PMA, more information on the design controls process is required to be submitted whereas for a 510(k) submission, some information may not need to be submitted and instead can reside within the company's overall quality system and associated design documentation. Such situations of different regulatory processes have occurred in other product areas including contact lenses (daily-wear are typically class II, whereas extended wear are class III) and ablation devices (general surgical use are class II, whereas use for treatment of atrial fibrillation is class III), and FDA does not believe this changes the overall rationale supporting the need for PMAs.

(Comment 16) Two comments noted that there are numerous companies that refurbish and/or resell AEDs. The comments requested that FDA include AED resellers and refurbishers in their consideration of regulatory strategy.

(Response 16) Regardless of the supplier, the introduction or delivery for introduction into interstate commerce of any device that is adulterated is a prohibited act under section 301 of the FD&C Act (21 U.S.C. 331) (see Comment 12). FDA encourages refurbishers and resellers who have

questions about the continued distribution of AEDs to contact FDA via the pre-submission process.

(Comment 17) One comment requested clarification of the process for modifications of currently marketed AEDs (and notifying FDA of such modifications) during the 90-day period after the final order is issued. One comment stated that given the nature of commercial, electrical and mechanical components used in AEDs, an extended transition period without the ability to implement changes would not be tenable and would result in unavailability of devices. One comment requested clarification on 510(k) submissions accepted for review, but for which no decision had been rendered, prior to the effective date of a final order calling for PMAs.

(Response 17) Under § 870.5310, as amended, all new AED and necessary AED accessories must have an approved PMA in effect before being placed in commercial distribution. We recommend that manufacturers of currently marketed AEDs contact FDA regarding implementation of any changes necessary for their AEDs in order to address safety concerns or to support ongoing distribution while PMA approval is being sought. FDA understands that issues may arise relating to part obsolescence or changes necessary to reduce a risk to health posed by a currently marketed AED that is not functioning properly.

All other changes need to be accounted for in a PMA. Moreover, all new AED and necessary AED accessories must have an approved PMA in effect before being placed in commercial distribution.

(Comment 18) One comment objected to the comparisons made by FDA at the 2011 Panel meeting between implanted cardioverter defibrillators (ICDs) (PMA devices) and AEDs. The comment noted the number of commercial components (*e.g.,* components supplied to multiple industries for a variety of uses) in order to maintain affordable price-points for AEDs and the potentially burdensome PMA supplements that would be necessary to support incremental changes in manufacturing for AEDs. The comment further contended that purchased component-related recalls for AEDs have largely been a result of latent component failures and that FDA's examples at the 2011 Panel meeting of QS concerns related to changes to purchased components or device design would not have been averted by the stricter premarket regulatory oversight via PMA supplements.

(Response 18) FDA acknowledges that more stringent regulatory oversight via the PMA process may not completely eliminate AED recalls. FDA also recognizes that AEDs typically contain commercial components and manufacturers will need to submit PMA supplements for changes to these components, as well as changes to suppliers and manufacturing processes. Use of commercial components in PMA devices is not uncommon and changes at the component level may have led to some AED recalls and adverse events, providing further support for increased regulatory review. FDA continues to believe that these failures and the need for careful consideration and adequate verification and validation of such changes support more rigorous review under the PMA process.

(Comment 19) One comment requested clarification on activities during the time after a notice of intent to file is submitted, including whether FDA will place additional postmarket approval requirements on previously distributed products as allowed under 21 CFR 814.82. The comment further asked whether IDEs would be required for design changes (*e.g.,* would an IDE be required to conduct human factors/usability studies).

(Response 19) FDA will consider the need for postapproval requirements in the context of each manufacturer's PMA submission and the devices in distribution. FDA does not intend to exempt manufacturers from the IDE requirements and hence any study which meets the IDE requirements must be conducted in accordance with the requirements of 21 CFR parts 50 and 812. There will be no extended period for filing an IDE and studies may not be initiated without appropriate IDE approvals. Manufacturers who have questions regarding whether an IDE is needed for a particular AED study are encouraged to interact with FDA via the pre-submission process.

IV. The Final Order

FDA is adopting its findings as published in the preamble of the proposed order (78 FR 17890, March 25, 2013), with the addition of adverse tissue reaction as being identified as a risk to health in this final order, and is issuing this final order to require the filing of a PMA for AED systems under 515(b) of the FD&C Act. An AED system consists of an AED and those accessories necessary for the AED to detect and interpret an electrocardiogram and deliver an electrical shock (*e.g.,* battery, pad electrode, adapter, and hardware keys for pediatric use). An AED system analyzes the patient's electrocardiogram, interprets the cardiac rhythm, and automatically delivers an electrical shock (fully automated AED), or advises the user to deliver the shock (semi-automated or shock advisory AED) to treat ventricular fibrillation or pulseless ventricular tachycardia. Under section 515(b)(1)(A) of the FD&C Act, PMAs for AED systems are required to be filed on or before 90 days after the effective date of a final order. This final order will revise 21 CFR part 870.

V. Implementation Strategy

Based on comments on the proposed order, we are clarifying FDA's intentions regarding enforcing compliance with the final order (see section IV, ''The Final Order'') and section 501(f)(2)(B) of the FD&C Act.

A. Currently Marketed AEDs

Under the final order and section 501(f)(2)(B) of the FD&C Act, PMAs for currently marketed AEDs are required to be filed on or before 90 days after the effective date of a final order. However, for currently marketed AEDs, FDA does not intend to enforce compliance with this 90-day deadline for 15 months after that deadline (*i.e.,* 18 months after the effective date of the final order), as long as notice of intent to file a PMA is submitted within 90 days of the effective date of the final order. The notification of the intent to file a PMA submission must include a list of all model numbers for which a manufacturer plans to seek marketing approval through a PMA.

In conducting any clinical studies, AEDs may be distributed for investigational use if the requirements of the IDE regulations (21 CFR part 812) are met. There will be no extended period for filing an IDE nor exemption from IDE requirements, and studies may not be initiated without appropriate IDE approvals, where necessary.

B. Currently Marketed Necessary AED Accessories

Under the final order and section 501(f)(2)(B), PMAs for currently marketed necessary AED accessories are required to be filed on or before 90 days after the effective date of this final order. However, for currently marketed necessary AED accessories, FDA does not intend to enforce compliance with this 90-day deadline for 57 months after the deadline (*i.e.,* 5 years after the effective date of the final order). Currently marketed necessary AED accessory manufacturers are not required to file an intent-to-file by the 90-day deadline.

After the effective date of the final order, new AEDs and necessary AED accessories must have approved PMAs

to be legally marketed. The following tables show the regulatory timetable for currently marketed AEDs and necessary AED accessories.

TABLE 1—CURRENTLY MARKETED AEDS

	Timetable for which FDA does not intend to enforce compliance (time after effective date of order)	Distribution period (time after effective date of order)
Intent to File a PMA	90 days	*Devices included in an intent to file:* 18 months. *Devices not included in intent to file:* 90 days.
File a PMA	18 months	Until a not approvable decision or denial decision is issued; can continue distribution if an approval order is issued.

TABLE 2—CURRENTLY MARKETED NECESSARY AED ACCESSORIES

	Timetable for which FDA does not intend to enforce compliance (time after effective date of order)	Distribution period (time after effective date of order)
Intent to File a PMA	N/A	N/A.
File a PMA	60 months	Until a not approvable decision or denial decision is issued; can continue distribution if an approval order is issued.

VI. Environmental Impact

The Agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Paperwork Reduction Act of 1995

The final order refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814, subpart B, have been approved under OMB control number 0910–0231; and the collections of information under 21 CFR part 801 have been approved under OMB control number 0910–0485.

VIII. Codification of Orders

Prior to the amendments by FDASIA, section 515(b) of the FD&C Act provided for FDA to issue regulations to require PMA approval for preamendments devices or devices found substantially equivalent to preamendments devices. Section 515(b) of the FD&C Act, as amended by FDASIA, provides for FDA to require PMA approval for such devices by issuing a final order, following the issuance of a proposed order in the **Federal Register**. FDA will continue to codify the requirement for a PMA approval in the Code of Federal Regulations. Therefore, under section 515(b)(1)(A) of the FD&C Act, as amended by FDASIA, in this final order, we are requiring PMA approval for AED systems and we are making the language in § 870.5310 consistent with the final version of this order.

IX. References

The following references have been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. (FDA has verified the Web site addresses, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. Meeting Materials for 515(i) Regulatory Classification of Automated External Defibrillator Systems, January 25, 2011, available at *http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/CirculatorySystemDevicesPanel/ucm240575.htm.*
2. FDA will respond separately to the reclassification petition and will address the issues raised in that petition in its response; certain issues, however, may be addressed in both this document and the petition response due to the overlapping discussions in those documents. The reclassification petition is available at *http://www.regulations.gov/#!documentDetail;D=FDA-2013-N-0234-0002.*
3. U.S. Food and Drug Administration, Medical Device Recalls Database, available at *http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfRES/res.cfm.*
4. Requests for Feedback on Medical Device Submissions: The Pre-Submission Program and Meetings with Food and Drug Administration Staff, Guidance for Industry and Food and Drug Administration Staff, February 18, 2014, available at *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM311176.pdf.*
5. Acceptance and Filing Reviews for Premarket Approval Applications (PMAs), Guidance for Industry and Food and Drug Administration Staff, December 31, 2012, available at *http://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/UCM313368.pdf.*
6. Guidance for Industry and FDA Staff: Bundling Multiple Devices or Multiple Indications in a Single Submission, June 22, 2007, available at *http://www.fda.gov/medicaldevices/deviceregulationandguidance/guidancedocuments/ucm089731.htm.?*

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for 21 CFR part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Section 870.5310 is amended by revising the section heading and paragraphs (a) and (c) to read as follows:

§ 870.5310 Automated external defibrillator system.

(a) *Identification.* An automated external defibrillator (AED) system consists of an AED and those accessories necessary for the AED to detect and interpret an electrocardiogram and deliver an electrical shock (*e.g.,* battery, pad electrode, adapter, and hardware key for pediatric use). An AED system analyzes the patient's electrocardiogram, interprets the cardiac rhythm, and automatically delivers an electrical shock (fully automated AED), or advises the user to deliver the shock (semi-automated or shock advisory AED) to treat ventricular fibrillation or pulseless ventricular tachycardia.

* * * * *

(c) *Date PMA or notice of completion of PDP is required.* A PMA will be required to be submitted to the Food and Drug Administration by May 4, 2015, for any AED that was in commercial distribution before May 28, 1976, or that has, by May 4, 2015, been found to be substantially equivalent to any AED that was in commercial distribution before May 28, 1976. A PMA will be required to be submitted to the Food and Drug Administration by May 4, 2015, for any AED accessory described in paragraph (a) of this section that was in commercial distribution before May 28, 1976, or that has, by May 4, 2015, been found to be substantially equivalent to any AED accessory described in paragraph (a) that was in commercial distribution before May 28, 1976. Any other AED and AED accessory described in paragraph (a), shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

Dated: January 28, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–02049 Filed 2–2–15; 8:45 am]

BILLING CODE 4164–01–P

POSTAL SERVICE

39 CFR Part 20

International Product and Price Changes

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®, to reflect the prices, product features, and classification changes to Competitive Services, as established by the Governors of the Postal Service.

DATES: *Effective date:* April 26, 2015.

FOR FURTHER INFORMATION CONTACT: Paula Rabkin at 202–268–2537.

SUPPLEMENTARY INFORMATION: New prices will be posted under Docket Number CP2015–33 on the Postal Regulatory Commission's Web site at *http://www.prc.gov.*

This final rule describes the international price and classification changes and the corresponding mailing standards changes for the following Competitive Services:

- Global Express Guaranteed ® (GXG ®).
- Priority Mail Express International™.
- Priority Mail International ®.
- First-Class Package International Service™.
- International Priority Airmail™ (IPA ®).
- International Surface Air Lift ® (ISAL ®).
- Direct Sacks of Printed Matter to One Addressee (Airmail M-bags).
- International Extra Services:
  - Certificate of Mailing.
  - Registered Mail™Service.
  - Return Receipt Service.

New prices will be located on the Postal Explorer® Web site at *http://pe.usps.com.*

Global Express Guaranteed

Global Express Guaranteed (GXG) is the Postal Service's premier international expedited product provided through an alliance with FedEx Express ®. The price increase for GXG service averages 7.2 percent.

The Postal Service continues to provide Commercial Base pricing to online customers who prepare and pay for GXG shipments via USPS-approved payment methods, with variable discounts up to 16 percent off the published retail prices for GXG.

The Postal Service also continues to offer Commercial Plus pricing price incentives for large volume customers who commit to tendering $100,000 in annual postal revenue from GXG, Priority Mail Express International (PMEI), Priority Mail International (PMI), and First-Class Package International Service (FCPIS ®) via USPS-approved payment methods, with variable discounts up to 24 percent off the published retail prices for GXG.

Priority Mail Express International

Priority Mail Express International (PMEI) service provides fast service to approximately 180 countries. A money-back guarantee service (exceptions apply) is available for certain destinations. The price increase for PMEI service averages 6.7 percent. The Commercial Base price and Commercial Plus price for customers that prepare and pay for PMEI shipments via permit imprint, online at USPS.com®, or as registered end-users using an authorized PC Postage vendor will remain a variable discount (based on the item's weight and price group) of up to 13 percent below the retail price for Commercial Base price and up to 25 percent below the retail price for Commercial Plus price.

The Postal Service continues to offer PMEI Commercial Plus pricing that includes discount price incentives to large volume customers who commit to tendering at least $100,000 in annual postal revenue from GXG, PMEI, Priority Mail International and First-Class Package International Service. The Postal Service will continue to include PMEI in customized Global Expedited Package Services (GEPS) contracts offered to customers who meet certain revenue thresholds and are willing to commit to a larger amount of postal revenue for PMEI and Priority Mail International.

Priority Mail International

Priority Mail International (PMI) is a way to send merchandise and documents to about 180 countries. The price increase for PMI service averages 6.8 percent. The Commercial Base price and Commercial Plus price for customers that prepare and pay for PMI items via permit imprint, online at USPS.com, or as registered end-users using an authorized PC Postage vendor will remain a variable discount (based on the item's weight and price group) of up to 13 percent below the retail price for Commercial Base price and up to 21 percent below the retail price for Commercial Plus price. Large volume mailers who commit to tendering at least $100,000 in annual postal revenue from GXG, PMEI, PMI, and First-Class Package International Service may request authorization for Commercial Plus discount prices. The Postal Service will continue to include PMI in customized Global Expedited Package Services (GEPS) contracts offered to customers who meet certain revenue thresholds and are willing to commit to a larger amount of revenue to the USPS® for PMEI and PMI.

In this filing we are proposing a structural change to create price zones for PMI to Canada. New zoned prices, based on the origin ZIP Code for PMI destined to Canada, will encourage customers to better use our network and

allow us to compete more effectively in major metropolitan markets from which U.S. businesses export and where the Postal Service operates an international gateway (International Service Center).

An additional classification change is an increase to 66 pounds from 44 pounds for the maximum weight for PMI Country Price Group 17 (Netherlands).

First-Class Package International Service

First-Class Package International Service (FCPIS) is an economical international service for small packages weighing less than 4 pounds and not exceeding $400 in value. The pricing structure for FCPIS will continue to be simpler than for some other international products, with one retail price worldwide for 1 to 2 ounces, identical prices for 3 to 4 ounces within each country price group, and identical prices for 5 to 8 ounces within each country price group. The price increase for FCPIS averages 7.2 percent. The Commercial Base price and Commercial Plus price for customers that prepare and pay for FCPIS items via permit imprint or by USPS-approved online payment methods will remain a variable discount (based on the item's weight and price group) of up to 10 percent below the retail price for Commercial Base price and up to 16 percent below the retail price for Commercial Plus price. Large volume mailers who commit to tendering at least $100,000 in annual postal revenue from GXG, PMEI, PMI, and FCPIS may request authorization for Commercial Plus discount prices.

International Priority Airmail and International Surface Air Lift

Published prices for the commercial international Shipping Services, which include International Priority Airmail (IPA) and International Surface Air Lift (ISAL), will have an overall price increase of 4.5 percent. The structure of IPA and ISAL price categories will continue to be priced by the worldwide and 19 country price groups and applicable mail shapes (letters and postcards, large envelopes [flats], and packages [small packets and rolls]). These categories correspond to the Universal Postal Convention requirements to use shape-based pricing. For IPA and ISAL, the Postal Service offers incentive pricing through International Negotiated Service Agreements (NSAs).

International Priority Airmail (IPA) service, including IPA M-bags, is a bulk commercial service that provides rapid and economical worldwide delivery to business mailers for volume mailings of First-Class Mail International postcards, letters, large envelopes (flats), and FCPIS packages (small packets) weighing up to a maximum 4.4 pounds. IPA is dispatched to the destination country where it is entered into the postal administration's air or surface priority mail system for delivery. The overall price increase for IPA service averages 4.5 percent.

International Surface Air Lift (ISAL) service, including ISAL M-Bags, is a bulk commercial service that provides economical worldwide delivery to business mailers of volume mailings of all First-Class Mail International postcards, letters, large envelopes (flats), and FCPIS packages (small packets) weighing up to 4.4 pounds. ISAL is dispatched to the destination country where it is then entered into the postal administration's surface nonpriority network. The overall price increase for ISAL service averages 4.5 percent.

Direct Sacks of Printed Matter to One Addressee (Airmail M-bags)

Airmail M-bags are direct sacks of printed matter sent to a single foreign addressee at a single address. Prices are based on the weight of the sack. The price increase for Airmail M-bags averages 6.8 percent.

International Extra Services

Depending on country destination and mail type, customers may add a variety of extra services to their outbound shipments. Prices for some of these extra services are increasing. Also, as a housekeeping measure, we will remove provisions concerning Inbound International Return Receipt and Inbound International Insurance from the Mail Classification Schedule, as these are products offered by foreign postal administrations to their countries' mailers, not USPS mail products.

For our competitive offerings, we revised the prices for the following international extra services:

Certificate of Mailing

The price for Certificate of Mailing will increase 2.5 percent.

Registered Mail

The price for Registered Mail will increase 2.2 percent.

Return Receipt

The price for Return Receipt for International Mail will increase 2.7 percent.

Priority Mail Express International Insurance and Priority Mail International Insurance

The insurance tables for Priority Mail Express International (PMEI) and Priority Mail International (PMI) will be combined into one table to simplify pricing.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

The Postal Service hereby adopts the following changes to *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), which is incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 20.1. Accordingly, 39 CFR part 20 is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), as follows:

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

2 Conditions for Mailing

* * * * *

220 Priority Mail Express International

* * * * *

222.8 Extra Services—Merchandise Insurance

[Revise second sentence of 222.8 to read as follows:]

* * * See Exhibit 322.2 for individual country merchandise insurance limits.* * *

* * * * *

230 Priority Mail International

* * * * *

232.3 Priority Mail International Medium and Large Flat Rate Boxes

[Revise next to last sentence about insurance to read as follows:]

* * * Medium and Large Flat Rate Boxes may be insured—see Exhibit 322.2 for insurance availability and limitations.

* * * * *

3 Insurance

* * * * *

322 Priority Mail Express International Insurance

* * * * *

322.2 Availability

[Delete last sentence of 322.2 and replace with new sentence about Exhibit 322.2 as follows:]

* * * See Exhibit 322.2 for availability and insurance limits.

[Insert new Exhibit 322.2 to read as shown in the table appended to the end of this ***Federal Register*** *Notice.*]

322.3 Additional Coverage and Fees

[Revise 322.3 to read as follows:]

Additional merchandise insurance coverage above $200—up to the maximum amount allowed by the country (see Exhibit 322.2) but never to exceed $5,000—may be purchased at the sender's option. The insurance fee is in addition to postage and other applicable fees. See Notice 123, *Price List,* for the fee schedule for optional Priority Mail Express International merchandise insurance coverage.

* * * * *

323 Priority Mail International Insurance

* * * * *

323.2 Availability

[Replace second sentence of 323.2 to read as follows:]

* * * See Exhibit 322.2.* * *

323.3 Coverage and Fees

[Revise the first sentence of 323.3 to read as follows and delete the second sentence in its entirety:]

Merchandise insurance coverage—up to the maximum amount allowed by the country (see Exhibit 322.2) but never to exceed $5,000—may be purchased at the sender's option. The insurance fee is in addition to postage and other applicable fees and is based on the insured value.* * *

* * * * *

Country Price Groups and Weight Limits

* * * * *

[Change the weight for Netherlands Priority Mail International to 66 pounds so that the entry for Netherlands reads as follows:]

Country	Global express guaranteed		Priority mail express international		Priority mail international [1]		First-class mail international and first-class package international service	
	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt. [2] (ozs./lbs.)
Netherlands	3	70	17	66	17	66	5	3.5/4

* * * * *

Individual Country Listings

* * * * *

Priority Mail Express International (220)

* * * * *

[For each country that offers Priority Mail Express International merchandise insurance, replace the fee table with the following:]

See Exhibit 322.2 for individual country merchandise insurance limits. See Notice 123, *Price List,* for the fee schedule for Priority Mail Express International merchandise insurance coverage.

* * * * *

Priority Mail International (230)

* * * * *

[For each country that offers Priority Mail International merchandise insurance, replace the fee table with the following:]

See Exhibit 322.2 for individual country merchandise insurance limits. See Notice 123, *Price List,* for the fee schedule for Priority Mail International merchandise insurance coverage.

* * * * *

Exhibit 322.2

PRIORITY MAIL EXPRESS INTERNATIONAL AND PRIORITY MAIL INTERNATIONAL MERCHANDISE INSURANCE LIMITS

Country	PMEI	PMI
Afghanistan	n/a	n/a
Albania	5000	n/a
Algeria	5000	n/a
Andorra	5000	5000
Angola	5000	n/a
Anguilla	5000	415
Antigua and Barbuda	n/a	60
Argentina	5000	5000
Armenia	5000	875
Aruba	5000	830
Ascension	n/a	n/a
Australia	5000	3644
Austria	5000	5000
Azerbaijan	5000	2915
Bahamas	5000	1458
Bahrain	5000	n/a
Bangladesh	5000	5000
Barbados	5000	238
Belarus	5000	1312
Belgium	650	650
Belize	5000	1600
Benin	5000	n/a
Bermuda	5000	440
Bhutan	5000	22
Bolivia	5000	n/a

PRIORITY MAIL EXPRESS INTERNATIONAL AND PRIORITY MAIL INTERNATIONAL MERCHANDISE INSURANCE LIMITS—Continued

Country	PMEI	PMI
Bosnia-Herzegovina	5000	5000
Botswana	5000	73
Brazil	5000	2915
British Virgin Islands	n/a	500
Brunei Darussalam	5000	n/a
Bulgaria	5000	1115
Burkina Faso	5000	969
Burma (Myanmar)	n/a	n/a
Burundi	5000	5000
Cambodia	5000	n/a
Cameroon	5000	n/a
Canada	5000	675
Cape Verde	5000	n/a
Cayman Islands	5000	n/a
Central African Republic	5000	n/a
Chad	5000	185
Chile	5000	n/a
China	5000	1222
Colombia	5000	999
Comoros	n/a	690
Congo, Democratic Republic of the	5000	n/a
Congo, Republic of the	5000	1685
Costa Rica	5000	n/a
Cote d'Ivoire	5000	5000
Croatia	5000	5000
Cuba	n/a	n/a
Curacao (includes Bonaire, Saba, and Sint Eustatius)	5000	5000
Cyprus	5000	5000
Czech Republic	5000	5000
Denmark	650	650
Djibouti	5000	880
Dominica	5000	n/a
Dominican Republic	5000	n/a
Ecuador	5000	n/a
Egypt	5000	1685
El Salvador	5000	n/a
Equatorial Guinea	n/a	n/a
Eritrea	5000	n/a
Estonia	5000	2187
Ethiopia	5000	n/a
Falkland Islands	n/a	n/a
Faroe Islands	5000	5000
Fiji	5000	n/a
Finland	650	650
France	650	650
French Guiana	5000	5000
French Polynesia	5000	4519
Gabon	5000	523
Gambia	n/a	n/a
Georgia, Republic of	5000	1458
Germany	500	500
Ghana	5000	n/a
Gibraltar	n/a	n/a
Great Britain and Northern Ireland	650	n/a
Greece	650	650
Greenland	n/a	5000
Grenada	5000	350
Guadeloupe	5000	5000
Guatemala	n/a	n/a
Guinea	5000	948
Guinea–Bissau	5000	2915
Guyana	5000	10
Haiti	5000	n/a
Honduras	n/a	n/a
Hong Kong	5000	5000
Hungary	5000	5000
Iceland	650	650
India	5000	2189
Indonesia	5000	n/a
Iran	n/a	n/a
Iraq	5000	n/a

PRIORITY MAIL EXPRESS INTERNATIONAL AND PRIORITY MAIL INTERNATIONAL MERCHANDISE INSURANCE LIMITS—Continued

Country	PMEI	PMI
Ireland	650	650
Israel	5000	n/a
Italy	650	650
Ivory Coast (Cote d'Ivoire)	5000	5000
Jamaica	5000	n/a
Japan	5000	5000
Jordan	n/a	n/a
Kazakhstan	5000	5000
Kenya	5000	131
Kiribati	n/a	n/a
Korea, Democratic People's Republic of (North Korea)	n/a	n/a
Korea, Republic of (South Korea)	5000	5000
Kosovo, Republic of	n/a	n/a
Kuwait	5000	2000
Kyrgyzstan	5000	5000
Laos	5000	n/a
Latvia	5000	1458
Lebanon	5000	n/a
Lesotho	5000	440
Liberia	5000	440
Libya	n/a	n/a
Liechtenstein	5000	5000
Lithuania	5000	5000
Luxembourg	650	650
Macao	5000	4227
Macedonia, Republic of	5000	2380
Madagascar	5000	199
Malawi	n/a	n/a
Malaysia	5000	1429
Maldives	5000	n/a
Mali	5000	n/a
Malta	5000	n/a
Martinique	5000	5000
Mauritania	5000	635
Mauritius	5000	165
Mexico	5000	n/a
Moldova	5000	2915
Mongolia	5000	n/a
Montenegro	n/a	5000
Montserrat	n/a	2200
Morocco	5000	5000
Mozambique	5000	n/a
Namibia	5000	4405
Nauru	5000	220
Nepal	5000	n/a
Netherlands	650	650
New Caledonia	5000	1775
New Zealand	5000	1025
Nicaragua	5000	n/a
Niger	5000	n/a
Nigeria	5000	n/a
Norway	650	650
Oman	5000	575
Pakistan	5000	867
Panama	5000	n/a
Papua New Guinea	5000	445
Paraguay	5000	n/a
Peru	5000	n/a
Philippines	5000	n/a
Pitcairn Island	n/a	n/a
Poland	5000	5000
Portugal	650	650
Qatar	5000	n/a
Reunion	n/a	5000
Romania	5000	5000
Russia	5000	5000
Rwanda	5000	n/a
Saint Christopher and Nevis	5000	242
Saint Helena	n/a	170
Saint Lucia	5000	n/a
Saint Pierre and Miquelon	n/a	5000

PRIORITY MAIL EXPRESS INTERNATIONAL AND PRIORITY MAIL INTERNATIONAL MERCHANDISE INSURANCE LIMITS—Continued

Country	PMEI	PMI
Saint Vincent and the Grenadines	5000	130
San Marino	5000	5000
Sao Tome and Principe	n/a	440
Saudi Arabia	5000	n/a
Senegal	5000	936
Serbia, Republic of	5000	5000
Seychelles	5000	n/a
Sierra Leone	5000	n/a
Singapore	5000	3000
Sint Maarten	5000	5000
Slovak Republic (Slovakia)	650	650
Slovenia	650	650
Solomon Islands	5000	n/a
Somalia	n/a	n/a
South Africa	5000	n/a
Spain	650	650
Sri Lanka	5000	35
Sudan	n/a	n/a
Suriname	n/a	535
Swaziland	5000	560
Sweden	650	650
Switzerland	650	650
Syrian Arab Republic (Syria)	5000	n/a
Taiwan	5000	1350
Tajikistan	5000	5000
Tanzania	5000	248
Thailand	5000	1458
Timor-Leste, Democratic Republic of	n/a	n/a
Togo	5000	n/a
Tonga	5000	515
Trinidad and Tobago	5000	n/a
Tristan da Cunha	n/a	n/a
Tunisia	5000	3834
Turkey	5000	952
Turkmenistan	5000	729
Turks and Caicos Islands	650	n/a
Tuvalu	n/a	675
Uganda	5000	n/a
Ukraine	5000	5000
United Arab Emirates	5000	5000
United Kingdom (Great Britain and Northern Ireland)	650	n/a
Uruguay	5000	n/a
Uzbekistan	5000	5000
Vanuatu	n/a	n/a
Vatican City	5000	2380
Venezuela	n/a	n/a
Vietnam	5000	n/a
Wallis and Futuna Islands	n/a	1615
Western Samoa	n/a	295
Yemen	5000	820
Zambia	5000	n/a
Zimbabwe	5000	n/a

* * * * *

We will publish an appropriate amendment to 39 CFR part 20 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015–02007 Filed 2–2–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

39 CFR Part 20

International Service Changes—Burma, Kiribati, Sao Tome and Principe

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), to reflect classification changes to Competitive Services, as established by the Governors of the Postal Service.

DATES: *Effective date:* April 26, 2015.

FOR FURTHER INFORMATION CONTACT: Paula Rabkin at 202–268–2537.

SUPPLEMENTARY INFORMATION: New classification changes are available under Docket Number CP2015–33 on the Postal Regulatory Commission's Web site at *http://www.prc.gov.*

This final rule describes the international classification changes and

the corresponding mailing standards changes for the following Competitive Services:

Priority Mail Express International

Priority Mail Express International® service provides fast international delivery service to more than 180 countries. The following classification changes are made:

Burma (Myanmar), Kiribati, and Sao Tome and Principe

We are adding Burma (Myanmar), Kiribati, and Sao Tome and Principe as the most recent countries to establish an Express Mail Service (EMS) operational exchange agreement with the Postal Service. As a result, Priority Mail Express International service will become available to these destinations effective April 26, 2015, as described in the mailing standards below.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

The Postal Service hereby adopts the following changes to *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), which is incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 20.1. Accordingly, 39 CFR part 20 is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), as follows:

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

* * * * *

Country Price Groups and Weight Limits

[Revise the Listings for Burma (Myanmar), Kiribati, and Sao Tome and Principe Adding PMEI Service, To Read as Follows:]

Country	Global express guaranteed		Priority mail express international		Priority mail international		First-class mail international and first-class package international service	
	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt. (lbs.)	Price group	Max. wt. (ozs./lbs.)
*	*	*	*	*	*	*	*	
Burma (Myanmar)	n/a	n/a	6	44	6	22	6	3.5/4
*	*	*	*	*	*	*	*	
Kiribati	n/a	n/a	6	66	6	44	6	3.5/4
*	*	*	*	*	*	*	*	
Sao Tome and Principe	n/a	n/a	7	66	7	44	7	3.5/4

* * * * *

Individual Country Listings

* * * * *

Burma (Myanmar)

Country Conditions for Mailing

* * * * *

[Revise the Listing for Priority Mail Express International To Read as Follows:]

Priority Mail Express International (220) Price Group 6

Refer to Notice 123, *Price List,* for the applicable retail, Commercial Base, or Commercial Plus price.

Weight Limit: 44 pounds

Priority Mail Express International—Flat Rate Envelopes and Flat Rate Boxes

Flat Rate Envelopes: The maximum weight is 4 pounds.

Flat Rate Boxes: The maximum weight is 20 pounds.

Refer to Notice 123, *Price List,* for the applicable retail, Commercial Base, or Commercial Plus price.

Size Limits (221.52)

Maximum length: 60 inches.

Maximum length and girth combined: 108 inches.

Insurance (222.8)

Available for Priority Mail Express International merchandise shipments only.

See Exhibit 322.2 for individual country merchandise insurance limits. See Notice 123, *Price List,* for the fee schedule for Priority Mail Express International merchandise insurance coverage.

Customs Forms Required (123)

Articles admitted	Required customs form/endorsement
Documents, correspondence, and business papers	PS Form 2976. Endorse item clearly next to mailing label as BUSINESS PAPERS.
Merchandise samples without commercial value	PS Form 2976.
Merchandise and all articles subject to customs duty	PS Form 2976–A inside PS Form 2976–E (envelope).

Note: For mailers completing PS Form 2976–B or an online combined shipping label and customs form that electronically transmits customs-related data, no additional customs form is required (see 222.5).

Note: Coins; banknotes; currency notes, including paper money; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver; precious stones; jewelry; watches; and other valuable articles are prohibited in Priority Mail Express

International shipments to Burma (Myanmar).

Reciprocal Service Name: EMS Myanmar Post.

Country Code: MM.

Areas Served: Entire territory except those listed below:

Bago Township
Dagon (South) Township
Dala Township
Hlaegu Township
Hlaing Thar Yar (Industrial Zone)
Kalay Township
Kyauktan Township
Mandalay Township
Mawlamyine Township
Mingalardon Township
Monywa Township
Myingyan Township
Pakokku Township
Pathein Township
Pearl Township
PyinooLwin Township
Shwepaukkan Industrial Zone
Shwepyithar Township
Thalyin Township

* * * * *

Kiribati

Country Conditions for Mailing

* * * * *

[Revise the Listing for Priority Mail Express International To Read as Follows:]

Priority Mail Express International (220) Price Group 6

Refer to Notice 123, *Price List,* for the applicable retail, Commercial Base, or Commercial Plus price.

Weight Limit: 66 pounds

Priority Mail Express International—Flat Rate Envelopes and Flat Rate Boxes

Flat Rate Envelopes: The maximum weight is 4 pounds.

Flat Rate Boxes: The maximum weight is 20 pounds.

Refer to Notice 123, *Price List,* for the applicable retail, Commercial Base, or Commercial Plus price.

Size Limits (221.52)

Maximum length: 60 inches.

Maximum length and girth combined: 108 inches.

Insurance (222.8)

Available for Priority Mail Express International merchandise shipments only.

See Exhibit 322.2 for individual country merchandise insurance limits. See Notice 123, *Price List,* for the fee schedule for Priority Mail Express International merchandise insurance coverage.

Customs Forms Required (123)

Articles admitted	Required customs form/endorsement
Documents, correspondence, and business papers	PS Form 2976. Endorse item clearly next to mailing label as BUSINESS PAPERS.
Merchandise samples without commercial value	PS Form 2976.
Merchandise and all articles subject to customs duty	PS Form 2976–A inside PS Form 2976–E (envelope).

Note: For mailers completing PS Form 2976–B or an online combined shipping label and customs form that electronically transmits customs-related data, no additional customs form is required (see 222.5).

Notes:

1. Proforma and Commercial Invoice required in addition to customs forms listed in 123.
2. Coins; banknotes; currency notes, including paper money; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver; precious stones; jewelry; watches; and other valuable articles are prohibited in Priority Mail Express International shipments to Kiribati.

Reciprocal Service Name: EMS Kiribati.

Country Code: KI.

Areas Served: All.

* * * * *

Sao Tome and Principe

Country Conditions for Mailing

* * * * *

[Revise the Listing for Priority Mail Express International To Read as Follows:]

Priority Mail Express International (220) Price Group 7

Refer to Notice 123, *Price List,* for the applicable retail, Commercial Base, or Commercial Plus price.

Weight Limit: 66 pounds

Priority Mail Express International — Flat Rate Envelopes and Flat Rate Boxes.

Flat Rate Envelopes: The maximum weight is 4 pounds.

Flat Rate Boxes: The maximum weight is 20 pounds.

Refer to Notice 123, *Price List,* for the applicable retail, Commercial Base, or Commercial Plus price.

Size Limits (221.52)

Maximum length: 60 inches.

Maximum length and girth combined: 108 inches.

Insurance (222.8)

Available for Priority Mail Express International merchandise shipments only.

See Exhibit 322.2 for individual country merchandise insurance limits. See Notice 123, *Price List,* for the fee schedule for Priority Mail Express International merchandise insurance coverage.

Customs Forms Required (123)

Articles admitted	Required customs form/endorsement
Documents, correspondence, and business papers	PS Form 2976. Endorse item clearly next to mailing label as BUSINESS PAPERS.
Merchandise samples without commercial value	PS Form 2976.
Merchandise and all articles subject to customs duty	PS Form 2976–A inside PS Form 2976–E (envelope).

Note: For mailers completing PS Form 2976–B or an online combined shipping label and customs form that electronically transmits customs-related data, no additional customs form is required (see 222.5).

Note: Coins; banknotes; currency notes, including paper money; securities of any kind payable to bearer; traveler's checks; platinum, gold, and silver; precious stones; jewelry; watches; and other valuable articles are prohibited in Priority Mail Express International shipments to Sao Tome and Principe.

Reciprocal Service Name: EMS Sao Tome and Principe.

Country Code: ST.

Areas Served: All.

* * * * *

We will publish an appropriate amendment to 39 CFR part 20 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015–02006 Filed 2–2–15; 8:45 am]

BILLING CODE 7710–P

POSTAL SERVICE

39 CFR Part 111

Domestic Competitive Products Pricing and Mailing Standards Changes

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®), to reflect changes to prices and mailing standards for certain competitive products.

DATES: *Effective date:* April 26, 2015.

FOR FURTHER INFORMATION CONTACT: Robert Dixon Jr. (202) 268–2308, or Garry Rodriguez (202) 268–7281.

SUPPLEMENTARY INFORMATION: This final rule describes new prices and product features for competitive products, by class of mail, established by the Governors of the United States Postal Service. New prices are available under Docket Number CP2015–33 on the Postal Regulatory Commission's (PRC) Web site at *http://www.prc.gov,* and also located on the Postal Explorer® Web site at *http://pe.usps.com.*

The Postal Service will revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), to reflect changes to prices and mailing standards for the following competitive products:

- Priority Mail Express®.
- Priority Mail®.
- First-Class Package Service®.
- Parcel Select®.
- Standard Post™.
- Extra Services.
- Return Services.
- Mailer Services.
- Recipient Services.

Competitive product prices and changes are identified by product as follows:

Priority Mail Express

Prices

All Priority Mail Express Retail, Commercial Base™, and Commercial Plus™ prices will remain the same.

Priority Mail

Prices

All Priority Mail Retail, Commercial Base™, and Commercial Plus™ prices will remain the same.

First-Class Package Service

Prices

Overall, First-Class Package Service prices will increase 5.1 percent. The Intelligent Mail® package barcode (IMpb) will continue to provide free USPS Tracking™ and confirmation of delivery with these parcels and the $0.20 per piece fee will continue to be assessed on packages not having an IMpb.

First-Class Package Service Surcharge

The Postal Service will revise the DMM to clarify that unless a parcel is prepared in a 5-digit/scheme container, a surcharge will apply to each irregularly shaped Commercial Base parcel (*i.e.,* rolls, tubes, triangles).

Transfer of Retail First-Class Mail Parcels

First-Class Mail® parcels were recently petitioned for transfer to competitive products and will become part of First-Class Package Service, if approved. Information on the transfer of First-Class Mail parcels can be found in the Domestic Mailing Services **Federal Register** Notice.

Parcel Select

Prices

Overall, Parcel Select prices will increase an average of 9.4 percent. The average price increase for Parcel Select Destination Entry destination delivery unit (DDU) is 9.2 percent, destination sectional center facility (DSCF) is 6.7 percent, and destination network distribution center (DNDC) is 7.2 percent.

The average price increase for Parcel Select non-destination parcels (NDC, ONDC, and Nonpresort) is 8.7 percent.

The prices for Parcel Select Lightweight™ (PSLW) will increase an average of 9.8 percent.

The IMpb will continue to provide free USPS Tracking and confirmation of delivery with Parcel Select, including PSLW, and the $0.20 per piece fee will continue to be assessed on packages not having an IMpb.

Standard Post

Overall, Standard Post prices will increase an average of 11.4 percent.

Extra Services

Adult Signature Service

Adult Signature Service prices will be increasing. The price for Adult Signature Required will be $5.50 and Adult Signature Restricted Delivery $5.75.

Adult Signature Service Expanded

As a result of the simplification of Extra Services initiative, the eligible classes of mail for Adult Signature Service will be expanded to include First-Class Package Service and Parcel Select Lightweight pieces. Information on the expansion of eligible classes of mail under Adult Signature Services can be found in the Domestic Mailing Services **Federal Register** Notice.

Return Services

Parcel Return Service

Parcel Return Service (PRS) prices will have an overall price increase of 4.8 percent. Return Network Distribution Center (RNDC) will increase an average of 5.7 percent and Return Sectional Center Facility (RSCF) prices will increase an average of 5.0 percent. Return Delivery Unit (RDU) prices will increase an average of 4.7 percent.

The Parcel Return Service annual permit fee and annual account maintenance fee are increasing. Information on fees can be found in the Domestic Mailing Services **Federal Register** Notice.

Parcel Return Service—Full Network (PRS—Full Network)

The Postal Service has decided to discontinue Parcel Return Service—Full Network (PRS—Full Network) to simplify product offerings as part of the Return Services simplification. Information on the Return Services simplification initiative can be found in the Domestic Mailing Services **Federal Register** Notice.

Mailer Services

Premium Forwarding Service

The enrollment fee for Retail and online applications for Premium Forwarding Service ® (PFS®) will be increasing. The enrollment fee paid at the Retail Counter will increase to $18.00 per application and the enrollment fee paid online will increase to $16.50 per application. The price of the weekly reshipment charge will increase to $18.00.

USPS Package Intercept

The USPS Package Intercept™ fee will increase 5.7 percent to $12.15.

Pickup on Demand Service

The Pickup on Demand ® service daily fee will remain at $20.00.

Recipient Services

Post Office Box Service

The competitive Post Office Box™ service prices will increase an average of 3.5 percent within the existing price groups.

Resources

The Postal Service provides additional resources to assist customers with this price change for competitive products. These tools include price lists, downloadable price files, and **Federal Register** Notices, which may be found on the Postal Explorer Web site at *pe.usps.com.*

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

* * * * *

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

200 Commercial Letters, Cards, Flats, and Parcels

* * * * *

280 First-Class Package Service

283 Prices and Eligibility

1.0 Price and Fees for First-Class Package Service

* * * * *

1.5 Surcharge

[Revise the text of 1.5 as follows:]

Unless prepared in 5-digit/scheme containers, a surcharge applies for Commercial Base parcels that are irregularly shaped, such as rolls, tubes, and triangles.

* * * * *

500 Additional Mailing Services

* * * * *

505 Return Services

* * * * *

6.0 Parcel Return Service-Full Network

[Delete 505.6.0 in its entirety. Renumber 7.0, Bulk Parcel Return Service, as 6.0.]

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015–02008 Filed 2–2–15; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD747

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel in critical habitat of the Central Aleutian district (CAI) of the Bering Sea and Aleutian Island management area (BSAI) by vessels participating in the BSAI trawl limited access fishery. This action is necessary to prevent exceeding the A season allowance of the 2015 Atka mackerel total allowable catch (TAC) in critical habitat of the CAI allocated to vessels participating in the BSAI trawl limited access fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 29, 2015, through 1200 hrs, A.l.t., June 10, 2015.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2015 Atka mackerel TAC, in critical habitat of the CAI, allocated to vessels participating in the BSAI trawl limited access fishery was established as a directed fishing allowance of 453 metric tons by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), Steller Sea Lion Protection Measures for the BSAI Groundfish Fisheries Off Alaska (79 FR 70286, November 25, 2014), and as adjusted by an inseason adjustment (80 FR 188, January 5, 2015).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS, finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in critical habitat of the CAI by vessels participating in the BSAI trawl limited access fishery.

After the effective dates of this closure, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA) finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such a requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of the Atka mackerel fishery in critical habitat of the CAI for vessels participating in the BSAI trawl limited access fishery. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 28, 2015. The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 29, 2015.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–02037 Filed 1–29–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 22
Tuesday, February 3, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL RESERVE SYSTEM

12 CFR Parts 217, 225, and 238

[Regulations Q, Y, and LL; Docket No. R–1509]

RIN 1700–AE 30

Small Bank Holding Company Policy Statement; Capital Adequacy of Board-Regulated Institutions; Bank Holding Companies; Savings and Loan Holding Companies; Changes to Reporting Requirements

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice of proposed rulemaking; changes to reporting requirements.

SUMMARY: The Board is proposing to raise the asset size threshold for determining applicability of the Board's Small Bank Holding Company Policy Statement (Regulation Y, Appendix C) (Policy Statement) to $1 billion from $500 million and to expand the scope of the Policy Statement to include savings and loan holding companies that also meet the Policy Statement's requirements. The Board is also proposing to make related and conforming revisions to: Regulation Y and Regulation LL, the Board's regulations governing the operations and activities of bank holding companies and savings and loan holding companies, respectively; and Regulation Q, the Board's regulatory capital regulation. Finally, to reduce burden on small non-complex holding companies, the Board is proposing to change the reporting requirements for bank holding companies and savings and loan holding companies that meet the requirements of the Policy Statement (as proposed).

DATES: Comments on the proposal must be received on or before March 5, 2015. Comments on the Paperwork Reduction Act burden estimates must be received on or before April 6, 2015.

ADDRESSES: You may submit comments, identified by Docket No. R–1509 and RIN No. 7100–AE 30, by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW., Washington, DC 20551) between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Constance M. Horsley, Assistant Director, (202) 452–5239, Cynthia Ayouch, Manager, (202) 452–2204, Thomas Boemio, Manager, (202) 452–2982, Douglas Carpenter, Senior Supervisory Financial Analyst, (202) 452–2205, or Page Conkling, Supervisory Financial Analyst, (202) 912–4647, Division of Banking Supervision and Regulation; Laurie Schaffer, Associate General Counsel, (202) 452–2272, or Tate Wilson, Counsel, (202) 452–3696, Legal Division; Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background
II. The Proposal
III. Administrative Law Matters
A. Regulatory Flexibility Act
B. Paperwork Reduction Act
C. Solicitation of Comments on Use of Plain Language

I. Background

The Board issued the Policy Statement in 1980 to facilitate the transfer of ownership of small community-based banks in a manner consistent with bank safety and soundness. The Board generally has discouraged the use of debt by bank holding companies to finance the acquisition of banks or other companies because high levels of debt at a bank holding company can impair the ability of the bank holding company to serve as a source of strength to its subsidiary banks. The Board has recognized, however, that small bank holding companies have less access to equity financing than larger bank holding companies and that, therefore, the transfer of ownership of small banks often requires the use of acquisition debt. Accordingly, the Board adopted the Policy Statement to permit the formation and expansion of small bank holding companies with debt levels that are higher than typically permitted for larger bank holding companies. The Policy Statement contains several conditions and restrictions designed to ensure that small bank holding companies that operate with the higher levels of debt permitted by the Policy Statement do not present an undue risk to the safety and soundness of their subsidiary banks.

Currently, the Policy Statement applies to bank holding companies with *pro forma* consolidated assets of less than $500 million that: (i) Are not engaged in significant nonbanking activities either directly or through a nonbank subsidiary; (ii) do not conduct significant off-balance sheet activities (including securitization and asset management or administration) either directly or through a nonbank subsidiary; [1] and (iii) do not have a material amount of debt or equity securities outstanding (other than trust preferred securities) that are registered with the Securities and Exchange Commission (the foregoing enumerated items referred to hereafter as Qualitative Requirements). Under the Policy Statement, bank holding companies that

[1] The examples provided in the Policy Statement—securitization and asset management or administration—are not exhaustive and simply highlight off-balance sheet activities that may involve substantial risk. Other activities may present similar concerns. *See also* 71 FR 9897, 9899, fn. 2 (February 28, 2006) (2006 Final Rule).

meet the Qualitative Requirements (qualifying small bank holding companies) may use debt to finance up to 75 percent of the purchase price of an acquisition (that is, they may have a debt-to-equity ratio of up to 3:1), but are subject to a number of ongoing requirements. The principal ongoing requirements are that a qualifying small bank holding company: (i) Reduce its parent company debt in such a manner that all debt is retired within 25 years of being incurred; (ii) reduce its debt-to equity ratio to .30:1 or less within 12 years of the debt being incurred; (iii) ensure that each of its subsidiary insured depository institutions is well capitalized; and (iv) refrain from paying dividends until such time as it reduces its debt-to-equity ratio to 1.0:1 or less. The Policy Statement also specifically provides that a qualifying small bank holding company may not use the expedited applications procedures or obtain a waiver of the stock redemption filing requirements applicable to bank holding companies under the Board's Regulation Y (12 CFR 225.4(b), 225.14, and 225.23) unless the bank holding company has a *pro forma* debt-to-equity ratio of 1.0:1 or less.

II. The Proposal

New Asset Threshold of $1 Billion

On December 18, 2014, Public Law 113–250 (the Act) was enacted and became immediately effective.[2] The Act directs the Board to publish in the **Federal Register** proposed revisions to the Policy Statement that provide that the Policy Statement shall apply to bank holding companies and savings and loan holding companies that have *pro forma* consolidated assets of less than $1 billion. The Board last raised the asset limit in 2006 when it increased it from $150 million to $500 million.[3] The Board is proposing to increase the asset threshold consistent with the Act. The Board is not proposing any modifications to the Qualitative Requirements at this time.

Policy Statement's Application to Savings and Loan Holding Companies

The Act also directs the Board to propose revisions to the Policy Statement that would extend its application to certain savings and loan holding companies. Accordingly, the Board is proposing that a savings and loan holding company would be subject to the Policy Statement if the entity has less than $1 billion in total consolidated assets and satisfies each of the Qualitative Requirements as if the savings and loan holding company were a bank holding company.

The Policy Statement currently applies only to bank holding companies. The Board proposes to apply the Policy Statement to savings and loan holding companies by adding new section 238.9 to Subpart A of Regulation LL. The new section would apply the Policy Statement to a savings and loan holding company with less than $1 billion in total consolidated assets and that meets the Qualitative Requirements as if it were a bank holding company.

This change requires other modifications to the Policy Statement to take account of the status of savings associations under the Bank Holding Company Act of 1956, as amended (BHC Act). The first Qualitative Requirement uses the terms ''nonbanking activities'' and ''nonbank subsidiary'' to refer to the activities of a bank holding company. Under the BHC Act, however, control of a savings association by a bank holding company is considered a nonbanking activity.[4] Because savings and loan holding companies control savings associations, all of their activities including the control of savings associations would be considered nonbanking activities under the Policy Statement.

This outcome would be inconsistent with Congressional intent to apply the Policy Statement to savings and loan holding companies.[5] The Board therefore proposes to treat subsidiary savings association of savings and loan holding companies as if they were banks for purposes of applying the Policy Statement.

As is the case with bank holding companies, whether a savings and loan holding company engages in ''significant'' nonbanking activities will depend on the scope of the activities of the savings and loan holding company, the nature and level of risk of the activities, the condition of the savings and loan holding company, and other criteria as appropriate.[6] Consistent with the Policy Statement's provisions for bank holding companies, the Board also proposes to retain the right to exclude any savings and loan holding company, regardless of size, from the Policy Statement if the Board determines that such action is warranted for supervisory purposes.

Regulation Q Change

The Board proposes to revise Regulation Q to conform the language in part 217 to reflect the proposed additional section to Regulation LL (section 238.9).

Conforming Amendments

A number of reporting, filing, and other provisions in Regulations Y and LL are triggered by the consolidated asset threshold established by the Policy Statement. The Board proposes to make technical and conforming amendments to these provisions to provide that qualifying small bank holding companies and savings and loan holding companies may take advantage of the streamlined informational, notice, and other requirements embodied in these rules. These technical and conforming amendments will provide relief to most bank holding companies and savings and loan holding companies with less than $1 billion of consolidated total assets. The proposed rule would make the following changes:

- In section 217.1(c)(1)(iii), revise Regulation Q (12 CFR part 217) to exclude a savings and loan holding company that is subject to the proposed revised Policy Statement through proposed section 238.9 of the Board Regulation LL (12 CFR part 238).
- In section 225.2(r), footnote 2, revise the footnote describing the application of the definition of ''well-capitalized'' in the Board's Regulation Y (12 CFR part 225) to entities subject to the proposed revised Policy Statement to reflect the proposed revised total assets threshold of less than $1 billion.
- In section 225.4(b)(2)(iii), increase the threshold for the different *pro forma* financial information required of smaller bank holding companies compared to larger bank holding companies under section 225.4(b)(1) of the Board's Regulation Y from total assets of less than $500 million to total assets of less than $1 billion.
- In section 225.14(a)(1)(v), increase the threshold for the different *pro forma* financial information required of smaller bank holding companies compared to larger bank holding companies under section 225.14 of the Board's Regulation Y from total assets of less than $500 million to total assets of less than $1 billion.
- In section 225.17(a)(6), footnote 6, increase the total asset threshold for application of the footnote related to demonstrating that debt incurred will

[2] To enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes, Public Law 113–250 (December 18, 2014) (Pub. L. 113–250).

[3] *See* 2006 Final Rule.

[4] *See* 12 U.S.C. 1841(c)(2)(B), 1841(j), and 1843(i)(1).

[5] *See, e.g.,* Public Law 113–250, sec. 2(b).

[6] For purposes of applying the Policy Statement to savings and loan holding companies, the term ''nonbank subsidiary'' as used in the Policy Statement would refer to a subsidiary of a savings and loan holding company other than a savings association or a subsidiary of a savings association.

not unduly burden the bank holding company from total assets of less than $500 million to total assets of less than $1 billion.

• In section 225.23(a)(1)(iii), increase the threshold for the different *pro forma* financial information required of smaller bank holding companies compared to larger bank holding companies under section 225.23 of the Board's Regulation Y from total assets of less than $500 million to total assets of less than $1 billion.

Regulatory Reporting Changes

In order to assist the Federal Reserve in monitoring the financial health and operations of bank holding companies, the Board requires all bank holding companies and savings and loan holding companies to file certain reports with the Federal Reserve. Those reports include the Financial Statements for Holding Companies (FR Y–9 series of reports; OMB No. 7100–0128). Currently, savings and loan holding companies with consolidated assets of less than $500 million and bank holding companies with consolidated assets of less than $500 million that also meet Qualitative Requirements submit limited summary parent-only financial data semiannually on the FR Y–9SP. Currently, savings and loan holding companies with consolidated assets of $500 million or more and bank holding companies with consolidated assets of $500 million or more that are not subject to the Policy Statement submit consolidated financial data on the FR Y–9C and parent-only financial data on the FR Y–9LP, both quarterly.

The Board proposes to change the filing requirements for bank holding companies and savings and loan holding companies with $500 million or more but less than $1 billion in total consolidated assets.[7] These institutions would not be required to file the FR Y–9C and the FR Y–9LP (including regulatory capital information) and would begin filing the FR Y–9SP if they also meet the Qualitative Requirements. These changes are proposed to be consistent with the changes to law and the Policy Statement and also to reduce regulatory reporting burden for these smaller institutions. Since most bank holding companies with less than $1 billion in total consolidated assets have limited activities outside of their banks, the Board believes relying on detailed quarterly bank data on the Consolidated Reports of Condition and Income (FFIEC 041; OMB No. 7100–0036) is sufficient for supervisory purposes.

Comments

The Board invites comments on all aspects of this proposal. Interested parties are encouraged to provide comments on the proposed $1 billion asset size threshold adjustment, the Policy Statement's application to savings and loan holding companies, related and conforming amendments to Regulations Y and LL, the revision to Regulation Q, and the proposed changes to regulatory reporting.

III. Administrative Law Matters

A. Regulatory Flexibility Act Analysis

The Board is providing an initial regulatory flexibility analysis with respect to this proposal. As discussed above, the proposal would reduce regulatory burden on small entities by excluding many bank holding companies and savings and loan holding companies with total consolidated assets of less than $1 billion that meet the Qualitative Requirements from the application of the Board's Regulation Q. In addition, the proposal would reduce the burden of regulatory reporting for bank holding companies and savings and loan holding companies with total consolidated assets of less than $1 billion that meet the Qualitative Requirements by requiring these entities to file the semi-annual FR Y–9SP rather than the quarterly FR Y–9C and FR Y–9LP.

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA), generally requires that an agency prepare and make available an initial regulatory flexibility analysis in connection with a notice of proposed rulemaking. Under regulations issued by the Small Business Administration, a small bank holding company, bank, or savings and loan holding company is defined as having assets of $550 million or less (collectively, small banking organizations).[8] As of June 30, 2014, there were approximately 3,719 small bank holding companies and 254 small savings and loan holding companies.

The proposed rule would impact small bank holding companies with total consolidated assets of $500 to $550 million that meet the Qualitative Requirements by providing an exclusion from Regulation Q and the requirement to file the FR Y–9C and FR Y–9LP. The proposed rule would impact all small savings and loan holding companies (those with $550 million or less in assets) that meet the Qualitative Requirements, are currently subject to Regulation Q, and are required to file the FR Y–9C or FR Y–9LP. These small bank holding companies and small savings and loan holding companies would instead be subject to the Policy Statement and would be required to file the FR Y–9SP, a significant reduction in burden. The Board believes that most affected small banking organizations already hold more capital than required under Regulation Q, so the burden reduction from the exclusion from Regulation Q is primarily related to compliance and systems. In addition, affected small banking organizations would be able to take advantage of the applications processing procedures provided to qualifying companies under the Policy Statement.

There are no significant alternatives to the proposed rule that would have less economic impact on small banking organizations, and the proposed rule would significantly reduce burden on nearly all small banking organizations. As discussed above, the projected reporting, recordkeeping, and other compliance requirements of the proposed rule are a material reduction from existing requirements. The Board does not believe that the proposed rule duplicates, overlaps, or conflicts with any other Federal rules. In light of the foregoing, the Board does not believe that the proposed rule, if adopted in final form, would have a significant economic impact on a substantial number of small banking organizations. Nonetheless, the Board seeks comment on whether the proposed rule would impose undue burdens on, or have unintended consequences for, small banking organizations, and whether there are ways such potential burdens or consequences could be minimized in a manner consistent with the purpose of the proposed rule. A final regulatory flexibility analysis will be conducted after consideration of comments received during the public comment period.

B. Paperwork Reduction Act

In accordance with section 3512 of the Paperwork Reduction Act of 1995

[7] Pursuant to Paperwork Reduction Act's emergency review process, 44 U.S.C. 3507(j), the Board is filing an emergency clearance review to change these reporting requirements for bank holding companies and savings and loan holding companies with $500 million or more but less than $1 billion in total consolidated assets to reduce burden on small BHCs and SLHCs immediately. The change implemented through the emergency clearance process would be effective immediately for six months. The Board is now proposing to make the change permanent and invites public comment.

[8] *See* 13 CFR 121.201. Effective July 14, 2014, the Small Business Administration revised the size standards for banking organizations to $550 million in assets from $500 million in assets. 79 FR 33647 (June 12, 2014).

(44 U.S.C. 3501–3521) (PRA), the Board may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number is 7100–0128. The Board reviewed the proposed rulemaking under the authority delegated to the Board by OMB. The proposed rulemaking contains requirements subject to the PRA. The reporting requirements are found in sections 211.26(c)(2)(i)(A), 217.1(c)(1)(iii), 225.2(r)(footnote 2), 225.4(b)(2)(iii), 225.14(a)(1)(v), 225.17(a)(6)(footnote 6), and 225.23(a)(1)(iii), 238.9.

Comments are invited on:

(a) Whether the proposed collections of information are necessary for the proper performance of the Federal Reserve's functions, including whether the information has practical utility;

(b) The accuracy of the Federal Reserve's estimate of the burden of the proposed information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

All comments will become a matter of public record. Comments on aspects of this notice that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. A copy of the comments may also be submitted to the OMB desk officer: By mail to U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by facsimile to 202–395–5806, Attention, Agency Desk Officer.

Proposed Revisions, With Extension, to the Following Information Collection

Title of Information Collection: Consolidated Financial Statements for Holding Companies; Parent Company Only Financial Statements for Large Holding Companies; Parent Company Only Financial Statements for Small Holding Companies; Financial Statements for Employee Stock Ownership Plan Holding Companies; and Supplement to the Consolidated Financial Statements for Holding Companies.

Agency Form Number: FR Y–9C; FR Y–9LP; FR Y–9SP; FR Y–9ES; and FR Y–9CS.

OMB Control Number: 7100–0128.

Frequency of Response: Quarterly, semiannually, annually, and on occasion.

Affected Public: Businesses or other for-profit.

Respondents: Bank holding companies, savings and loan holding companies, and securities holding companies (collectively, holding companies).

Abstract: On December 18, 2014, Public Law 113–250 was signed into law and became effective immediately, which directs the Board to propose revisions to the Policy Statement to raise the total consolidated asset limit in the Policy Statement from $500 million to $1 billion, and expand the scope of the Policy Statement to include savings and loan holding companies.

Pursuant to the PRA's emergency review process, 44 U.S.C. 3507(j), the Board is filing an emergency clearance review to (1) increase the asset size threshold for filing the FR Y–9C and FR Y–9LP from $500 million to $1 billion in total consolidated assets (which also effectively exempted holding companies with total consolidated assets of less than $1 billion from reporting regulatory capital on Schedule HC–R, Regulatory Capital, Part I) and (2) and increase the asset-size threshold for filing the FR Y–9SP from under $500 million to under $1 billion in total consolidated assets. In the emergency submission, the burden for the FR Y–9C, FR Y–9LP, and FR Y–9SP related to the threshold changes, would decrease by 96,619 hours. The change implemented through the emergency clearance process would be effective for six months. The Board is now proposing to make the change permanent and welcomes public comment on any aspect of this information collection. The burden estimates below reflect the updated number from the total emergency clearance review.

Estimated Paperwork Burden

Estimated Burden per Response:

FR Y–9C (non-Advanced Approaches bank holding companies)—48.84 hours;

FR Y–9C (Advanced Approaches bank holding companies)—50.09 hours;

FR Y–9LP—5.25 hours;

FR Y–9SP—5.40 hours;

FR Y–9ES—0.5 hours; and

FR Y–9CS—0.5 hours.

Number of respondents:

FR Y–9C (non-Advanced Approaches bank holding companies)—644;

FR Y–9C (Advanced Approaches bank holding companies)—12;

FR Y–9LP—818;

FR Y–9SP—4,390;

FR Y–9ES—86; and

FR Y–9CS—236.

Total estimated annual burden:

FR Y–9C (non-Advanced Approaches bank holding companies)—125,812 hours;

FR Y–9C (Advanced Approaches bank holding companies)—2,404 hours;

FR Y–9LP—17,178 hours;

FR Y–9SP—47,412 hours;

FR Y–9ES—43 hours; and

FR Y–9CS—472 hours. (Total burden 193,321 hours)

C. Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the Federal banking agencies to use ''plain language'' in all proposed and final rules published after January 1, 2000. In light of this requirement, the Board has sought to present the proposed rule in a simple and straightforward manner. The Board invites comments on whether there are additional steps it could take to make the rule easier to understand.

List of Subjects

12 CFR Part 217

Administrative practice and procedure, Banks, banking, Capital, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements.

12 CFR Part 238

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements.

Federal Reserve System

12 CFR Chapter II

Authority and Issuance

For the reasons set forth in the preamble, chapter II of title 12 of the Code of Federal Regulations is proposed to be amended as set forth below:

PART 217—CAPITAL ADEQUACY OF BANK HOLDING COMPANIES, SAVINGS AND LOAN HOLDING COMPANIES, AND STATE MEMBER BANKS (REGULATION Q)

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 12 U.S.C. 248(a), 321–338a, 481–486, 1462a, 1467a, 1818, 1828, 1831n, 1831o, 1831p–1, 1831w, 1835, 1844(b), 1851, 3904, 3906–3909, 4808, 5365, 5368, 5371.

■ 2. In § 217.1, revise paragraph (c)(1)(iii) to read as follows:

§ 217.1 Purpose, applicability, reservations of authority, and timing.

* * * * *

(c) * * *

(1) * * *

(iii) A covered savings and loan holding company domiciled in the United States, other than a savings and loan holding company that has total consolidated assets of less than $1 billion and meets the requirements of 12 CFR part 225, appendix C, as if the savings and loan holding company were a bank holding company and the savings association were a bank. For purposes of compliance with the capital adequacy requirements and calculations in this part, savings and loan holding companies that do not file the FR Y–9C should follow the instructions to the FR Y–9C.

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

■ 3. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1844(b), 1972(1), 3106, 3108, 3310, 3331–3351, 3906, 3907, and 3909; 15 U.S.C. 1681s, 1681w, 6801 and 6805.

■ 4. In § 225.2, paragraph (r), revise footnote 2 to read as follows:

§ 225.2 Definitions.

* * * * *

(r) * * *

[2] For purposes of this subpart and subparts B and C of this part, a bank holding company with consolidated assets of less than $1 billion that is subject to the Small Bank Holding Company Policy Statement in appendix C of this part will be deemed to be ''well-capitalized'' if the bank holding company meets the requirements for expedited/waived processing in appendix C.

* * * * *

5. In § 225.4, revise paragraph (b)(2)(iii) to read as follows:

§ 225.4 Corporate practices.

* * * * *

(b) * * *

(2) * * *

(iii)(A) If the bank holding company has consolidated assets of $1 billion or more, consolidated *pro forma* risk-based capital and leverage ratio calculations for the bank holding company as of the most recent quarter, and, if the redemption is to be debt funded, a parent-only *pro forma* balance sheet as of the most recent quarter; or

(B) If the bank holding company has consolidated assets of less than $1 billion, a *pro forma* parent-only balance sheet as of the most recent quarter, and, if the redemption is to be debt funded, one-year income statement and cash flow projections.

* * * * *

■ 6. In § 225.14, revise paragraph (a)(1)(v) to read as follows:

§ 225.14 Expedited action for certain bank acquisitions by well-run bank holding companies.

* * * * *

(a) * * *

(1) * * *

(v)(A) If the bank holding company has consolidated assets of $1 billion or more, an abbreviated consolidated *pro forma* balance sheet as of the most recent quarter showing credit and debit adjustments that reflect the proposed transaction, consolidated *pro forma* risk-based capital ratios for the acquiring bank holding company as of the most recent quarter, and a description of the purchase price and the terms and sources of funding for the transaction;

(B) If the bank holding company has consolidated assets of less than $1 billion, a *pro forma* parent-only balance sheet as of the most recent quarter showing credit and debit adjustments that reflect the proposed transaction, and a description of the purchase price, the terms and sources of funding for the transaction, and the sources and schedule for retiring any debt incurred in the transaction;

* * * * *

■ 7. In § 225.17, paragraph (a)(6), revise footnote 6 to read as follows:

§ 225.17 Notice procedure for one-bank holding company formations.

(a) * * *

(6) * * *

[6] For a banking organization with consolidated assets, on a *pro forma* basis, of less than $1 billion (other than a banking organization that will control a de novo bank), this requirement is satisfied if the proposal complies with the Board's Small Bank Holding Company Policy Statement (appendix C of this part).

* * * * *

■ 8. In § 225.23, revise paragraph (a)(1)(iii) to read as follows:

§ 225.23 Expedited action for certain nonbanking proposals by well-run bank holding companies.

(a) * * *

(1) * * *

(iii) If the proposal involves an acquisition of a going concern:

(A) If the bank holding company has consolidated assets of $1 billion or more, an abbreviated consolidated *pro forma* balance sheet for the acquiring bank holding company as of the most recent quarter showing credit and debit adjustments that reflect the proposed transaction, consolidated *pro forma* risk-based capital ratios for the acquiring bank holding company as of the most recent quarter, a description of the purchase price and the terms and sources of funding for the transaction, and the total revenue and net income of the company to be acquired;

(B) If the bank holding company has consolidated assets of less than $1 billion, a *pro forma* parent-only balance sheet as of the most recent quarter showing credit and debit adjustments that reflect the proposed transaction, a description of the purchase price and the terms and sources of funding for the transaction and the sources and schedule for retiring any debt incurred in the transaction, and the total assets, off-balance sheet items, revenue and net income of the company to be acquired;

(C) For each insured depository institution whose Tier 1 capital, total capital, total assets or risk-weighted assets change as a result of the transaction, the total risk-weighted assets, total assets, Tier 1 capital and total capital of the institution on a *pro forma* basis;

* * * * *

■ 9. In part 225, appendix C, before the heading ''1. Applicability of Policy Statement'', add a paragraph to read as follows:

Appendix C to Part 225—Small Bank Holding Company Policy Statement Policy Statement on Assessment of Financial and Managerial Factors

* * * * *

This policy statement applies only to bank holding companies with *pro forma* consolidated assets of less than $1 billion that (i) are not engaged in significant nonbanking activities either directly or through a nonbank subsidiary; (ii) do not conduct significant off-balance sheet activities (including securitization and asset management or administration) either directly or through a nonbank subsidiary; and (iii) do not have a material amount of debt or equity securities outstanding (other than trust preferred securities) that are registered with the Securities and Exchange Commission. The Board may in its discretion exclude any bank holding company, regardless of asset size, from the policy statement if such action is warranted for supervisory purposes.

* * * * *

PART 238—SAVINGS AND LOAN HOLDING COMPANIES (REGULATION LL)

■ 10. The authority citation for part 238 continues to read as follows:

Authority: 5 U.S.C. 552, 559; 12 U.S.C. 1462, 1462a, 1463, 1464, 1467, 1467a, 1468, 1813, 1817, 1829e, 1831i, 1972; 15 U.S.C. 78*l*.

■ 11. In subpart A, add new § 238.9 to read as follows:

§ 238.9 Small Bank Holding Company Policy Statement.

(a) The Board's Small Bank Holding Company Policy Statement (12 CFR part 225, appendix C) (Policy Statement) applies to savings and loan holding companies as if they were bank holding companies. To qualify or rely on the Policy Statement, savings and loan holding companies must meet all qualifying requirements in the Policy Statement as if they were a bank holding company. For purposes of applying the Policy Statement, the term ''nonbank subsidiary'' as used in the Policy Statement refers to a subsidiary of a savings and loan holding company other than a savings association or a subsidiary of a savings association.

(b) The Board may exclude any savings and loan holding company, regardless of asset size, from the Policy Statement under paragraph (a) of this section if the Board determines that such action is warranted for supervisory purposes.

By order of the Board of Governors of the Federal Reserve System, January 29, 2015.

Michael Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–02040 Filed 1–30–15; 11:15 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

Revisions of Boundaries for Flower Garden Banks National Marine Sanctuary; Intent To Prepare Draft Environmental Impact Statement

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of intent to revise boundaries; intent to prepare environmental impact statement.

SUMMARY: In accordance with section 304(e) of the National Marine Sanctuaries Act, as amended, (NMSA), the Office of National Marine Sanctuaries (ONMS) of the National Oceanic and Atmospheric Administration (NOAA) is initiating a review of Flower Garden Banks National Marine Sanctuary (FGBNMS or Sanctuary) boundaries, based on the recommendation contained within the Sanctuary Expansion Action Plan of the FGBNMS Management Plan (April 2012). The review process, as required by the NMSA, will be conducted concurrently with a public process under the National Environmental Policy Act (NEPA). This document also informs the public that NOAA will coordinate its responsibilities under section 106 of the National Historic Preservation Act (NHPA) with its ongoing NEPA process, including the use of NEPA documents and public and stakeholder meetings to also meet the requirements of section 106. The public scoping process is intended to solicit information and comments on the range and significance of issues related to the expansion of the FGBNMS boundaries. The results of this scoping process will assist NOAA in formulating alternatives for the draft environmental impact statement for the proposed revised sanctuary boundaries.

DATES: Comments must be received by April 6, 2015. Public hearings will be held as detailed below:

(1) New Orleans, LA

Date: Tuesday, March 3, 2015
Location: Hilton New Orleans Airport, Cocodrie Room
Address: 901 Airline Drive, Kenner, LA 70062
Time: 6:00–8:00 p.m.

(2) Houston, TX

Date: Thursday, March 5, 2015
Location: Bayland Community Center
Address: 6400 Bissonnet Street, Houston, TX 77074
Time: 6:00–8:00 p.m.

(3) Galveston, TX

Date: Wednesday, March 11, 2015
Location: Flower Garden Banks NMS Office, NOAA Galveston Laboratory
Address: 4700 Avenue U, Building 216, Galveston, TX 77551
Time: 6:00–8:00 p.m.

ADDRESSES: Comments may be submitted by any one of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NOS-2014-0154,* click the ''Comment Now!'' icon, complete the required fields and enter or attach your comments.
- *Mail:* George Schmahl, Sanctuary Superintendent, Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Bldg. 216, Galveston, TX 77551.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. ONMS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Kelly Drinnen, 409–621–5151 Ext. 105, *fgbexpansion@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background Information

I. Background

The National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce (Secretary) to designate and protect as a national marine sanctuaries areas of the marine environment that are of special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities. Day-to-day management of national marine sanctuaries has been delegated by the Secretary to the ONMS. The primary objective of the NMSA is to protect the biological and cultural resources of the sanctuary system, such as coral reefs, marine animals, historical shipwrecks, historic structures, and archaeological sites.

Flower Garden Banks National Marine Sanctuary was designated on January 17, 1992 (Pub. L. 102–251, Title I, Sec. 101). At that time, the sanctuary consisted of two areas known as East and West Flower Garden Banks (56 FR 63634). In 1996, Congress added Stetson Bank to the sanctuary (Pub. L. 104–283). FGBNMS regulations were first published on December 5, 1991 (56 FR 63634) and became effective on January 18, 1994 (58 FR 65664). Current FGBNMS regulations can be found at 15 CFR part 922, subpart L.

FGBNMS is located in the northwestern Gulf of Mexico. The banks'salt domes range in depth from 55 feet to over 500 feet, providing conditions supporting several distinct habitats (including the northern-most coral reefs in the continental United States) and essential habitat for a variety of marine species. The combination of location and geology makes the sanctuary an extremely productive and nationally significant ecosystem.

II. Need for Action

NOAA published a revised FGBNMS Management Plan in April 2012, which described the need to protect additional sensitive biological resources and geological features associated with reefs and banks in the northwestern Gulf of Mexico. The expansion of sanctuary protection for certain critical areas would address concerns about impacts of anchoring, safe access by fishers and divers, damage as a result of unregulated activities, and the need to protect unique features in these areas.

Based on six years of input from the public and the FGBNMS Advisory Council, NOAA developed a Sanctuary Expansion Action Plan as part of the 2012 management plan revision. The action plan's primary purpose was to ''evaluate and expand, as appropriate, the network of protected areas within the sanctuary to include five to twelve additional reefs and banks, and modify the boundary of East and West Flower Garden and Stetson Banks to include critical adjacent habitats.'' This proposal was developed in particular by the Sanctuary Advisory Council's (SAC) boundary expansion working group, which was comprised of researchers, oil and gas production representatives, recreational divers, Bureau of Ocean Energy Management (BOEM) representatives, and ONMS staff. The working group met initially in February 2007, and then periodically over the course of 10 months, to discuss the concept in detail. The working group employed a consensus driven, constituent-based process to address the concept of boundary expansion. All participants discussed a variety of issues, considerations, priorities and concerns for each step of the process.

The following recommendation was developed by the working group and adopted as a recommendation to NOAA by the SAC:

Expand the sanctuary, with boundaries based on a critical habitat area and a 500-meter buffer zone, by modifying the existing boundaries of East and West Flower Garden Banks and Stetson Bank, and adding Horseshoe Bank, McGrail Bank, Geyer Bank, Bright Bank, Sonnier Bank, Alderdice Bank, MacNeil Bank, Rankin Bank, and 28 Fathom Bank.

It is important to note that certain activities related to oil and gas exploration and development are already prohibited within a significant portion of each of the banks recommended for expansion, as these areas have been designated ''no activity zones'' by BOEM under lease stipulations that have been in place since 1973. (These restrictions are contained within ''Notice to Lessees'' (NTL) No. 2009–G39 for ''Biologically-Sensitive Underwater Features and Areas'', for the Central and Western planning areas of the OCS in the Gulf of Mexico region.) NOAA has now decided that the SAC's recommendation should be further explored through a public review process. Additional information on the SAC recommendation can be found in the FGBNMS Sanctuary Expansion Action Plan at the following link: *http://flowergarden.noaa.gov/document_library/mgmtdocs/fmp2012/fmpexpansionactionplan.pdfith.*

In accordance Section 304(e) of the National Marine Sanctuaries Act, as amended (NMSA), 16 U.S.C. 1431 *et seq.,* NOAA is initiating a review of the FGBNMS boundaries to ''evaluate and expand, as appropriate'' the network of protected areas within the sanctuary. The action under consideration will evaluate options for the expansion of the sanctuary by incorporating selected reefs and banks in the northwestern Gulf of Mexico for their long-term protection and management. An environmental impact statement will describe the various reefs and banks to be considered, alternative scenarios for incorporating additional areas, and NOAA's preferred alternative. In addition, NOAA will analyze various regulatory scenarios for any new potential sanctuary areas, as well as for the existing sanctuary as described in the 2012 final management plan.

III. Process

The process for considering the expansion of FGBNMS is composed of four primary stages:

1. Information collection and characterization, including the consideration of public comment;
2. Preparation and release of a draft environmental impact statement (DEIS) that identifies boundary expansion alternatives, as well as a notice of proposed rulemaking (NPRM) to amend the sanctuary regulations to reflect any new boundary if proposed;
3. Public review and comment on the DEIS and NPRM;
4. Preparation and release of a final environmental impact statement, including a response to public comments, with a final rule if appropriate.

With this document, NOAA is opening a public comment period to:

1. Gather information and public comments from individuals, organizations, and government agencies on whether FGBNMS should expand its boundary, suggestions for the extent of an expanded boundary, and the potential effects of a boundary expansion; and
2. Help determine the scope of issues to be addressed in the preparation of an environmental analysis under NEPA.

[INFORMATION ON DATES AND LOCATIONS FOR PUBLIC MEETINGS WILL BE ADDED LATER].

IV. Consultation Under Section 106 of the National Historic Preservation Act

This document confirms that NOAA will fulfill its responsibility under section 106 of the National Historic Preservation Act (NHPA, 16 U.S.C. 470) through the ongoing NEPA process, pursuant to 36 CFR 800.8(a) including the use of NEPA documents and public and stakeholder meetings to meet the section 106 requirements. The NHPA specifically applies to any agency undertaking that may affect historic properties. Pursuant to 36 CFR 800.16(1)(1), historic properties includes any prehistoric or historic district, site, building, structure or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. The term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria. In fulfilling its responsibility under the NHPA and NEPA, NOAA intends to identify consulting parties; identify historic properties and assess the effects of the undertaking on such properties; initiate formal consultation with the State Historic Preservation Officer, the Advisory Council of Historic Preservation, and other consulting parties; involve the public in accordance with NOAA's NEPA procedures, and develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects on historic properties and describe them in any environmental assessment or draft environmental impact statement.

V. Consultation Under Section 304(a)(5) of the National Marine Sanctuaries Act

This document confirms that NOAA will fulfill its responsibility under section 304(a)(5) of the National Marine Sanctuaries Act (NMSA, 16 U.S.C. 1431 *et seq.*), which states that the Gulf of Mexico Fishery Management Council (GMFMC) should be provided with the opportunity to prepare draft regulations for fishing within Federal waters, if NOAA pursues the addition of areas within the Gulf of Mexico to the sanctuary and if regulations regarding fishing are needed. The NMSA further declares that draft regulations prepared by the GMFMC, or a GMFMC determination that regulations are not necessary, shall be accepted and issued as proposed regulations unless the GMFMC's action fails to fulfill the purposes and policies of the Act and the goals and objectives of the proposed designation. If the GMFMC declines to make a determination with respect to the need for regulations, makes a determination that is rejected by the Secretary of Commerce, or fails to prepare draft regulations in a timely manner, then NOAA shall prepare fishing regulations.

Authority: 16 U.S.C. 1431 *et seq.*

Dated: January 15, 2015.

Daniel J. Basta,

Director for the Office of National Marine Sanctuaries.

[FR Doc. 2015–01949 Filed 2–2–15; 8:45 am]

BILLING CODE 3510–NK–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1120

[CPSC Docket No. CPSC–2015–0003]

Substantial Product Hazard List: Extension Cords

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) is proposing a rule to specify that extension cords (both indoor and outdoor use extension cords) that do not contain one or more readily observable characteristics set forth in the proposed rule constitute a substantial product hazard under the Consumer Product Safety Act (CPSA). The rule would amend 16 CFR part 1120, which lists products that the Commission has determined present a substantial product hazard if the products have or lack specified characteristics that are readily observable, have been addressed by a voluntary standard, such standard has been effective in reducing the risk of injury associated with the product, and there is substantial compliance with the standard.

DATES: Written comments must be received by April 20, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2015–0003, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov*, and insert the docket number CPSC–2015–0003, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Arthur Lee, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, National Product Testing and Evaluation Center, 5 Research Place, Rockville, MD 20850; telephone: 301–987–2008; *alee@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission proposes to issue a rule under section 15(j) of the CPSA, 15 U.S.C. 2064(j), which would amend the substantial product hazard list in 16 CFR part 1120 (part 1120). The substantial product hazard list in part 1120 would be amended to add extension cords that lack certain readily observable characteristics. Four characteristics apply to all general-use extension cords (indoor and outdoor extension cords including indoor seasonal extension cords):

(1) Minimum wire size;
(2) sufficient strain relief;
(3) proper polarity; and
(4) proper continuity.

In addition, one characteristic (outlet covers) applies to certain 2-wire indoor extension covers and one characteristic (jacketed insulated cord) applies to outdoor extension cords. Under the proposed amendment to part 1120, extension cords that do not contain one or more of the specified readily observable characteristics would be deemed to create a substantial product hazard under section 15(a)(2) of the CPSA because such products pose a risk of electrical shock or fire. These identified, readily observable characteristics for extension cords have been addressed in a voluntary standard, Underwriters Laboratories (UL), *Standard for Cord Sets and Power-Supply Cords,* UL 817, 11th Edition, dated March 16, 2001, revised February 3, 2014 (UL 817).[1]

As detailed in this notice, the Commission determines preliminarily that:

- Minimum wire size; sufficient strain relief; polarization; continuity; outlet covers (for indoor cords); and flexible jacketed insulation (for outdoor cords) are all readily observable characteristics of extension cords;
- the identified readily observable characteristics are addressed by a voluntary standard, UL 817;
- conformance to UL 817 has been effective in reducing the risk of injury from shock and fire associated with indoor and outdoor extension cords; and
- extension cords sold in the United States substantially comply with UL 817.

A. Background and Statutory Authority

Section 223 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), amended section 15 of the CPSA, 15 U.S.C. 2064, to add a new subsection (j). Section 15(j) of the CPSA provides the Commission with the authority to specify, by rule, for any consumer product or class of consumer products, characteristics whose existence or absence are deemed a

[1] The UL mark and logo are trademarks of UL, LLC (formerly known as Underwriters Laboratories, Inc.).

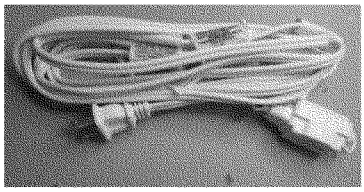
substantial product hazard under section 15(a)(2) of the CPSA. 15 U.S.C. 2064(j). Section 15(a)(2) of the CPSA defines a ''substantial product hazard,'' in relevant part, as a product defect which (because of the pattern of defect, the number of defective products distributed in commerce, the severity of the risk, or otherwise) creates a substantial risk of injury to the public. For the Commission to issue a rule under section 15(j) of the CPSA, the characteristics involved must be ''readily observable'' and have been addressed by a voluntary standard. Moreover, the voluntary standard must be effective in reducing the risk of injury associated with the consumer products; and there must be substantial compliance with the voluntary standard. *Id.*

The Commission has issued two previous final rules under section 15(j) of the CPSA, codified in 16 CFR part 1120, involving drawstrings on children's upper outerwear (76 FR 42502, July 19, 2011) (drawstring rule) and integral immersion protection on handheld hair dryers (76 FR 37636, June 28, 2011) (hair dryer rule). Additionally, on October 16, 2014, the Commission issued a notice of proposed rulemaking to include seasonal and decorative lighting products in part 1120. 79 FR 62081. The Commission has not defined a ''readily observable'' characteristic in any rule. In the proposed drawstring rule (75 FR 27497, 27499, May 17, 2010), the Commission found that the requirements detailed in the relevant voluntary standard could be evaluated with ''simple manipulations of the garment, simple measurements of portions of the garments, and unimpeded visual observation.'' The Commission stated: ''more complicated or difficult actions to determine the presence or absence of defined product characteristics also may be consistent with 'readily observable.''' The Commission stated its intent to evaluate ''readily observable'' characteristics on a case-by-case basis. 75 FR at 27499. Finally, in the proposed rule on seasonal and decorative lighting, the Commission determined preliminarily that minimum wire size, sufficient strain relief, and overcurrent protection were ''readily observable'' characteristics of lighting products through visual observation, or visual observation of a simple measurement. 79 FR at 62082 & 62084–06.

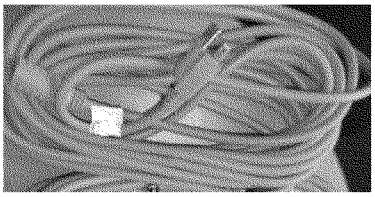
B. Extension Cords

1. Product Description

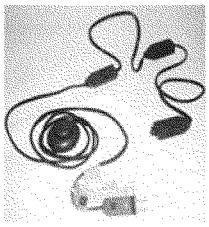
The proposed rule uses the phrase ''extension cord'' to identify the products that are within the scope of the rule. The Commission proposes to define an ''extension cord'' (also known as a cord set) as a length of factory-assembled flexible cord with an attachment plug or current tap as a line fitting and with a cord connector as a load fitting. Extension cords are used for extending a branch circuit supply of an electrical outlet to the power-supply cord of a portable appliance, in accordance with the National Electrical Code.® For purposes of the proposed rule, the term applies to extension cords that are equipped with National Electrical Manufacturer Association (NEMA) 1–15, 5–15 and 5–20 fittings, and that are intended for indoor use only or for both indoor and outdoor use. We refer to cords intended for indoor use only as ''indoor cords'' and to cords intended for both indoor and outdoor use as ''outdoor cords.'' The term extension cord does not include detachable power supply cords, appliance cords, power strips and taps, and adaptor cords supplied with outdoor tools and yard equipment. The proposed definition is consistent with the description of products subject to the applicable voluntary standard, as set forth in section 1 of UL 817.



Indoor Cord



Outdoor Cord



Seasonal Indoor Cord

Picture 1. Extension Cords

Picture 1 depicts products that come under the definition of ''extension cord'' in the proposed rule. All in-scope products are covered by UL 817. Table 1 provides a non-exhaustive list of examples of extension cords that fall within and out of scope of the proposed rule. Not included in this rule are detachable power supply and appliance cords with non-NEMA fittings and adaptor cords supplied with outdoor tools and yard equipment because these are specific-purpose, rather than general-use, cords. The products that are out of scope for the proposed rule, are not subject to UL 817, or do not present the same risks of injury.

TABLE 1—EXTENSION CORDS: PRODUCTS WITHIN AND OUTSIDE THE SCOPE OF THE PROPOSED RULE

In Scope:

Household extension cords, factory-assembled, 120 volts AC, including:

- Indoor or general-use cord sets, including seasonal indoor cord sets.
- Outdoor cord sets.

TABLE 1—EXTENSION CORDS: PRODUCTS WITHIN AND OUTSIDE THE SCOPE OF THE PROPOSED RULE—Continued

Out of Scope:

- Detachable power cords, either with appliance or other nonstandard plugs (*e.g.*, accompanying electronic or other electrically powered items), or with fittings of different configurations (*e.g.*, a clothes washer replacement cord with a plug at one end and individual wire terminals at the other end).
- Unassembled components, such as flexible cord or fittings, which may be assembled into extension cords or installed in permanent branch circuit wiring systems.
- Cord sets intended for use with non-branch-circuit household current, *i.e.*, greater or less than nominal 120 volts AC (*e.g.*, for use with 220 volt appliances, or for 15–50 ampere/125–250-volt recreational vehicles).
- Power strips, power taps, and surge protectors.

2. Applicable Voluntary Standard

The current voluntary standard applicable to extension cords is UL 817–2014. UL has updated UL 817 over the years to address various safety issues to make extension cords safer, *see* Staff's Draft Proposed Rule to Add Extension Cords to the Substantial Product Hazard List in 16 CFR part 1120, January 21, 2015 (Staff Briefing Package) Tab B, Extension Cords: Abbreviated History and the Associated UL Standards. The staff's briefing package is available on the CPSC's Web site at: *http://www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2015/Proposed-Rule-to-Amend-Substantia-Product-Hazard-List-to-Include-Extension-Cords.pdf.* Since 1987, the standard has addressed most of the identified, readily observable characteristics (minimum wire size, sufficient strain relief, proper polarization, proper continuity, outlet covers for indoor cords, and jacketed insulated cords for outdoor extension cords) that are included in this proposed rule.

Many of the safety requirements for extension cords predate the existence of the CPSC. CPSC staff believes that UL incorporated requirements for polarized (and grounded) plugs and receptacles on cord sets around 1962. A CPSC staff search found that grounded plugs were developed as early as 1911, and polarized plugs became available in 1914. The National Electrical Code (NEC) adopted requirements for polarized electrical outlets in 1948 and for grounded 120-volt receptacles in 1962.

Table 2 summarizes the required characteristics in UL 817 associated with all extension cords, as well as specific requirements for indoor and outdoor use extension cords.

TABLE 2—READILY OBSERVABLE CHARACTERISTICS FOR EXTENSION CORDS

General extension cord usage	Readily observable characteristics				
	Minimum wire size (AWG)	Sufficient strain relief	Proper polarization	Proper continuity	Protective feature
Indoor, *UL 817, Section 20.*	16AWG, or 17/18AWG with integral overcurrent protection. *UL 817, Sections 2.10, 21*	18AWG or larger must withstand 30 pound force. *UL 817, Section 84*	Cord fittings must be polarized (NEMA1–15) or have a grounding pin (NEMA5–15). *UL 817, Sections 9, 19*	Plug and outlet terminals must be connected in identical configuration (*i.e.*, Hot-to-Hot, likewise for Neutral and Ground). *UL 817, Sections 16, 105*	Outlet covers must be provided on unused outlets on 2-wire parallel. *UL 817, Section 26.7*
Outdoor, *UL 817, Section 30.*	SAME ..... *UL 817, Section 2.13, 30*	SAME	SAME ..... *UL 817, Sections 31, 32*	SAME	Jacketed flexible cord. *UL 817, Section 30*

3. Electrocution and Fire Hazards

Consumers can be seriously injured or killed by electrical shocks or fires if extension cord products are not constructed properly. All extension cords covered by UL 817 must comply with requirements for minimum wire size, sufficient strain relief, proper polarization, and proper continuity. Meeting these requirements reduces the risk of injury caused by fires or electrical shocks.

- *Wire size.* Conforming to the minimum wire size requirement in UL 817 supports a product's electrical load to avoid the hazard of fire and electrical shock. When an extension cord does not contain the correct wire size for the load, the cord becomes hot and the insulation is degraded. Damaged insulation can fail by sagging, melting, or hardening and breaking apart, which can expose the energized wire inside the extension cord. Exposed energized wires present a risk of fire and electrical shock. Additionally, conforming to the minimum wire size requirement contributes to the necessary mechanical strength to endure handling and other forces imposed on an extension cord during expected use of the product.
- *Strain relief.* Conforming to the strain relief requirement in UL 817 helps to ensure that use of extension cords, including pulling and twisting the cords, does not cause mechanical damage to the connections and prevents separation of wires from their terminal connections during handling (pulled, twisted, etc.). Damaged connections, such as broken strands of copper wiring inside the insulated wiring, could cause overheating (leading to a fire) or separation of wires from their terminal connections, which could expose bare energized conductors, leading to electrical shock and fire.
- *Proper polarity.* An extension cord that conforms to the proper polarity requirements in UL 817 minimizes the risk of accidental contact with an energized conductor. Polarization clearly identifies the energized wire in the cord set and ensures, in conjunction with other construction requirements, that products, such as lighting, appliances, and other equipment plugged into the extension cord provide power in the same orientation as the

receptacle of the branch circuit. For example, a product that employs a power switch that must be located in the energized side of the power supply circuit will be supplied in the proper orientation, thus reducing the risk of electrical shock.

• *Proper Continuity.* An extension cord that conforms to continuity requirements in UL 817 provides a continuous conductive path from line to load fitting so that the cord can serve the function for which it is intended. For each terminal in the plug fitting, a corresponding conductor must be attached to the corresponding terminal in the load fitting. For example, a cord attached to a plug with a grounding pin must have a grounding conductor. Each wire in the cord also must be connected properly on each end so that, for example, the grounding pin of the plug on a three-wire cord is connected to the grounding socket on the outlet, and the energized blade on the plug is not wired to the non-energized receptacle on the outlet. Proper continuity from end to end reduces the risk of both fire and electrical shock.

Indoor and outdoor extension cords each have one additional safety requirement that is also readily observable and reduces the risk of injury.

• *Outlet covers.* Indoor 2-wire parallel extension cords with polarized parallel-blade and -slot fittings must contain outlet covers. Outlet covers reduce the risk of injury to children, in particular, by minimizing the opportunity for a child to probe plugs with small objects or chew on the exposed receptacle surfaces, which can lead to hand or mouth burns and electrical shock.

• *Jacketed cords.* Outdoor extension cords must have jacketed cords. A jacketed cord protects the individual insulated wires from damage when exposed to weather and other conditions associated with outdoor use. An unjacketed extension cord used outdoors is susceptible to damage that can lead to exposed conductors, thus presenting a risk of shock and fire.

4. Risk of Injury

CPSC has been concerned with the number of fires and injuries resulting from extension cords for many years. CPSC staff searched extension cord incident data from CPSC's Injury or Potential Injury Database (IPII) for both fatal and nonfatal incidents, and staff searched the Death Certificate Database (DTHS) for fatal incidents. Staff limited the scope of the incidents considered to incidents involving fire, burn, and shock hazards. Separate product codes do not exist in CPSC's databases for indoor and outdoor extension cords. Moreover, incident narratives often do not make clear which type of cord was involved. Accordingly, staff's analysis considers indoor and outdoor extension cords together.

Staff's search of IPII data found 716 in-scope fatal extension cord incidents between 1980 and 2013. These incidents caused 1,078 deaths. The search of DTHS found 47 unique (not duplicates of incidents found in IPII) fatal, in-scope incidents that occurred between 1980 and 2013. These 47 incidents led to 47 deaths. In total, the two databases have 763 fatal in-scope extension cord incidents that caused 1,125 deaths between 1980 and 2013.

Table 3 shows the annual average number of incidents for five different periods for fatal incidents, deaths, and nonfatal incidents. The table breaks the 34-year period into four 7-year periods and a 6-year period. Reporting may not be complete for the most recent period because sometimes CPSC receives reports of incidents years after the incidents have occurred. Table 3 shows a decline in the number of reported extension cord fire, burn, and shock fatal incidents, deaths, and nonfatal incidents in CPSC databases from the 1980s.

TABLE 3—EXTENSION CORD ANNUAL AVERAGE [2] OF REPORTED FATAL INCIDENTS, DEATHS, AND NONFATAL INCIDENTS FROM 1980–2013 [3]

Years	Fatal incidents	Deaths	Nonfatal incidents
1980–1986	32.7	47.7	201.0
1987–1993	27.7	46.6	178.7
1994–2000	23.6	31.1	131.6
2001–2007	15.9	21.7	112.3
2008–2013 [3]	10.7	15.8	51.0

5. Office of Compliance Efforts To Address Extension Cord Hazards

In numerous instances, CPSC staff has considered the absence of one or more of the identified readily observable characteristics (minimum wire size, sufficient strain relief, proper polarization, proper continuity, outlet covers for indoor cords, and jacketed insulated cords for outdoor extension cords) to present a substantial product hazard and has sought appropriate corrective action to prevent injury to the public. From 1994 to August 2014, as shown in the Staff Briefing Package, Tab D, Extension Cords: Product Recalls and Import Stoppages, Table 1, CPSC staff obtained 29 voluntary recalls of extension cords involving a total of 3.2 million units. In addition to recalls, CPSC staff identified 54 shipments of extension cords at import involving a total of 160,000 units, in which extension cords may not have complied with UL 817. *See* Staff Briefing Package, Tab D, Table 2. Tables 1 and 2 of Tab D list enforcement actions based on a staff preliminary determination of a substantial product hazard. Most of the hazards listed in Tables 1 and 2 correspond to the readily observable characteristics in the proposed rule. Accordingly, if the proposed rule is finalized, such nonconformance would constitute a Commission-determined substantial product hazard under 16 CFR part 1120.

Additionally, the Office of Compliance sent a letter dated January 9, 2015 to manufacturers, importers, and retailers of extension cords, informing them that the Office of Compliance considers products that do not conform to the UL 817 requirements for the identified readily observable characteristics to be defective and to present a substantial product hazard. *See* Staff Briefing Package, Tab A, Office of Compliance January 9, 2015 Letter to Manufacturers, Importers, and Retailers

[2] The numbers are given as annual averages instead of totals because the periods are not divided equally.

[3] A lag exists between when an incident occurs and when it appears in the data. The most recent years may be incomplete. For the IPII extension cord data, 99 percent of the nonfatal incidents have a lag time of less than 1 year. For the fatal IPII incidents, 96 percent of the data have a lag time of less than 1 year. For DTHS, as of December 31, 2014, the database is 76 percent complete for 2013, 97 percent complete for 2012, 98 percent complete for 2011, and 99 percent complete for 2009 and 2010.

of Extension Cords. Accordingly, relevant stakeholders are on notice of the requirements of UL 817 and reporting requirements under section 15 of the CPSA.

II. Preliminary Determination of Substantial Product Hazard

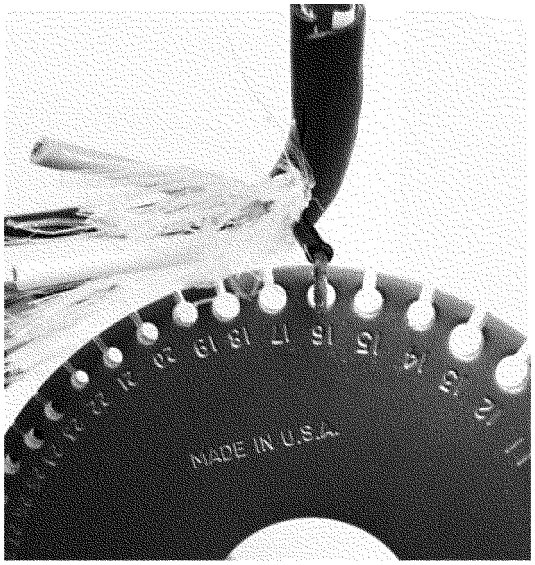
A. Defined Characteristics Are Readily Observable

Sections 2, 9, 16, 19, 20, 21, 26, 30, 31, 32, 84, and 105 of UL 817 set forth the requirements for the identified readily observable characteristics specified in the proposed rule: Minimum wire size, sufficient strain relief, proper polarization, proper continuity, outlet covers for certain 2-wire indoor cords, and jacketed insulated cords for outdoor extension cords. Table 2 in section I.B.2 of this preamble summarizes the technical requirements for the identified readily observable characteristics in UL 817. Additionally, Tab C of the Staff's Briefing Package, Extension Cords: Readily Observable Safety Characteristics, provides more detail on the information presented in Table 2. If finalized, the rule would deem the absence of any one or more of these specified characteristics to be a substantial product hazard under section 15(a)(2) of the CPSA.

1. Minimum Wire Size

Section 2 of UL 817 specifies a ''general-use cord set'' using flexible cord as described in Table 20.1 of UL 817 with conductors sized 18, 17, 16, 14, 12, or 10 AWG terminated in a plug and outlet. Extension cords using flexible cord with conductors sized 18 or 17 AWG also require overcurrent protection.

Minimum wire size is readily observable by measuring the bare conductors. Before measuring the wire size, staff must expose the conductors within the wire. Exposing the wire is done quickly and easily by using a small, handheld tool to strip the electrical insulation from the wiring. One method of measurement uses a circular wire gauge, which can determine if the wire size meets the minimum, as specified in UL 817. Picture 2 demonstrates use of a wire gauge to measure wire size. In Picture 2, the 16 AWG wire passes through the 16 AWG slot but not through any of the thinner (numerically larger) AWG slots.



Picture 2: Measuring Wire Size

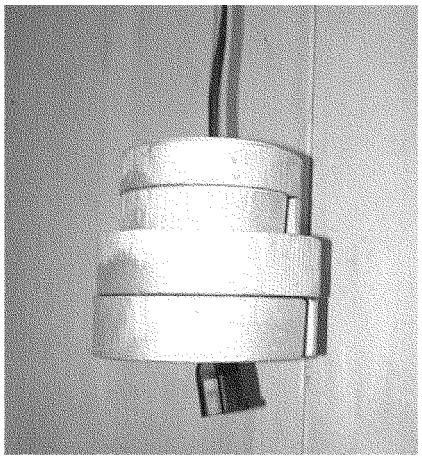
In CPSC staff's experience, extension cords that do not meet the minimum wire size requirement typically fail by using wiring that is substantially undersized for the product; staff has observed products that use wiring that is more than six wire sizes smaller than the minimum required.

The Commission determines preliminarily that minimum wire size, as required in section 2 of UL 817, is a readily observable characteristic of extension cords that can be observed visually by taking a simple measurement of the product's bare wires.

2. Sufficient Strain Relief

Section 84 of UL817 describes the strain relief test required for all extension cords. Section 84.2.1 specifies that cords with 18AWG or larger conductors must withstand a 30-pound pull force on the connection between the fitting and the cord. Section 84.2.2 of UL 817 specifies that a weight must be steadily suspended from the cord for 1 minute so that the cord is pulled directly from the fitting without the cord pulling loose or stretching from the plug/load fitting. In CPSC staff's experience, a lighting product with insufficient strain relief will typically

fail this test within a few seconds of suspending the applicable weight. CPSC engineering staff has found that equivalent results are accomplished by suspending a weight from the body of the fitting, as illustrated in Picture 3.



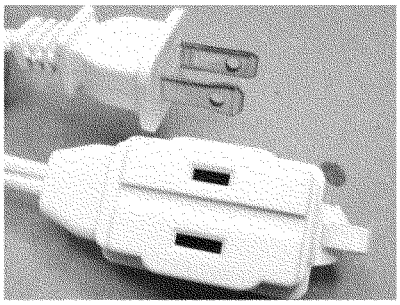
Picture 3: Strain Relief

The Commission determines preliminarily that sufficient strain relief, as required in section 84 of UL 817, is a readily observable characteristic of extension cords that can be observed based on whether an extension cords stretches or breaks when suspending a 30-lb. weight from the plug and load fittings.

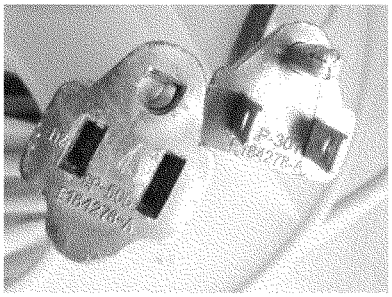
3. Proper Polarization

Section 19 of UL 817 requires that all two-wire extension cords must have polarized fittings. Sections 31 and 32 of UL 817 require that all two-conductor outdoor extension cords must have polarized fittings and that grounding fittings must be used on three-conductor cords. General UL construction specifications on fittings (Section 9.3 of UL 817) require that polarized outlets must reject improper or reversed insertion of polarized plugs to reduce the risk of shock.

Proper polarization is readily observable by visually inspecting the plug for a difference in the slot and blade widths or for the presence of a grounding pin and a matching outlet opening. Another visually observable method to determine compliance to UL 817 is to insert the plug of the extension cord (or any polarized two-blade plug) into the outlet on the opposite end of the cord using every possible orientation. The plug must fit into the outlet in only one orientation. Pictures 4a and 4b demonstrate two types of polarized plugs. The extension cord shown in picture 4a meets the polarization requirement by using the slot and blade width method, and the extension cord shown in picture 4b meets the requirement using slot and blade width, and a grounding pin.



Picture 4a. Indoor fittings—plug & outlet in a NEMA 1-15 configuration



Picture 4b. Outdoor fittings–plug & outlet in a NEMA 5-15 configuration

The Commission determines preliminarily that proper polarization, as required in sections 9, 19, 31, and 32 of UL 817, is a readily observable characteristic of extension cords that can be observed based on a visual inspection of the plug.

4. Proper Continuity

Section 16 of UL 817 requires that corresponding terminals of line (plug) and load (outlet) fittings must be connected to the same conductor of the cord. Section 105 of UL 817 prescribes testing requirements for all manufactured extension cords so that the conductors are connected to the intended terminals of the fittings, and that electrical continuity exists throughout the entire length of the conductor/contact assembly. The wires of an extension cord must form continuous paths from one end to the other so the cord can serve the function for which it is intended. Each wire in the cord also must be properly connected on each end so that, for example, the grounding pin of the plug on a three-wire cord is connected to the grounding socket on the outlet, and the energized blade on the plug is not wired to the non-energized receptacle on the outlet.

Continuity is readily observable by checking the plug and outlet connections using a simple battery-light continuity tester. A simple continuity tester can be purchased at hardware stores or from online retailers for $5 to

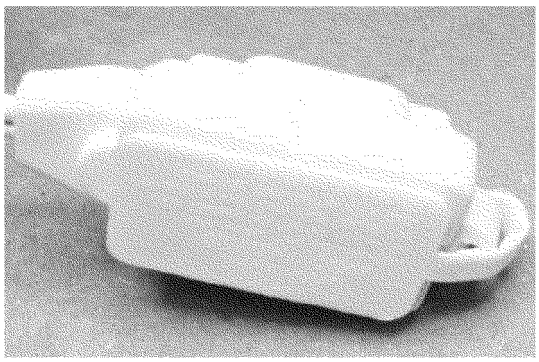
$7. For this procedure, insert one probe of the tester into a receptacle contact (slot or hole) of the extension cord and touch the other probe against each prong (blade or pin) of the extension cord plug. The tester light illuminates when the probes simultaneously touch the correct corresponding conductor terminals. An inexpensive portable ohmmeter or multimeter may also be used in a similar manner. The observation takes less than 1 minute. Picture 5 shows a battery light continuity tester with an extension cord.

Picture 5. Observation of Proper Continuity

The Commission determines preliminarily that proper continuity, as required in sections16 and 105 of UL 817, is a readily observable characteristic of extension cords that can be visually observed using a battery-light continuity tester.

5. Outlet Covers (Certain 2-Wire Indoor Extension Cords)

Section 26.7 of UL 817 requires that an indoor 2-wire parallel extension cord with polarized parallel-blade and -slot fittings that has more than one outlet must have covers for all the additional outlets, as illustrated in Picture 6. Outlet covers are readily observable by visually verifying that all but one outlet has an outlet cover.



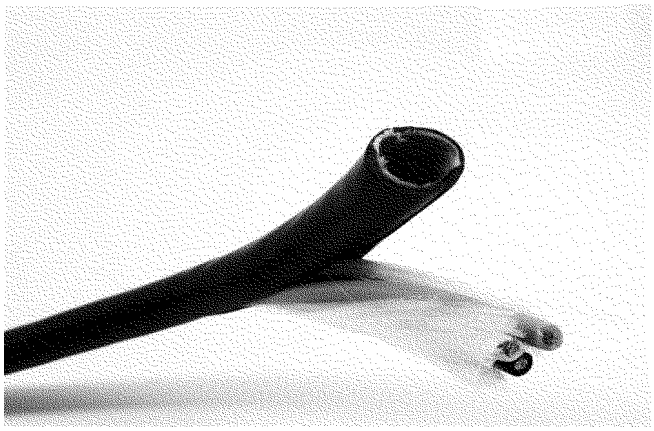
Picture 6. Outlet cover on unused outlets

The Commission determines preliminarily that outlet covers on indoor 2-wire parallel extension cords with polarized parallel-blade and -slot fittings, as required in section 26 of UL 817, are a readily observable characteristic of indoor extension cords by visual inspection for the presence of the covers.

6. Jacketed Insulated Cords (Outdoor Extension Cords)

Section 30 of UL 817 requires that extension cords for outdoor use be manufactured using jacketed insulated flexible cord, that is, a cord consisting of two or three insulated wires covered by an additional jacket of insulation.

The required jacket is readily observable through visual observation of the thicker insulation on the cord. The jacket also is observable after cutting the cord. An outer insulator around the individual conductors is easily observed. Picture 7 depicts an example of a jacketed outdoor extension cord.



Picture 7. Jacketed outdoor extension cord

The Commission determines preliminarily that jacketed insulated cords on outdoor extension cords, as required in section 30 of UL 817, are a readily observable characteristic of outdoor extension cords by visual inspection.

B. Conformance to UL 817 Has Been Effective in Reducing the Risk of Injury

The Commission determines preliminarily that conformance to sections 2, 9, 16, 19, 20, 21, 26, 30, 31, 32, 84, and 105 of UL 817, as summarized in Table 2 in section I.B.2 of this preamble, has been effective in reducing the risk of injury from shock and fire associated with extension cords. Additionally, the CPSC's incident data suggest that conformance to UL 817 has contributed to a decline in the risk of injury associated with extension cords. *See* Tab E of Staff's Briefing Package, Extension Cords: Fire or Shock Incidents from 1980 to 2013.

Table 3 in section I.B.4 of this preamble lists the reported deaths associated with extension cords from 1980 to 2013.[4] The 34-year period is broken up into four 7-year periods and a 6-year period. Although reporting may not be complete for the most recent period because sometimes CPSC receives reports of incidents years after the incidents have occurred, Table 3 demonstrates that the average numbers of fatal incidents, deaths, and nonfatal incidents have declined since 1980.

Figure 1 presents a 3-year moving average for reported deaths due to extension cords, by year, for the period 1980–2013,[5] for data from the Potential Injury Database (IPII), and the Death Certificate Database (DTHS). Figure 1 shows that the reported number of deaths has declined since as early as 1993, and continued on a downward trend to 2013. This decrease may be due to various factors, such as changes to UL 817, home building codes, and fire-prevention strategies. The reduced number of reported deaths may be partially attributed to the construction and performance requirements in the current UL 817 standard.

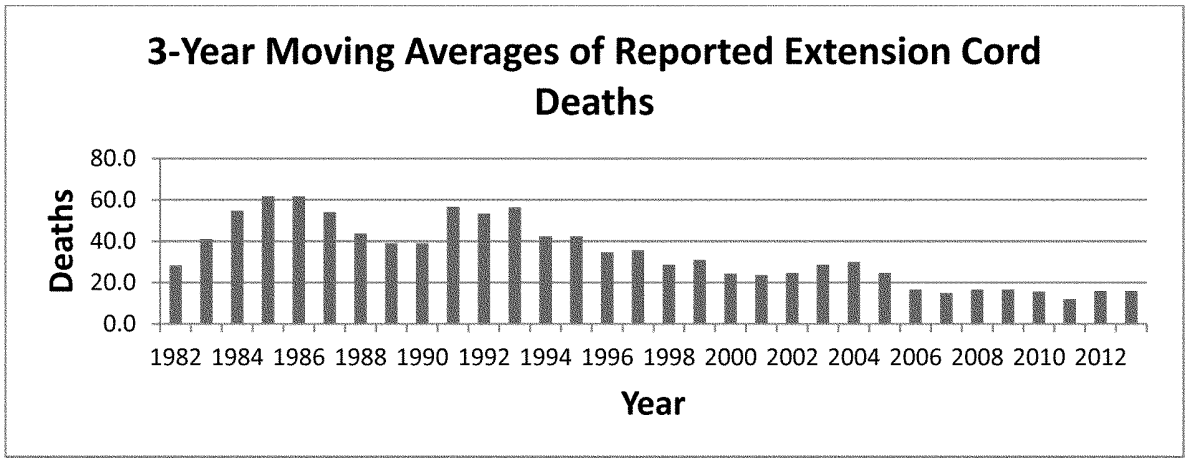


Figure 1. Three-Year Moving Averages of Reported Extension Cord Product Deaths from 1980 to 2013

Figure 2 presents a 3-year moving average for nonfatal incidents due to extension cord products, by year, for the period 1980–2013, for data from IPII. Figure 2 also demonstrates an overall downward trend during this period, with the exceptions of yearly fluctuations. The decrease can be attributed to several factors, including:

[4] The numbers are given as annual averages instead of totals because the periods are not divided equally.

[5] A lag exists between when an incident occurs and when it appears in the data. The most recent years may be incomplete. For the IPII extension cord data, 99 percent of the nonfatal incidents have a lag time of less than 1 year. For the fatal IPII incidents, 96 percent of the data have a lag time of less than 1 year. For DTHS, as of December 31, 2014, the database is 76 percent complete for 2013, 97 percent complete for 2012, 98 percent complete for 2011, and 99 percent complete for 2009 and 2010.

Changes to UL 817, enhanced home building code requirements, and fire prevention strategies. The construction and performance requirements in the current UL 817 standard for extension cord products have made the products safer than products manufactured without these construction and performance requirements. As discussed above, the identified characteristics increase the safety of extension cords.

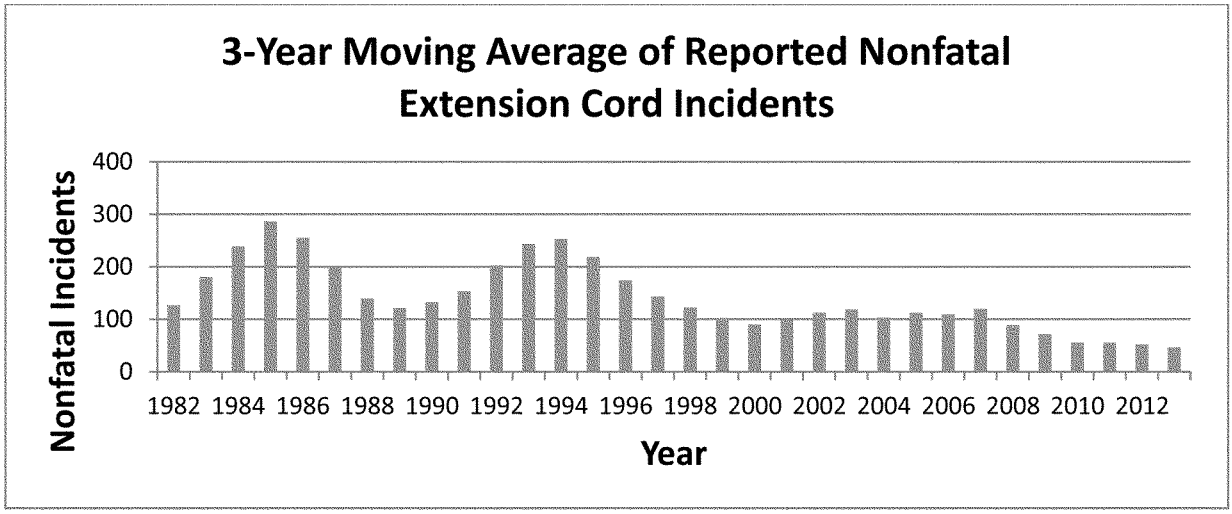


Figure 2. Three-Year Moving Averages of Reported Extension Cord Product Nonfatal Incidents from 1980 to 2013

C. Extension Cords Substantially Comply With UL 817

The CPSA does not define ''substantial compliance'' with a voluntary standard. Legislative history of the CPSA regarding a finding of ''substantial compliance'' in the context of issuing a consumer product safety standard indicates that substantial compliance should be measured by considering the number of complying products rather than the number of manufacturers of products that comply with a standard. H.R. Rep. No. 208, 97th Cong., 1st Sess. 871 (1981). This same legislative history indicates further that substantial compliance may be found when an unreasonable risk of injury associated with a product will be eliminated or adequately reduced ''in a timely fashion.'' *Id.* The Commission has not articulated a bright line rule for substantial compliance. Rather, in the rulemaking context, the Commission has stated that the determination of substantial compliance should be made on a case-by-case basis.

The Commission determines preliminarily that compliance with UL 817 is ''substantial'' as that term is used in section 15(j) of the CPSA. This determination is based on CPSC staff's review of market information and compliance activity. Staff estimates that the current level of voluntary conformance to UL's standard for extension cords, UL 817, is very high among units sold to consumers in the United States, likely in excess of 90 percent. *See* Tab F of Staff's Briefing Package, Extension Cords: Information about the Product and Level of Conformance to UL Voluntary Standard.

1. Market Data

Limited information is available about the market for extension cords and about producers and sellers. A substantial majority of products that would be subject to the proposed rule appear to be imported, primarily from the People's Republic of China. Other exporting nations named in International Trade Commission (ITC) reports include Mexico, Germany, the Republic of China (Taiwan), and Canada. Some cord sets are produced domestically, and some of these are household products subject to UL 817; however, most domestically produced items appear to be intended for industrial or other commercial use. Based on contacts with industry representatives and a review of online listings, CPSC staff has identified only four domestic producers of extension cords that would be subject to the proposed rule.

Imports of extension cords are enumerated under the ITC's Harmonized Tariff System of the United States (HTS) code 8544.42.9000, ''insulated electric conductors, for a voltage not exceeding 1,000 volts, fitted with connectors, not elsewhere specified or included.'' This category includes a wide variety of communication and energy transmission cables, components, and related products; data for extension cords are not reported separately. The HTS grouping is analogous to the North American Industry Classification System (NAICS) code 335999 for domestically produced miscellaneous electrical equipment and components; this NAICS code includes 40 distinct product subcategories, including many that are industrial or commercial products. The ITC reported that in 2013 the declared value of imports under this HTS code was about $2.8 billion, comprising about 775,000 entry lines (*i.e.,* individual shipments) by nearly 11,000 importers (including brokers and shipping companies that file bills of lading). Monthly ITC reports indicate that the category will increase by about 6 percent in 2014, to approximately $3.0 billion in import value. Although no breakdowns of these published aggregate statistics are available, the large number of products involved suggests that only a small proportion of the volume and value of shipments under this HTS code likely are comprised of products that would be subject to the proposed rule.

The ITC tariff database shows that the largest number of import shipments in 2013 originated from China. An online wholesale directory, GlobalSources.com, identified 77 suppliers (including trading companies) in China, Hong Kong, or Taiwan that export extension cords to the United States. Another product directory, Made-in-China.com, identified 798

Chinese suppliers of extension cords and other flexible cords. About 10 to 15 members of the National Electrical Manufacturers Association (NEMA) produce or import extension cords, almost all from China. NEMA reports that all of its members market only UL-conforming products.

Given the large number of firms involved in trade for the wide variety of products in the category, a small minority of such firms likely imports extension cords subject to UL 817; however, even if only 10 percent were subject to the proposed rule, the number of firms would still be substantial at more than 1,000. Some importers market products only to wholesalers and retailers; other importers are also retailers that market directly to consumers, either online or through physical stores. CPSC staff has identified about 20 leading importers, most of which appear to be large, multinational firms; however, a great majority of the importers of extension cords likely are small businesses.

Some of the leading importers market multiple brands of extension cords that would be covered by the proposed rule. Roughly 20 to 25 national brands (including those of several major retailers) are dominant in the consumer market. Some of the lowest-priced products are unbranded.

2. Usage and Pricing

According to the U.S. Census Bureau, from 2009 to 2013, there was an average of roughly 115 million U.S. households. Extension cords are ubiquitous; a substantial majority of households likely owns at least one cord set. Although no published estimates of usage are available, the number of extension cord-owning households may exceed 100 million. Furthermore, in view of the large number of electrical items found in homes, many households likely have multiple cord sets for indoor and outdoor use.

Extension cords are generally low import value items. Based on the range of observed retail prices, most items probably have an import value (before distribution chain mark-ups) in the range of $1.00 to $10.00 per unit. Observed retail prices of extension cords range from a few dollars (for the least expensive indoor cord sets) to more than $100 (for the largest outdoor cord sets). CPSC staff observed that typical per-unit retail pricing is roughly $5.00 to $10.00 for indoor cord sets, and $15 to $30 for outdoor cord sets. Extension cords represent a minor expenditure for most households.

Information on the numbers of indoor versus outdoor extension cords in use, and on the relative market share of each type, is not available. The indoor cord set dollar value market share is undoubtedly much smaller than the unit share because indoor cord sets, on average, are much lower in price than outdoor cord models.

3. Estimated Voluntary Conformance

Recent data on extension cord recalls and import stoppages [6] over the past decade show that relatively few of these products have been affected by enforcement actions. Fewer recalls occurred since 2004 (6 recalls involving 6 importers and 775,000 units) compared to the previous decade (23 recalls involving 22 importers and 2.5 million units); this is generally consistent with the observed decline in reported fire and shock incidents since the late 1980s. The 54 reported import shipment stoppages since 2004 involved 23 importers but only about 160,000 units. Assuming that the Compliance data present a reasonably accurate view of nonconformance, the 29 importers and roughly 1 million products that were either involved in recalls or otherwise identified as potentially violative over the entire last decade represent less than 3 percent of the possible 1,000 importers and an unknown but small percentage of all units sold.

Three testing organizations certify U.S. market extension cords as conforming to UL 817: UL; Intertek Co. (ETL); and CSA Group (CSA, formerly known as the Canadian Standards Association). All three companies perform tests in accordance with the UL standard and sell listing mark rights to manufacturers, importers, or private labelers. Although some products may be defective and fail to conform even though the products carry a listing or certification mark, such incidents appear to be rare. Of the enforcement actions over the past decade described above, only one of the recalls and two of the import stoppages involved extension cords from importers who claim to offer only UL-conforming goods. For purposes of CPSC staff's analysis, all products carrying the UL, ETL, or CSA mark are presumed to be in conformance with UL 817. Leading major retailers appear to offer only UL-listed or similarly certified electrical products. Retailers' specifications may encourage many suppliers to offer only UL-conforming cord sets. Staff's review of retail store offerings and online catalogs and directories revealed two sellers of unlisted extension cords.

[6] Staff Briefing Package, Tab D, Extension Cords: Product Recalls and Import Stoppages.

Direct data on shipments of conforming versus nonconforming extension cords are not available; however, an approximation of likely UL 817 conformance can be made based on the following points:

- Staff's review of online catalogs and directories revealed 20 to 25 major national brands of extension cords; such products are likely to represent a majority of all units sold for household use. All of these major brands are advertised to be UL-, ETL-, or CSA-listed. CPSC staff has identified only two domestic producers of cord sets that may not conform to UL 817 and has not identified any importers or other domestic manufacturers of unlisted cord sets.
- Major retailers appear to offer only products that conform to the UL standard; these retailers and their online affiliates account for an unknown but large proportion of extension cord sales.
- Available CPSC data on recalls and import violations suggest a very low incidence of defects and nonconformance, in the range of a few percent. A low number of violations is an indicator that conformance to the UL standard is likely very high. CPSC staff estimates that more than 90 percent of extension cords sold to consumers conform.

III. Description of the Proposed Rule

The proposed rule would add two new paragraphs in part 1120. Proposed § 1120.2(e) would define an ''extension cord,'' also known as a ''cord set,'' as a length of factory-assembled flexible cord with an attachment plug or current tap as a line fitting and with a cord connector as a load fitting. Extension cords are used for extending a branch circuit supply of an electrical outlet to the power-supply cord of a portable appliance, in accordance with the National Electrical Code.® As defined in the proposed rule, the term applies to extension cords that are equipped with National Electrical Manufacturer Association (NEMA) 1–15, 5–15 and 5–20 fittings, and that are intended for indoor use only, or for both indoor and outdoor use. The term ''extension cord'' does not include detachable power supply cords, appliance cords, power strips and taps, and adaptor cords supplied with outdoor tools and yard equipment.

This definition is adapted from descriptions of extension cords defined in section 1 of UL 817. We intend to include within the scope of the proposed rule, indoor and outdoor general-use extension cords that can be used with many different types of electrical appliances. All in-scope

products are covered by UL 817. Excluded from the definition are detachable power supply and appliance cords with non-NEMA fittings and adaptor cords supplied with outdoor tools and yard equipment because these are specific-purpose cords, rather than general-use cords. The products that would not be covered by proposed rule are not subject to UL 817, or they do not present the same risks of injury.

Proposed § 1120.3(d)(1) states that extension cords that lack the identified characteristics in accordance with the requirements specified in the relevant sections of UL 817 (sections 2, 9, 16, 19, 20, 21, 26, 30, 31, 32, 84, and 105) of UL 817 are deemed substantial product hazards under section 15(a)(2) of the CPSA:

(i) Minimum wire size requirements in sections 2, 20, 21, 30, and 31 of UL 817;

(ii) Sufficient strain relief requirements in sections 20, 30, and 84 of UL 817;

(iii) Proper polarization requirements in sections 9, 19, 20, 30, 31, and 32 of UL 817;

(iv) Proper continuity requirements in sections 16, 20, 30, and 105 of UL 817;

(v) Outlet cover requirement (for indoor 2-wire parallel extension cords with polarized parallel-blade and -slot fittings) in sections 20 and 26 of UL 817; or

(vi) Jacketed insulated cord requirement (for outdoor use extension cords) in section 30 of UL 817.

These characteristics and the UL 817 requirements are explained in more detail in sections I.B.2 (Table 2) and II.A of this preamble.

IV. Effect of the Proposed 15(j) Rule

Section 15(j) of the CPSA allows the Commission to issue a rule specifying that a consumer product or class of consumer products has characteristics whose presence or absence creates a substantial product hazard. Such a rule would not be a consumer product safety rule, and thus, would not trigger the statutory requirements of a consumer product safety rule. For example, a rule under section 15(j) of the CPSA does not trigger the testing or certification requirements under section 14(a) of the CPSA.

Although a rule issued under section 15(j) of the CPSA is not a consumer product safety rule, placing a consumer product on the substantial product hazard list in 16 CFR part 1120 would have certain ramifications. A product that is or has a substantial product hazard is subject to the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b). A manufacturer, importer, distributor, or retailer that fails to report a substantial product hazard to the Commission is subject to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069, and is possibly subject to criminal penalties under section 21 of the CPSA, 15 U.S.C. 2070.

A product that is or contains a substantial product hazard also is subject to corrective action under sections 15(c) and (d) of the CPSA, 15 U.S.C. 2064(c) and (d). Thus, if the Commission issues a final rule under section 15(j) for extension cords, the Commission could order the manufacturer, importer, distributor, or retailer of extension cords that do not contain one or more of the identified readily observable characteristics to offer to repair or replace the product or to refund the purchase price to the consumer.

A product that is offered for import into the United States and is or contains a substantial product hazard shall be refused admission into the United States under section 17(a) of the CPSA, 15 U.S.C. 2066(a). Additionally, CBP has the authority to seize certain products offered for import under the Tariff Act of 1930 (19 U.S.C. 1595a) (Tariff Act), and to assess civil penalties that CBP, by law, is authorized to impose. Section 1595a(c)(2)(A) of the Tariff Act states that CBP may seize merchandise, and such merchandise may be forfeited if: ''its importation or entry is subject to any restriction or prohibition which is imposed by law relating to health, safety, or conservation and the merchandise is not in compliance with the applicable rule, regulation, or statute.'' Thus, if the proposed rule is finalized, extension cords that violate the rule are subject to CBP seizure and forfeiture.

V. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (RFA) requires that proposed rules be reviewed for the potential economic impact on small entities, including small businesses. 5 U.S.C. 601–612. Section 603 of the RFA requires agencies to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA), describing the impact of the proposed rule on small entities and identifying impact-reducing alternatives. The requirement to prepare an IRFA does not apply if the agency certifies that the rulemaking will not have a significant economic impact on a substantial number of small entities. *Id.* 605. Because the Commission expects that the economic effect on all entities will be minimal, the Commission certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

Small Entities to Which the Proposed Rule Would Apply

ITC statistics indicate that about 11,000 companies are involved in import trade of products covered under an aggregate HTS code 8544.42.9000 that includes extension cords. The category includes imports of communications cables and many other electrical products and components and counts shipping companies, as well as product sellers. An unknown percentage of these 11,000 firms import items that would be within the scope of the proposed rule on extension cords. The proportion may be small; however, even if only 10 percent were subject to the proposed rule, the number of firms would still be substantial at more than 1,000. The latest available (2011) Census of Manufacturers data from the U.S. Department of Commerce indicate that there are about 400 domestic producers of miscellaneous electrical equipment, including flexible cord and cord sets (North American Industry Classification System (NAICS) code 335999). Based on contacts with industry representatives and a review of online listings, CPSC staff has identified only four firms that manufacture consumer-market extension cords in the United States. Three of these four companies appear to be small businesses.

CPSC staff has identified about 20 to 25 leading importers and one large U.S. manufacturer of extension cords. Some of the leading importers are large general merchandise or building material retailers with their own branded cord sets. Other firms among the top 20 to 25 importers are national brand owners who specialize in wire/cable and related electrical products; these firms are not as large as the major retailers, but would not be considered small under U.S. Small Business Administration (SBA) size standards. Most of the remaining firms are likely small businesses. The total number of small firms is unknown, but may be in the hundreds or even a thousand.

Manufacturers and importers of extension cords typically also market various kinds of electrical or other household products. CPSC staff has identified no companies that market only extension cords. Some smaller importers may not consistently market the same brands of cord sets or import from the same supply sources from year to year.

Potential Impact of the Proposed Rule

A proposed rule designating extension cords that do not conform to any one of the five specified provisions of UL 817 as a substantial product hazard will not likely have a significant impact on a substantial number of small businesses or other small entities. This conclusion is based on the following evidence:

• CPSC staff estimates that a very high percentage, probably in excess of 90 percent, of extension cords already conform to UL 817. CPSC staff's examination of products sold by physical and online retailers identified only two sellers of products that did not carry a certification mark or label from one of the three certifying organizations. Manufacturers, importers, distributors, and retailers that market only conforming products would not experience any impacts under the proposed rule. Thus, a substantial majority of firms, including small firms, would be unaffected by the proposed rule and would probably experience zero economic impact.

• To the extent that small importers may market nonconforming cord sets, such firms may market other flexible cord or related products as well. CPSC staff is aware of no firms whose revenues are dependent solely on extension cords. Small importers could either discontinue marketing nonconforming extension cords, or these importers could acquire conforming products. Conforming cord sets are readily available at similar prices, so small importers' incomes would not be significantly affected by the proposed rule, if the firms chose to acquire conforming products. Moreover, product lines should not be significantly curtailed if the firms ceased marketing extension cords altogether. It is unknown whether or how the two small, domestic manufacturers of cord sets that may not conform would be impacted by the proposed rule.

• The proposed rule reflects the existing practice of the CPSC's Office of Compliance and Field Operations to designate extension cords that use undersized wiring, have insufficient strain relief, or lack polarized plugs, electrical continuity, outlet covers, or cord jackets, as substantial product hazards. CPSC staff would continue to seek recalls or other enforcement actions for such products, regardless of the rule's existence.

VI. Environmental Considerations

Generally, the Commission's regulations are considered to have little or no potential for affecting the human environment, and environmental assessments and impact statements are not usually required. *See* 16 CFR 1021.5(a). The proposed rule to deem extension cords that do not contain one or more of the identified readily observable characteristics to be a substantial product hazard is not expected to have an adverse impact on the environment and is considered to fall within the ''categorical exclusion'' for the purposes of the National Environmental Policy Act. 16 CFR 1021.5(c).

VII. Paperwork Reduction Act

The proposed rule does not require anyone to create, maintain, or disclose information. Thus, no paperwork burden is associated with the proposed rule, and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) does not apply.

VIII. Preemption

The proposed rule under section 15(j) of the CPSA would not establish a consumer product safety rule. Accordingly, the preemption provisions in section 26(a) of the CPSA, 15 U.S.C. 2075(a), would not apply to this rule.

IX. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of a final rule. 5 U.S.C. 553(d). The Commission proposes that any extension cord that does not conform to the specified sections of UL 817 regarding minimum wire size, sufficient strain relief, proper polarization, proper continuity, outlet covers (indoor extension cords), and jacketed insulated cord (outdoor extension cords), be deemed a substantial product hazard effective 30 days after publication of a final rule in the **Federal Register**. After that date, all extension cords that are subject to, but do not comply with, UL 817 regarding the identified readily observable characteristics, will be deemed to be a substantial product hazard.

The Commission believes that a 30-day effective date is appropriate because substantial conformance exists and because there is longstanding knowledge among importers and manufacturers about the requirements in UL 817. The Office of Compliance sent a letter dated January 9, 2015, to manufacturers, importers, distributors, and retailers of extension cords, informing them that the Office of Compliance considers products that do not conform to UL 817, regarding minimum wire size, sufficient strain relief, proper polarization, proper continuity, covers for outlets (indoor use), and jacketed cords (outdoor), to be defective and present a substantial product hazard. Accordingly, relevant stakeholders are on notice of the requirements of UL 817. Moreover, importers likely will have ample time and opportunity to acquire conforming products, if necessary, from suppliers within normal business cycles before a final rule is promulgated. Based on the available information, the Commission concludes that a 30-day effective date would not likely result in significant impacts on industry or disrupt the supply of conforming products.

X. Incorporation by Reference

The Commission proposes to incorporate by reference certain provisions of UL 817. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. The OFR recently revised these regulations to require that, for a proposed rule, agencies must discuss in the preamble of the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons or how the agency worked to make the materials reasonably available. In addition, the preamble of the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section I.B.2. of this preamble summarizes the provisions of UL 817 that the Commission proposes to incorporate by reference. Interested persons may purchase a copy of UL 817 from UL, Inc. at 333 Pfingsten Road, Northbrook, IL 60062. The standard is also available for purchase from UL's Web site at *http://ulstandards.ul.com/access-standards/*. One may also inspect a copy at CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

XI. Request for Comments

The Commission invites interested persons to submit their comments to the Commission on any aspect of the proposed rule. Comments should be submitted as provided in the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects in 16 CFR Part 1120

Administrative practice and procedure, Clothing, Consumer protection, Cord sets, Extension cords, Household appliances, Lighting, Infants and children, Imports, Incorporation by reference.

For the reasons stated above, and under the authority of 15 U.S.C. 2064(j), 5 U.S.C. 553, and section 3 of Public Law 110–314, 122 Stat. 3016 (August 14, 2008), the Consumer Product Safety Commission proposes to amend 16 CFR part 1120 as follows:

PART 1120—SUBSTANTIAL PRODUCT HAZARD LIST

■ 1. The authority citation for part 1120 continues to read as follows:

Authority: 15 U.S.C. 2064(j).

■ 2. In § 1120.2, add paragraph (e) to read as follows:

§ 1120.2 Definitions.

* * * * *

(e) *Extension cord (also known as a cord set)* means a length of factory-assembled flexible cord with an attachment plug or current tap as a line fitting and with a cord connector as a load fitting. Extension cords are used for extending a branch circuit supply of an electrical outlet to the power-supply cord of a portable appliance, in accordance with the National Electrical Code.® For purposes of this rule, the term applies to extension cords that are equipped with National Electrical Manufacturer Association (NEMA) 1–15, 5–15 and 5–20 fittings, and that are intended for indoor use only, or for both indoor and outdoor use. The term ''extension cord'' does not include detachable power supply cords, appliance cords, power strips and taps, and adaptor cords supplied with outdoor tools and yard equipment.

■ 3. In § 1120.3, add paragraph (d) to read as follows:

§ 1120.3 Products deemed to be substantial product hazards.

* * * * *

(d)(1) Extension cords that lack one or more of the following specified characteristics in conformance with requirements in sections 2, 9, 16, 19, 20, 21, 26, 30, 31, 32, 84, and 105 of Underwriters Laboratories (UL) *Standard for Cord Sets and Power-Supply Cords,* UL 817, 11th Edition, dated March 16, 2001, revised February 3, 2014 (UL 817):

(i) Minimum wire size requirement in sections 2, 20, 21, 30, and 31 of UL 817;

(ii) Sufficient strain relief requirement in sections 20, 30, and 84 of UL 817;

(iii) Proper polarization requirement in sections 9, 19, 20, 30, 31, and 32 of UL 817;

(iv) Proper continuity requirement in sections 16, 20, 30, and 105 of UL 817;

(v) Outlet cover requirement (for indoor 2-wire parallel extension cords with polarized parallel-blade and -slot fittings) in sections 20 and 26 of UL 817; or

(vi) Jacketed insulated cord requirement (for outdoor use extension cords) in section 30 of UL 817.

(2) The Director of the Federal Register approves the incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from UL, Inc., 333 Pfingsten Road, Northbrook, IL 60062. You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Alberta E. Mills,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–02021 Filed 2–2–15; 8:45 am]

BILLING CODE 6355–01–P

FEDERAL TRADE COMMISSION

16 CFR Chapter I

Regulatory Review Schedule

AGENCY: Federal Trade Commission.

ACTION: Notice of intent to request public comments.

SUMMARY: As part of its ongoing, systematic review of all Federal Trade Commission rules and guides, the Commission announces a modified ten-year regulatory review schedule. No Commission determination on the need for, or the substance of, the rules and guides listed below should be inferred from the notice of intent to publish requests for comments.

DATES: February 3, 2015.

FOR FURTHER INFORMATION CONTACT: Further details about particular rules or guides may be obtained from the contact person listed below for the rule or guide.

SUPPLEMENTARY INFORMATION: To ensure that its rules and industry guides remain relevant and are not unduly burdensome, the Commission reviews them on a ten-year schedule. Each year the Commission publishes its review schedule, with adjustments made in response to public input, changes in the marketplace, and resource demands.

When the Commission reviews a rule or guide, it publishes a document in the **Federal Register** seeking public comment on the continuing need for the rule or guide as well as the rule's or guide's costs and benefits to consumers and businesses. Based on this feedback, the Commission may modify or repeal the rule or guide to address public concerns or changed conditions, or to reduce undue regulatory burden.

The Commission posts information about its review schedule on its Web site, at *http://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings,* to facilitate comment about rules and guides. This Web site provides links in one location to **Federal Register** documents requesting comments, and comments for rules and guides that are currently under review. The Web site also contains an updated review schedule, a list of rules and guides previously eliminated in the regulatory review process, and the Commission's regulatory review plan.

Modified Ten-Year Schedule for Review of FTC Rules and Guides

For 2015, the Commission intends to initiate reviews of, and solicit public comments on, the following rules:

(1) Contact Lens Rule, 16 CFR part 315. Agency Contact: Alysa Bernstein, (202)–326–3289, Federal Trade Commission, Bureau of Consumer Protection, Division of Advertising Practices, 600 Pennsylvania Ave. NW., Washington, DC 20580.

(2) Preservation of Consumers' Claims and Defenses [Holder in Due Course Rule], 16 CFR part 433. Agency Contact: Heather Allen, (202)–326–2038, Federal Trade Commission, Bureau of Consumer Protection, Division of Financial Practices, 600 Pennsylvania Ave. NW., Washington, DC 20580.

(3) Ophthalmic Practice Rules (Eyeglass Rule), 16 CFR part 456. Agency Contact: Alysa Bernstein, (202)–326–3289, Federal Trade Commission, Bureau of Consumer Protection, Division of Advertising Practices, 600 Pennsylvania Ave. NW., Washington, DC 20580.

The Commission is currently reviewing 18 of the 65 rules and guides within its jurisdiction. The Commission is postponing review of the following matters previously scheduled for review in 2014 and 2015 until 2016: Standards for Safeguarding Customer Information, 16 CFR part 314; and the CAN–SPAM Rule, 16 CFR part 316.

A copy of the Commission's modified regulatory review schedule for 2015 through 2025 is appended. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external factors (such as changes in the law) or other considerations.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary.

Appendix

REGULATORY REVIEW MODIFIED TEN-YEAR SCHEDULE

16 CFR part	Topic	Year to review.
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	Currently Under Review.
239	Guides for the Advertising of Warranties and Guarantees	Currently Under Review.
259	Guide Concerning Fuel Economy Advertising for New Automobiles	Currently Under Review.
304	Rules and Regulations under the Hobby Protection Act	Currently Under Review.
305	Energy Labeling Rule	Currently Under Review.
306	Automotive Fuel Ratings, Certification and Posting	Currently Under Review.
308	Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992 [Pay Per Call Rule].	Currently Under Review.
310	Telemarketing Sales Rule	Currently Under Review.
423	Care Labeling of Textile Wearing Apparel and Certain Piece Goods	Currently Under Review.
455	Used Motor Vehicle Trade Regulation Rule	Currently Under Review.
500	Regulations under Section 4 of the Fair Packaging and Labeling Act	Currently Under Review.
501	Exemptions from Requirements and Prohibitions under Part 500	Currently Under Review.
502	Regulations under Section 5(c) of the Fair Packaging and Labeling Act	Currently Under Review.
503	Statements of General Policy or Interpretation [under the Fair Packaging and Labeling Act]	Currently Under Review.
700	Interpretations of Magnuson-Moss Warranty Act	Currently Under Review.
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	Currently Under Review.
702	Pre-Sale Availability of Written Warranty Terms	Currently Under Review.
703	Informal Dispute Settlement Procedures	Currently Under Review.
315	Contact Lens Rule	2015.
433	Preservation of Consumers' Claims and Defenses [Holder in Due Course Rule]	2015.
456	Ophthalmic Practice Rules (Eyeglass Rule)	2015.
314	Standards for Safeguarding Customer Information	2016.
316	CAN–SPAM Rule	2016.
460	Labeling and Advertising of Home Insulation	2016.
682	Disposal of Consumer Report Information and Records	2016.
233	Guides Against Deceptive Pricing	2017.
238	Guides Against Bait Advertising	2017.
251	Guide Concerning Use of the Word "Free" and Similar Representations	2017.
410	Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets	2017.
18	Guides for the Nursery Industry	2018.
311	Test Procedures and Labeling Standards for Recycled Oil	2018.
436	Disclosure Requirements and Prohibitions Concerning Franchising	2018.
681	Identity Theft [Red Flag] Rules	2018.
24	Guides for Select Leather and Imitation Leather Products	2019.
453	Funeral Industry Practices	2019.
14	Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements	2020.
255	Guides Concerning Use of Endorsements and Testimonials in Advertising	2020.
313	Privacy of Consumer Financial Information	2020.
317	Prohibition of Energy Market Manipulation Rule	2020.
318	Health Breach Notification Rule	2020.
432	Power Output Claims for Amplifiers Utilized in Home Entertainment Products	2020.
444	Credit Practices	2020.
640	Duties of Creditors Regarding Risk-Based Pricing	2020.
641	Duties of Users of Consumer Reports Regarding Address Discrepancies	2020.
642	Prescreen Opt-Out Notice	2020.
660	Duties of Furnishers of Information to Consumer Reporting Agencies	2020.
680	Affiliate Marketing	2020.
698	Model Forms and Disclosures	2020.
801	[Hart-Scott-Rodino Antitrust Improvements Act] Coverage Rules	2020.
802	[Hart-Scott-Rodino Antitrust Improvements Act] Exemption Rules	2020.
803	[Hart-Scott-Rodino Antitrust Improvements Act] Transmittal Rules	2020.
437	Disclosure Requirements and Prohibitions Concerning Business Opportunities	2021.
260	Guides for the Use of Environmental Marketing Claims	2022.
312	Children's Online Privacy Protection Rule	2022.
254	Guides for Private Vocational and Distance Education Schools	2023.
309	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	2023.
429	Rule Concerning Cooling-Off Period for Sales Made at Homes or at Certain Other Locations	2023.
20	Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry	2024.
240	Guides for Advertising Allowances and Other Merchandising Payments and Services [Fred Meyer Guides].	2024.
300	Rules and Regulations under the Wool Products Labeling Act of 1939	2024.
301	Rules and Regulations under Fur Products Labeling Act	2024.
303	Rules and Regulations under the Textile Fiber Products Identification Act	2024.

REGULATORY REVIEW MODIFIED TEN-YEAR SCHEDULE—Continued

16 CFR part	Topic	Year to review.
425	Use of Prenotification Negative Option Plans	2024.
435	Mail or Telephone Order Merchandise	2024.
424	Retail Food Store Advertising and Marketing Practices [Unavailability Rule]	2024.

[FR Doc. 2015–01966 Filed 2–2–15; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF LABOR

5 CFR Chapter XLII

20 CFR Chapters IV, V, VI, VII, and IX

29 CFR Subtitle A and Chapters II, IV, V, XVII, and XXV

30 CFR Chapter I

41 CFR Chapters 50, 60, and 61

48 CFR Chapter 29

Retrospective Review and Regulatory Flexibility

AGENCY: Office of the Secretary, Labor.

ACTION: Request for information.

SUMMARY: In response to the President's Executive Order 13563 on improving regulation and regulatory review, and Executive Order 13610 on identifying and reducing regulatory burden, the Department of Labor (DOL or the Department) is continuing to review its existing significant regulations that impose large, ongoing burdens on the public. The purpose of this document is to invite public comment on how the Department can improve any of its significant regulations by modernizing, modifying, redesigning, streamlining, expanding, or repealing them.

DATES: Comments must be received on or before February 25, 2015.

ADDRESSES: You may submit comments through the Department's Regulations Portal at *http://www.dol.gov/regulations/regreview/.*

All comments will be available for public inspection at *http://www.dol.gov/regulations/regreview/.*

FOR FURTHER INFORMATION CONTACT: Pamela Peters, Program Analyst, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210, *peters.pamela@dol.gov,* (202) 693–5959 (this is not a toll-free number). Individuals with hearing impairments may call 1–800–877–8339 (TTY/TDD).

SUPPLEMENTARY INFORMATION: On January 18, 2011, President Obama issued Executive Order 13563, ''Improving Regulation and Regulatory Review.'' The Order explains the Administration's goal of creating a regulatory system that protects ''public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation'' while using ''the best, most innovative, and least burdensome tools to achieve regulatory ends.'' The Executive Order required agencies to develop and submit a preliminary plan within 120 days from the January 18 issuance date that explained how each agency reviewed existing significant regulations to identify whether any regulations may be made more effective or less burdensome.

On March 21, 2011, the Department published a Request for Information (RFI) in the **Federal Register** seeking public input to inform development of its Preliminary Plan and providing an opportunity for the public to identify potential regulations. The Department published its Preliminary Plan for Retrospective Analysis of Existing Rules on May 20, 2011.[1]

The Department launched a second interactive Web site on June 2, 2011 and requested public input on certain aspects of the Preliminary Plan.

After receipt and consideration of comments, the Department issued its Plan for Retrospective Analysis of Existing Rules in August 2011.

On May 12, 2012, President Obama issued Executive Order 13610, ''Identifying and Reducing Regulatory Burdens.'' This Order explained that ''it is particularly important for agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances, including the rise of new technologies.'' Since August 2011, the Department has issued six updates to its August 2011 Plan.

[1] *http://www.whitehouse.gov/files/documents/2011-regulatory-action-plans/DepartmentofLaborPreliminaryRegulatoryReformPlan.pdf.*

Request for Comments

The Department recognizes the importance of conducting retrospective review of regulations and is once again seeking public comment on how the Department can increase the effectiveness of its significant regulations while minimizing the burden on regulated entities. The Department recognizes that the regulated community, academia, and the public at large have an understanding of its programs and their implementing regulations, and therefore is requesting public comment on how the Department can prepare workers for better jobs, improve workplace safety and health, promote fair and high-quality work environments, and secure a wide range of benefits for employees and those who are seeking work, all in ways that are more effective and least burdensome.

This request for public input will inform development of the Department's future plans to review its existing significant regulations. To facilitate receipt of the information, the Department has created an Internet portal specifically designed to capture your input and suggestions, *http://www.dol.gov/regulations/regreview/.* The portal contains a series of questions to gather information on how DOL can best meet the requirements of the Executive Order. The portal will be open to receive comments from January 28, 2015 through February 25, 2015.

Questions for the Public

- What regulations and reporting requirements should be considered for review, modification due to conflicts, inconsistencies, or duplication among the regulations or requirements of the Department's agencies or other federal agencies?
- What reporting requirements and information collections can be streamlined or reduced in frequency while achieving the same level of protections for workers, job-seekers, and retirees? Are there less costly methods, advances in technology, or innovative techniques that can be leveraged toward these purposes?
- What regulatory reforms may require short-term cost increases to the regulated entities while creating longer-

term savings, for example, through the adoption of new technologies? What information, data, or technical assistance do regulated entities need in order to better assess these opportunities?

- How should the Department capture information about changes in firm and market behavior in response to a regulation?
- What data or other indicators suggest that the estimated costs and benefits of an existing regulation should be reviewed? What other strategies exist for increasing the flexibility of regulations without limiting important protections?
- What information, data, or other technical assistance do stakeholders require in order to better assess the long-term impact of these reforms upon such protections?

The Department is especially interested in candidates for review for which there is evidence of rapid technological change in a sector that could influence the structure and need for the regulation, whether the chosen regulatory approach will impose large ongoing costs on regulated entities, whether the agency is regulating in an area of significant uncertainty that may be lowered with a future retrospective study, and other similar conditions.

The Department intends the questions on the portal to initiate public dialogue, and does not intend to restrict the issues that may be raised or addressed. The questions were developed with the intent to probe a range of areas, including tools that can be used to prioritize regulations for review; strategies that can be used to increase flexibility of regulations; and measures to ensure scientific integrity of data.

Please note that these questions do not pertain to DOL rulemakings currently open for public comment. To comment on an open rulemaking, please visit *regulations.gov* and submit comments by the deadline indicated in that rulemaking. Comments that pertain to rulemakings currently open for public comment will not be addressed by the Department in this venue, which focuses on retrospective review.

When addressing the questions in the portal, the Department requests that commenters identify with specificity the regulation or reporting requirement at issue, providing legal citation(s) where available. The Department also requests that submitters provide, in as much detail as possible, an explanation of why a regulation or reporting requirement should be modified, streamlined, expanded, or repealed, as well as specific suggestions of ways the Department can better achieve its regulatory objectives. Whenever possible, please provide empirical evidence and data to support your response.

The Department will consider public comments as we update our plan to review the Department's significant rules. The Department is issuing this request solely to seek useful information as we update our review plan. While responses to this request do not bind the Department to any further actions related to the response, all submissions will be made available to the public on *http://www.dol.gov/regulations/regreview/.*

Authority: E.O. 13653, 76 FR 3821, Jan. 21, 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

Dated: January 28, 2015.

Christopher P. Lu,

Deputy Secretary.

[FR Doc. 2015–01916 Filed 2–2–15; 8:45 am]

BILLING CODE 4510–23–P

LEGAL SERVICES CORPORATION

45 CFR Part 1640

Application of Federal Law to LSC Recipients

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule updates the Legal Services Corporation (LSC or Corporation) regulation on the application of Federal law to LSC recipients. The FY 1996 appropriations act (incorporated in LSC's appropriations by reference annually thereafter) subjects LSC recipients to Federal law relating to the proper use of Federal funds. This proposed rule will provide recipients with notice of the applicable Federal laws each recipient must agree to be subject to under this rule, the consequences of a violation of an applicable Federal law, and where LSC will maintain the list of applicable laws.

DATES: Comments must be submitted by March 5, 2015.

ADDRESSES: Written comments must be submitted to Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 337–6519 (fax) or *lscrulemaking@lsc.gov.* Electronic submissions are preferred via email with attachments in Acrobat PDF format. Written comments sent to any other address or received after the end of the comment period may not be considered by LSC.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 295–1563 (phone), (202) 337–6519 (fax), or *lscrulemaking@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Section 504(a)(19) of LSC's FY 1996 appropriations act required LSC recipients to enter into a contract that subjected recipients to ''all provisions of Federal law relating to the proper use of Federal funds.'' Sec. 504(a)(19), Public Law 104–134, title V; 110 Stat. 1321. By its terms, a violation of Sec. 504(a)(19) renders any LSC grant or contract null and void. The provision has been incorporated by reference into each of LSC's annual appropriations act since. Accordingly, the preamble and text of this proposed rule continue to refer to the appropriate section number of the FY 1996 appropriations act.

The Corporation first issued 45 CFR part 1640 as an interim rule in 1996 to implement Sec. 504(a)(19). 61 FR 45760 (Aug. 29, 1996). The interim rule was put in place to provide immediate guidance to LSC recipients on legislation that was already in effect and carried significant penalties for noncompliance. *Id.* In the preamble to the interim rule, LSC announced that it was interpreting the statutory phrase ''all provisions of Federal law relating to the proper use of Federal funds'' to mean ''with respect to [a recipient's] LSC funds, all programs should be subject to Federal laws which address issues of waste, fraud and abuse of Federal funds.'' *Id.* LSC based its interpretation on legislative history that appeared to limit the applicable laws to those dealing with fraud, waste, and abuse of Federal funds.

In particular, LSC relied on two congressional documents to support its interpretation. First, the Corporation cited to the House Report for H.R. 2076, which was a prior effort to enact a provision similar to section 504(a)(19). The relevant language in that report stated:

> [S]ection 504(20) requires all programs receiving Federal funds to comply with Federal statutes and regulations governing *waste, fraud, and abuse of Federal funds.*

H. Rep. No. 104–196, 104th Cong., 1st Sess. 116 (July 1995) (emphasis added). Second, LSC cited section 5 of H.R. 1806, the Legal Services Reform Act of 1995, which was an unsuccessful attempt to revise the LSC Act. As an extension of his remarks introducing H.R. 1806, Rep. McCollum submitted a partial summary of the bill, including a discussion of section 5 entitled

''Application of waste, fraud, and abuse laws.'' 141 Cong. Rec. E1220–21 (daily ed. June 9, 1995). Section 5 itself was titled ''Protection Against Theft and Fraud,'' and expressly included provisions of Title 18 of the U.S. Code pertaining to criminal offenses involving the misuse of Federal funds, as well as provisions of the False Claims Act. H.R. 1806, 104th Cong., § 5 (1995).

LSC adopted the list of statutes in section 5, with one exception. Through negotiation with LSC's Office of Inspector General (OIG), LSC determined that two other criminal statutes should be included in the list. 61 FR 45760. These statutes prohibit bribery of public officials and witnesses and conspiracy to defraud the United States. *Id.* at 45761.

Minor changes to the interim rule, not affecting this list, were made before the final rule was published in 1997. 62 FR 19424–19427 (April 21, 1997). LSC has not revised Part 1640 since the publication of the final rule.

II. LSC's Consideration of the Applicable Federal Laws

Since the final rule was published, Congress has amended or passed other Federal laws relating to the proper use of Federal funds. In 2014, OIG raised concerns that the § 1640.2(a)(1) list of applicable Federal laws is now under-inclusive. As an example, OIG noted the omission of 18 U.S.C. 666, which prohibits theft or bribery concerning programs receiving Federal funds and is the basis for many of OIG's referrals to the Department of Justice for prosecution. Subsequently, LSC staff researched other Federal laws applicable to fraud, waste, and abuse of Federal funds. The search revealed at least two other Federal laws relating to the proper use of Federal funds currently missing from the § 1640.2(a)(1) list: 18 U.S.C. 285—Taking or using papers relating to claims, and 18 U.S.C. 1031—Major fraud against the United States.

In response to OIG's concern, LSC initially considered removing all statutory references from the regulation and instead drafting a definition of ''Federal law relating to the proper use of Federal funds'' to encompass all the applicable Federal laws without the need to specifically list the statutory references. LSC staff concluded that any possible definition would either narrow the scope of Section 504(a)(19) too much or allow for too broad of an interpretation of the provision. LSC subsequently based its options for revising Part 1640 on two considerations: whether the list of ''Federal law relating to the proper use of Federal funds'' should remain in Part 1640 or be moved to LSC's Web site, and whether the list should remain exhaustive or be made illustrative. LSC considered whether each option for amending the regulation appropriately balanced the desire for notice to recipients about the ''Federal law relating to the proper use of Federal funds'' covered by the rule with LSC's interest in expeditiously amending the list of such laws whenever Congress acts to add, repeal, or amend them.

First, the Corporation considered adding the missing statutes to the current § 1640.2(a)(1) list and revising the language to make it clear that the list of statutes is merely illustrative. LSC staff concluded that an illustrative list would not give recipients adequate notice about which laws may be included in this part. Second, LSC considered simply adding the three missing statutes to the current list in § 1640.2(a)(1) and retaining the list's exhaustive nature. LSC staff concluded that this option would not address OIG's concerns about the rule becoming over- or under-inclusive as laws governing the proper use of Federal funds are amended, added, or repealed. Nor would this option improve LSC's ability to update the list in a timely fashion. Finally, LSC considered removing all statutory references from the regulation and instead referring readers to the LSC Web site, where LSC would maintain an easily updated list of applicable statutes. LSC staff concluded that this option would allow LSC more flexibility to update and revise the list of laws in a timely manner. This option would also provide recipients with adequate notice of the applicable laws because LSC would provide a link to the list in the annual contractual agreement.

LSC proposes to adopt this last option using an exhaustive list of statutes. This approach would require a minor modification in the contractual agreement between the Corporation and its recipients, which currently directs recipients to the § 1640.2(a)(1) list. The Corporation refers to this contractual agreement as the ''LSC Grant Assurances,'' and requires recipients to consent to the agreement annually as a condition of receiving LSC funding. The Grant Assurances would be modified to direct recipients to the Corporation's Web site, where the list of applicable laws would be maintained.

As required by the LSC Rulemaking Protocol, LSC staff prepared an explanatory rulemaking options paper, accompanied by a proposed rule amending Part 1640. On January 22, 2015, the Committee voted to authorize LSC to initiate rulemaking and to recommend that the Board approve publishing the proposed rule. On January 24, 2015, the Board approved the proposed rule for publication in the **Federal Register** for notice and comment. A section by section analysis of the proposed rule is provided below.

III. Proposed List of Federal Laws Relating to the Proper Use of Federal Funds

LSC proposes to post the following list of applicable Federal laws relating to the proper use of Federal funds on the Corporation's Web site. The list would be subject to change as legislation changes. LSC seeks comment on both the proposal to remove the list from Part 1640 and the proposed list of statutes.

1. 18 U.S.C. 201 (Bribery of Public Officials and Witnesses);
2. 18 U.S.C. 285 (Taking or using papers relating to claims);
3. 18 U.S.C. 286 (Conspiracy to Defraud the Government With Respect to Claims);
4. 18 U.S.C. 287 (False, Fictitious or Fraudulent Claims);
5. 18 U.S.C. 371 (Conspiracy to Commit Offense or Defraud the United States);
6. 18 U.S.C. 641 (Public Money, Property or Records);
7. 18 U.S.C. 666 (Theft or bribery concerning programs receiving Federal funds);
8. 18 U.S.C. 1001 (Statements or Entries Generally);
9. 18 U.S.C. 1002 (Possession of False Papers to Defraud the United States);
10. 18 U.S.C. 1031 (Major fraud against the United States);
11. 18 U.S.C. 1516 (Obstruction of Federal Audit);
12. 31 U.S.C. 3729 (False Claims);
13. 31 U.S.C. 3730 (Civil Actions for False Claims), except that actions that are authorized by 31 U.S.C. 3730(b) to be brought by persons may not be brought against the Corporation, any recipient, subrecipient, grantee, or contractor of the Corporation, or its employees;
14. 31 U.S.C. 3731 (False Claims Procedure);
15. 31 U.S.C. 3732 (False Claims Jurisdiction); and
16. 31 U.S.C. 3733 (Civil Investigative Demands).

IV. Proposed Changes

1640.1 Purpose

LSC proposes to revise § 1640.1 to reflect the changes to § 1640.2.

1640.2 Applicable Federal laws

LSC proposes to delete existing § 1640.2(a)(1), redesignate § 1640.2(a)(2)

as § 1640.2(b), and redesignate existing § 1640.2(b)(1) and (2) as § 1640.4(a)(1) and (b)(1) respectively.

Proposed § 1640.2(a) states that the Corporation will maintain a public list of applicable Federal laws. The list will be maintained on the Corporation's Web site. The contract between the Corporation and the recipient, currently referred to as the LSC Grant Assurances, will be revised to provide recipients with a link to the list.

Removing the list of statutes from the text of the rule will allow the Corporation to modify the list as needed with approval of the Board, rather than requiring LSC to engage in rulemaking prior to making any necessary changes. This change will allow LSC to update the list more quickly in response to congressional actions adding, amending, or repealing ''Federal law relating to the proper use of Federal funds.'' Modification of the list with Board approval does not rule out notice and comment for any changes, but it also does not require notice and comment for any changes. LSC will provide recipients with notice any time the list is modified.

Proposed § 1640.2(b) renumbers and revises existing § 1640.2(a)(2) for clarity and readability. LSC made no substantive changes to this subsection.

Recipients are reminded that OIG has statutory responsibility to investigate the activities covered by the applicable Federal laws. Although the contractual agreement with the Corporation would apply only to LSC funds, recipients are further reminded that OIG investigates reports of possible theft or misuse of a recipient's non-LSC funds as well as its LSC funds and would report any theft or misuse that is found to the appropriate Federal or State authorities.

1640.3 Contractual Agreement

LSC proposes to revise existing § 1640.3 to reflect the removal of the list of Federal law relating to the proper use of Federal funds from § 1640.2. LSC also proposes minor editorial changes to the rule.

1640.4 Violation of Agreement

LSC proposes to redesignate existing § 1640.2(b)(1) and (2) as § 1640.4(a) and (c) respectively. The proposed move will group each definition in existing § 1640.2(b) with each definition's consequence for violating the agreement in existing § 1640.4. LSC made no substantive changes to this subsection, but has revised the text for clarity.

List of Subjects in 45 CFR Part 1640

Fraud; Grant programs—law; Legal services.

For the reasons set forth in the preamble, the Legal Services Corporation proposes to revise 45 CFR part 1640 to read as follows:

PART 1640—APPLICATION OF FEDERAL LAW TO LSC RECIPIENTS

Sec.
1640.1 Purpose
1640.2 Applicable Federal laws
1640.3 Contractual agreement
1640.4 Violation of agreement

Authority: 42 U.S.C. 2996g(e).

§ 1640.1 Purpose.

The purpose of this part is to ensure that recipients use their LSC funds in accordance with Federal law related to the proper use of Federal funds. This part also provides notice to recipients of the consequences of a violation of such Federal laws by a recipient, its employees or board members.

§ 1640.2 Applicable Federal laws.

(a) LSC will maintain a public list of applicable Federal laws relating to the proper use of Federal funds on its Web site and provide recipients with a link to the list in the contractual agreement. The list may be modified with the approval of the Corporation's Board of Directors. LSC will provide recipients with notice when the list is modified.

(b) For the purposes of this part and the laws referenced in paragraph (a) of this section, LSC is considered a Federal agency and a recipient's LSC funds are considered Federal funds provided by grant or contract.

§ 1640.3 Contractual agreement.

As a condition of receiving LSC funds, a recipient must enter into a written agreement with the Corporation that, with respect to its LSC funds, will subject the recipient to the applicable Federal laws relating to the proper use of Federal funds. The agreement must include a statement that all of the recipient's employees and board members have been informed of such Federal law and of the consequences of a violation of such law, both to the recipient and to themselves as individuals.

§ 1640.4 Violation of agreement.

(a) LSC will determine that a recipient has violated the agreement described in § 1640.3 when the recipient has been convicted of, or judgment has been entered against the recipient for, a violation of an applicable Federal law relating to the proper use of Federal funds with respect to its LSC grant or contract, by the court having jurisdiction of the matter, and any appeals of the conviction or judgment have been exhausted or the time for appeal has expired.

(b) A violation of the agreement by a recipient based on recipient conduct will result in the Corporation terminating the recipient's LSC grant or contract without need for a termination hearing. While an appeal of a conviction or judgment is pending, the Corporation may take any necessary steps to safeguard its funds.

(c) LSC will determine that the recipient has violated the agreement described in § 1640.3 when an employee or board member of the recipient has been convicted of, or judgment has been entered against the employee or board member for, a violation of an applicable Federal law relating to the proper use of Federal funds with respect to the recipient's grant or contract with LSC, by the court having jurisdiction of the matter, and any appeals of the conviction or judgment have been exhausted or the time for appeal has expired, and the Corporation finds that the recipient has knowingly or through gross negligence allowed the employee or board member to engage in such activities.

(d) A violation of the agreement by the recipient based on employee or board member conduct will result in the Corporation terminating the recipient's LSC grant or contract. Prior to termination, the Corporation will provide notice and an opportunity to be heard for the sole purpose of determining whether the recipient knowingly or through gross negligence allowed the employee or board member to engage in the activities leading to the conviction or judgment. While an appeal of a conviction or judgment or a hearing is pending, the Corporation may take any necessary steps to safeguard its funds.

Dated: January 28, 2015.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2015–01893 Filed 2–2–15; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R1–ES–2014–0025; 4500030113]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Island Marble Butterfly as an Endangered Species; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding; correction.

SUMMARY: We, the U.S. Fish and Wildlife Service, published a 90-day finding in the **Federal Register** on August 19, 2014, determining that a petition to list the island marble butterfly (*Euchloe ausonides insulanus*) as an endangered species under the Endangered Species Act of 1973, as amended, presented substantial information indicating listing may be warranted. We promptly initiated a status review and requested information on the species from any interested parties. We made an error in the requested deadline for information submission. With this document, we correct the error.

DATES: The requested deadline for information submission in the petition finding published on August 19, 2014 (79 FR 49045), is corrected in this document. To allow us adequate time to conduct the status review, we request that we receive information on or before April 6, 2015. After April 6, 2015, you must submit information by U.S. mail or hand-delivery to the U.S. Fish and Wildlife Service (see **ADDRESSES**, below). Please note that we might not be able to address or incorporate information that we receive after the above requested date.

ADDRESSES: You may submit information by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter docket number FWS–R1–ES–2014–0025. You may submit information by clicking on ''Comment Now!'' If your information will fit in the provided comment box, please use this feature of *http://www.regulations.gov,* as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) By U.S. mail or hand-delivery: Public Comments Processing, Attn: FWS–R1–ES–2014–0025; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We request that you send information only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us.

FOR FURTHER INFORMATION CONTACT: Eric Rickerson, Washington Fish and Wildlife Office, 510 Desmond Drive, Lacey, WA 98503; telephone 360–753–9440; facsimile 360–534–9331. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION: We published a 90-day finding in the **Federal Register** on August 19, 2014 (79 FR 49045), on a petition to list the island marble butterfly (*Euchloe ausonides insulanus*) as an endangered species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). When we make such a finding that a petition presents substantial information indicating that listing a species may be warranted, we are required to promptly review the status of the species (status review; also commonly referred to as a ''12-month finding''). For the status review to be complete and based on the best available scientific and commercial data, we requested information on the island marble butterfly from governmental agencies, Native American tribes, the scientific community, industry, and any other interested parties. However, in the 90-day finding, we incorrectly stated the requested deadline for information submission was December 31, 2016. The correct date by which we request that the public submit information is listed above in the **DATES** section of this document. Please see the August 19, 2014 (79 FR 49045), publication for details on the items for which we request information.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 27, 2015.

James W. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2015–02063 Filed 2–2–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 141219999–5053–01]

RIN 0648–BE66

Pacific Halibut Fisheries; Catch Sharing Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to approve changes to the Pacific Halibut Catch Sharing Plan (Plan) for the International Pacific Halibut Commission's (IPHC or Commission) regulatory Area 2A off Washington, Oregon, and California (Area 2A). In addition, NMFS proposes to implement the portions of the Plan and management measures that are not implemented through the IPHC. These measures include the sport fishery allocations and management measures for Area 2A. These actions are intended to conserve Pacific halibut, provide angler opportunity where available, and minimize bycatch of overfished groundfish species.

DATES: Comments on the proposed changes to the Plan and on the proposed domestic Area 2A halibut management measures must be received by March 5, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0159, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0159,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments
- *Mail:* Submit written comments to William Stelle, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.),

confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Sarah Williams, phone: 206–526–4646, fax: 206–526–6736, or email: *sarah.williams@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the **Federal Register** Web site at *http://www.access.gpo.gov/su_docs/aces/aces140.html.* Background information and documents are available at the NMFS West Coast Region Web site at *http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html* and at the Council's Web site at *http://www.pcouncil.org.*

Background

The Northern Pacific Halibut Act (Halibut Act) of 1982, 16 U.S.C. 773–773K, gives the Secretary of Commerce (Secretary) general responsibility for implementing the provisions of the Halibut Convention between the United States and Canada (Halibut Convention) (16 U.S.C. 773c). It requires the Secretary to adopt regulations as may be necessary to carry out the purposes and objectives of the Halibut Convention and the Halibut Act. Section 773c of the Halibut Act also authorizes the regional fishery management councils to develop regulations in addition to, but not in conflict with, regulations of the IPHC to govern the Pacific halibut catch in their corresponding U.S. Convention waters.

Each year between 1988 and 1995, the Pacific Fishery Management Council (Council) developed and NMFS implemented a catch sharing plan in accordance with the Halibut Act to allocate the total allowable catch (TAC) of Pacific halibut between treaty Indian and non-Indian harvesters and among non-Indian commercial and sport fisheries in Area 2A. In 1995, NMFS implemented the Pacific Council-recommended long-term Plan (60 FR 14651, March 20, 1995). Every year since then, minor revisions to the Plan have been made to adjust for the changing needs of the fisheries.

For 2015, the Council recommended changes to the non-Indian fishery allocations to increase the California sport allocation. The 2015 Plan recommended by the Council and proposed to be approved by NMFS, allocates 35 percent of the Area 2A Pacific halibut TAC to Washington treaty Indian tribes in Subarea 2A–1, and 65 percent of the Area 2A TAC to non-tribal fisheries. The non-tribal allocation is divided into four separate allocations, which are proposed to be modified for 2015 by reducing the Washington and Oregon sport and commercial allocations each by one percent and increasing the California sport allocation by 3 percent. The shares are proposed to be as follows: The Washington sport fishery (north of the Columbia River) receives 35.6 percent, the Oregon sport fishery receives 29.7 percent (south of the Columbia River), the California sport fishery receives 4.0 percent, and the commercial fishery receives 30.7 percent. The commercial fishery is further divided into a directed commercial fishery allocated 85 percent of the commercial allocation, and incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53.30' N. lat.), Oregon, and California. North of 46°53.30' N. lat. (Pt. Chehalis), the Plan allows for incidental halibut retention in the sablefish primary fishery when the overall Area 2A TAC is above 900,000 lb (408.2 mt). The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits. The subarea allocations will be included in the final rule for this action after the IPHC has determined the final TAC at their annual meeting January 26–30, 2015. Therefore, this rule does not include subarea allocations, but does contain some dates for the sport fisheries based on the 2015 Plan as recommended by the Council.

Incidental Halibut Retention in the Sablefish Primary Fishery North of Pt. Chehalis, WA

The Plan provides that incidental halibut retention in the sablefish primary fishery north of Pt. Chehalis, WA, will be allowed when the Area 2A TAC is greater than 900,000 lb (408.2 mt), provided that a minimum of 10,000 lb (4.5 mt) is available above a Washington recreational TAC of 214,100 lb (97.1 mt). If the TAC is sufficient, the Council will recommend landing restrictions for public review at its March 2015 meeting and make final recommendations at its April 2015 meeting. Following this meeting, NMFS will publish the restrictions in the **Federal Register**.

Opportunity for Public Comment

Through this proposed rule, NMFS requests public comments on the Pacific Council's recommended modifications to the Plan and the resulting proposed domestic fishing regulations by March 5, 2015. The States of Washington, Oregon, and California will conduct public workshops shortly to obtain input on the sport season dates. Following the proposed rule comment period, NMFS will review public comments and comments from the states, and issue a final rule. Either that final rule or an additional rule will include the IPHC regulations and regulations for the West Coast and Alaska.

Proposed Changes to the Plan

Each year, the Washington Department of Fish and Wildlife (WDFW), Oregon Department of Fish and Wildlife (ODFW), California Department of Fish and Game (CDFG), and the tribes with treaty fishing rights for halibut consider whether to pursue changes to the Plan to meet the needs of the fishery. In determining whether changes are needed, the state agencies hold public meetings prior to the Council's September meeting. Subsequently, they recommend changes to the Council at its September meeting. In 2014, fishery managers from all three state agencies held public meetings on the Plan prior to the Council's September meeting. At the September 2014 Council meeting, NMFS, WDFW, ODFW, and CDFW recommended changes to the Plan and codified regulations. The tribes did not recommend any changes to the Plan or regulations. The Council voted to solicit public input on all of the changes recommended by the state agencies, several of which were presented in the form of alternatives. WDFW and ODFW subsequently held public workshops on the recommended changes.

At its November 14–19, 2014, meeting the Council considered the results of state-sponsored workshops on the recommended changes to the Plan and public input provided at the September and November Council meetings, and made its final recommendations for modifications to the Plan. NMFS proposes to adopt all of the Council's recommended changes to the Plan as further discussed below. NMFS also proposed to make a minor change to the codified regulations to update a reference to a NMFS regional office.

Changes to the Plan

1. In section (b), Allocations, this rule proposes several changes to the non-

Indian allocations. The California sport fishery allocation is increased from 1 to 4 percent by reducing the Washington and Oregon sport and commercial allocations each by 1 percent. The goal of this change is to provide California with an allocation that is closer to recent effort levels while not substantially reducing the remaining non-Indian allocations.

2. In section (e)(2), NMFS proposes to remove a reference to the ''fall salmon troll fisheries'' as a trigger for the rollover of quota from the directed halibut fishery to the incidental salmon troll fishery because there is no ''fall'' salmon fishery.

3. In section (f)(1)(iv), Columbia River subarea, this rule proposes four changes. The allocation to this area is comprised of contributions from the Washington and Oregon sport allocations. The first change proposed in this rule would modify the Oregon contribution from an amount equal to the Washington contribution to 2.3 percent of the overall Oregon sport allocation. The goal of this change is to better comport with recent fishing effort off Oregon. Second, this rule proposes to make the nearshore fishery allocation 500 pounds to better reflect recent effort in the nearshore fishery. Third, the separation of quota into an early and late season is removed to allow for a continuous season. The goal of this change is to have the entire subarea quota available in the early part of the season when effort is generally higher allowing for full attainment of the subarea allocation. In previous years, quota reserved for the late season has not been used because of low effort late in the season. Fourth, flatfish are added to the list of species that may be retained and landed with halibut allowing flatfish species that share habitat with halibut to be landed rather than discarded, to reduce waste.

4. In section (f)(1)(v), Oregon central coast subarea, this rule proposes several changes to the text to implement several measures. First, there is a change to clarify that the allocation to this area is 96 percent of the Oregon sport allocation after the allocation to the Columbia River subarea has been subtracted. Second, incidental flatfish retention is added to this area consistent with the change in the Columbia River subarea. Third, the spring all depth season allocation is modified from 61 to 63 percent of the Central Coast allocation to better reflect recent effort in the spring all depth season. Fourth, the provision that allocated a percentage of the spring fishery allocation to the Southern Oregon subarea is removed and the Southern Oregon subarea allocation is derived from the overall Oregon sport allocation, after the Columbia River allocation has been removed.

5. In section (f)(1)(vi), Southern Oregon subarea, this rule proposes changes to the allocations for this subarea. The allocation is modified from 2 to 4 percent of the Oregon sport allocation after the Columbia River allocation has been subtracted, to better reflect recent effort.

6. In section (f)(1)(vii), California subarea, several changes are proposed to allocations and inseason management. First, the allocation to this subarea is modified from 1 to 4 percent of the non-Indian allocation to allow increased opportunity closer to recent effort levels in the area. Second, the structure of the fishery is modified from a multi-month 7-day-a-week fishery to a fishery that will be open 7 days a week, when open, with season dates recommended by CDFW preseason based on projected catch to attain the subarea allocation. Additionally, provisions allowing for inseason action are added for this subarea. The inseason procedures described for this subarea are identical to the inseason provisions used in the Washington and Oregon subareas.

7. In various sections of the Plan, the term ''Northwest Region'' is changed to ''West Coast Region'', to reflect the recent merger of NMFS offices.

NMFS proposes to approve the Council's recommendations and to implement the changes described above. A version of the Plan including these changes can be found at *http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html.*

Changes to the Regulations

In the regulations at 50 CFR 300.63, the term ''Northwest Region'' is proposed to be changed to ''West Coast Region'', to reflect the recent merger of NMFS offices.

Proposed 2015 Sport Fishery Management Measures

NMFS also proposes sport fishery management measures, including season dates and bag limits, that are necessary to implement the Plan in 2015. The annual domestic management measures are published each year through a final rule. For the 2014 fishing season, the final rule for Area 2A sport fisheries was published on April 4, 2014 (79 FR 18827) and the final rule for the commercial fisheries was published on March 12, 2014 (79 FR 13906) along with the IPHC regulations. Therefore, the section numbers for the commercial fisheries below refer to sections in the March 4 final rule, and the section numbers for the recreational fisheries refer to sections in the April 4 final rule. Where season dates are not indicated, those dates will be provided in the final rule, following consideration of the 2015 TAC and consultation with the states and the public.

In Section 8 of the annual domestic management measures published on March 12, 2014, ''Fishing Periods,'' paragraphs (2), (3), and (4) are proposed to read as follows:

(1) * * *

(2) Each fishing period in the Area 2A directed fishery shall begin at 0800 hours and terminate at 1800 hours local time on (season dates will be inserted when final rule is published), unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on (season date will be inserted when final rule is published, if TAC is sufficient to allow incidental retention per Plan provisions).

(4) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on (season dates will be inserted when final rule is published).

In section 26 of the annual domestic management measures published in the April 4, 2014, final rule, ''Sport Fishing for Halibut,'' paragraph 1(a)–(b) will be updated with 2015 total allowable catch limits in the final rule. In section 26 of the annual domestic management measures, ''Sport Fishing for Halibut'' paragraph (8) is proposed to read as follows:

(8) * * *

(a) The area in Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line extending from 48°17.30′ N. lat., 124°23.70′ W. long. north to 48°24.10′ N. lat., 124°23.70′ W. long., is not managed in-season relative to its quota. This area is managed by setting a season that is projected to result in a catch of (subarea allocations will be inserted when final rule publishes).

(i) The fishing season in eastern and western Puget Sound (east and west of 123°49.50′ W. long., Low Point) is (season dates will be inserted when final rule is published).

(ii) The daily bag limit is one halibut of any size per day per person.

(b) The quota for landings into ports in the area off the north Washington coast, west of the line described in

paragraph (2)(a) of section 26 and north of the Queets River (47°31.70′ N. lat.), is (subarea allocations will be inserted when final rule publishes).

(i) The fishing seasons are:

(A) Commencing on May 14 and continuing 2 days a week (Thursday and Saturday) until (subarea allocations will be inserted when final rule publishes) are estimated to have been taken and the season is closed by the Commission, or until May 23.

(B) If sufficient quota remains the fishery will reopen on June 4 and/or June 6, continuing 2 days per week (Thursday and Saturday) until there is not sufficient quota for another full day of fishing and the area is closed by the Commission. After May 23, any fishery opening will be announced on the NMFS hotline at 800–662–9825. No halibut fishing will be allowed after May 23 unless the date is announced on the NMFS hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Recreational fishing for groundfish and halibut is prohibited within the North Coast Recreational Yelloweye Rockfish Conservation Area (YRCA). It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the North Coast Recreational YRCA. A vessel fishing in the North Coast Recreational YRCA may not be in possession of any halibut. Recreational vessels may transit through the North Coast Recreational YRCA with or without halibut on board. The North Coast Recreational YRCA is a C-shaped area off the northern Washington coast intended to protect yelloweye rockfish. The North Coast Recreational YRCA is defined in groundfish regulations at § 660.70(a).

(c) The quota for landings into ports in the area between the Queets River, WA (47°31.70′ N. lat.), and Leadbetter Point, WA (46°38.17′ N. lat.), is (subarea allocations will be inserted when final rule publishes).

(i) This subarea is divided between the all-waters fishery (the Washington South coast primary fishery), and the incidental nearshore fishery in the area from 47°31.70′ N. lat. south to 46°58.00′ N. lat. and east of a boundary line approximating the 30 fm depth contour. This area is defined by straight lines connecting all of the following points in the order stated as described by the following coordinates (the Washington South coast, northern nearshore area):

(1) 47°31.70′ N. lat, 124°37.03′ W. long;

(2) 47°25.67′ N. lat, 124°34.79′ W. long;

(3) 47°12.82′ N. lat, 124°29.12′ W. long;

(4) 46°58.00′ N. lat, 124°24.24′ W. long.

The south coast subarea quota will be allocated as follows: (subarea allocations for the primary and nearshore fisheries will be inserted when final rule publishes). The primary fishery commences on May 3, and continues 2 days a week (Sunday and Tuesday) until May 19. If the primary quota is projected to be obtained sooner than expected, the management closure may occur earlier. Beginning on May 31 the primary fishery will be open at most 2 days per week (Sunday and/or Tuesday) until the quota for the south coast subarea primary fishery is taken and the season is closed by the Commission, or until September 30, whichever is earlier. The fishing season in the nearshore area commences on May 3, and continues 7 days per week. Subsequent to closure of the primary fishery, the nearshore fishery is open 7 days per week, until (subarea allocations will be inserted when final rule publishes) is projected to be taken by the two fisheries combined and the fishery is closed by the Commission or September 30, whichever is earlier. If the fishery is closed prior to September 30, and there is insufficient quota remaining to reopen the northern nearshore area for another fishing day, then any remaining quota may be transferred in-season to another Washington coastal subarea by NMFS via an update to the recreational halibut hotline.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Seaward of the boundary line approximating the 30-fm depth contour and during days open to the primary fishery, lingcod may be taken, retained and possessed when allowed by groundfish regulations at 50 CFR 660.360, subpart G.

(iv) Recreational fishing for groundfish and halibut is prohibited within the South Coast Recreational YRCA and Westport Offshore YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the South Coast Recreational YRCA and Westport Offshore YRCA. A vessel fishing in the South Coast Recreational YRCA and/or Westport Offshore YRCA may not be in possession of any halibut. Recreational vessels may transit through the South Coast Recreational YRCA and Westport Offshore YRCA with or without halibut on board. The South Coast Recreational YRCA and Westport Offshore YRCA are areas off the southern Washington coast established to protect yelloweye rockfish. The South Coast Recreational YRCA is defined at 50 CFR 660.70(d). The Westport Offshore YRCA is defined at 50 CFR 660.70(e).

(d) The quota for landings into ports in the area between Leadbetter Point, WA (46°38.17′ N. lat.), and Cape Falcon, OR (45°46.00′ N. lat.), is (subarea allocations will be inserted when final rule publishes).

(i) This subarea is divided into an all-depth fishery and a nearshore fishery. The nearshore fishery is allocated 500 pounds of the subarea allocation. The nearshore fishery is restricted to the area shoreward of the boundary line approximating the 30 fm (55 m) depth contour from Leadbetter Point to the Washington/Oregon border and the boundary line approximating the 40 fm (73 m) depth contour in Oregon. The nearshore fishery opens May 4, and continues 3 days per week (Monday—Wednesday) until the nearshore allocation is taken, or September 30, whichever is earlier. The all depth fishing season commences on May 1, and continues 4 days a week (Thursday—Sunday) until (subarea allocations will be inserted when final rule publishes) are estimated to have been taken and the season is closed by the Commission, whichever is earlier. Subsequent to this closure, if there is insufficient quota remaining in the Columbia River subarea for another fishing day, then any remaining quota may be transferred inseason to another Washington and/or Oregon subarea by NMFS via an update to the recreational halibut hotline. Any remaining quota would be transferred to each state in proportion to its contribution.

(ii) The daily bag limit is one halibut of any size per day per person.

(iii) Pacific Coast groundfish may not be taken and retained, possessed or landed, except sablefish, Pacific cod, and flatfish species when allowed by Pacific Coast groundfish regulations, when halibut are on board the vessel, during days open to the all depth fishery only.

(iv) Taking, retaining, possessing, or landing halibut on groundfish trips is only allowed in the nearshore area on days not open to all-depth Pacific halibut fisheries.

(e) The quota for landings into ports in the area off Oregon between Cape Falcon (45°46.00′ N. lat.) and Humbug Mountain (42°40.50′ N. lat.), is (subarea allocations will be inserted when final rule publishes).

(i) The fishing seasons are:

(A) The first season (the ''inside 40-fm'' fishery) commences July 1, and continues 7 days a week, in the area

shoreward of a boundary line approximating the 40-fm (73-m) depth contour, or until the sub-quota for the central Oregon ''inside 40-fm'' fishery of (subarea allocations will be inserted when final rule publishes), or any in-season revised subquota, is estimated to have been taken and the season is closed by the Commission, whichever is earlier. The boundary line approximating the 40-fm (73-m) depth contour between 45°46.00′ N. lat. and 42°40.50′ N. lat. is defined at § 660.71(k).

(B) The second season (spring season), which is for the ''all-depth'' fishery, is open (season dates will be inserted when final rule is published). The projected catch for this season is (subarea allocations will be inserted when final rule publishes). If sufficient unharvested quota remains for additional fishing days, the season will re-open. Depending on the amount of unharvested quota available, the potential season re-opening dates will be: (season dates will be inserted when final rule is published). If NMFS decides inseason to allow fishing on any of these re-opening dates, notice of the re-opening will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825. No halibut fishing will be allowed on the re-opening dates unless the date is announced on the NMFS hotline.

(C) If sufficient unharvested quota remains, the third season (summer season), which is for the ''all-depth'' fishery, will be (season dates will be inserted when final rule is published) or until the combined spring season and summer season quotas in the area between Cape Falcon and Humbug Mountain, OR, are estimated to have been taken and the area is closed by the Commission, or October 31, whichever is earlier. NMFS will announce on the NMFS hotline in July whether the fishery will re-open for the summer season in August. No halibut fishing will be allowed in the summer season fishery unless the dates are announced on the NMFS hotline. Additional fishing days may be opened if sufficient quota remains after the last day of the first scheduled open period on (insert date of last open period). If, after this date, an amount greater than or equal to 60,000 lb (27.2 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, the fishery may re-open every Friday and Saturday, beginning (insert date of first back up dates) and ending October 31. If after September 7, an amount greater than or equal to 30,000 lb (13.6 mt) remains in the combined all-depth and inside 40-fm (73-m) quota, and the fishery is not already open every Friday and Saturday, the fishery may re-open every Friday and Saturday, beginning September 5 and 6, and ending October 31. After September 7, the bag limit may be increased to two fish of any size per person, per day. NMFS will announce on the NMFS hotline whether the summer all-depth fishery will be open on such additional fishing days, what days the fishery will be open and what the bag limit is.

(ii) The daily bag limit is one halibut of any size per day per person, unless otherwise specified. NMFS will announce on the NMFS hotline any bag limit changes.

(iii) During days open to all-depth halibut fishing, no Pacific Coast groundfish may be taken and retained, possessed or landed, except sablefish, Pacific cod, and flatfish species, when allowed by Pacific Coast groundfish regulations, if halibut are on board the vessel.

(iv) When the all-depth halibut fishery is closed and halibut fishing is permitted only shoreward of a boundary line approximating the 40-fm (73-m) depth contour, halibut possession and retention by vessels operating seaward of a boundary line approximating the 40-fm (73-m) depth contour is prohibited.

(v) Recreational fishing for groundfish and halibut is prohibited within the Stonewall Bank YRCA. It is unlawful for recreational fishing vessels to take and retain, possess, or land halibut taken with recreational gear within the Stonewall Bank YRCA. A vessel fishing in the Stonewall Bank YRCA may not possess any halibut. Recreational vessels may transit through the Stonewall Bank YRCA with or without halibut on board. The Stonewall Bank YRCA is an area off central Oregon, near Stonewall Bank, intended to protect yelloweye rockfish. The Stonewall Bank YRCA is defined at § 660.70(f).

(f) The quota for landings into ports in the area south of Humbug Mountain, OR (42° 40.50′ N. lat.) to the Oregon/California Border (42° 00.00′ N. lat.) is (subarea allocations will be inserted when final rule publishes).

(i) The fishing season commences on May 1, and continues 7 days per week until the subquota is taken, or October 31, whichever is earlier.

(ii) The daily bag limit is one halibut per person with no size limit.

(g) The quota for landings into ports south of the Oregon/California Border (42° 00.00′ N. lat.) and along the California coast is (subarea allocations will be inserted when final rule publishes).

(i) The fishing season will be open (season dates will be inserted when final rule is published).

(ii) The daily bag limit is one halibut of any size per day per person.

Classification

Regulations governing the U.S. fisheries for Pacific halibut are developed by the IPHC, the Pacific Fishery Management Council, the North Pacific Fishery Management Council, and the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) provides the Secretary of Commerce with the general responsibility to carry out the Convention between Canada and the United States for the management of Pacific halibut, including the authority to adopt regulations as may be necessary to carry out the purposes and objectives of the Convention and Halibut Act. This proposed rule is consistent with the Secretary of Commerce's authority under the Halibut Act.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Regulatory Flexibility Act (RFA), 5 U.S.C. 603 *et seq.,* requires government agencies to assess the effects that regulatory alternatives would have on small entities, including small businesses, and to determine ways to minimize those effects. When an agency proposes regulations, the RFA requires the agency to prepare and make available for public comment an Initial Regulatory Flexibility Analysis (IRFA) that describes the impact on small businesses, non-profit enterprises, local governments, and other small entities. The IRFA is to aid the agency in considering all reasonable regulatory alternatives that would minimize the economic impact on affected small entities. After the public comment period, the agency prepares a Final Regulatory Flexibility Analysis (FRFA) that takes into consideration any new information or public comments. A summary of the IRFA is provided below. The reasons why action by the agency is being considered, the objectives and legal basis for this rule are described above.

The main management objective for the Pacific halibut fishery in Area 2A is to manage fisheries to remain within the TAC for Area 2A. Another main objective is to allow each commercial, recreational (sport), and tribal fishery to target halibut in the manner that is appropriate to meet both the conservation requirements for species that co-occur with Pacific halibut. A third main objective is to meet the needs

of fishery participants in particular fisheries and fishing areas.

Each year, the states of Washington, Oregon, California, and the treaty tribes that fish for halibut meet with their fishery participants to review halibut management under the Plan. Based on feedback from these meetings and experience from the previous year's fishing season, the states or the tribes may propose changes to the Plan. Proposed changes to the Plan are intended to remedy any problems encountered during the previous year's management, problems with other fisheries with overlapping management jurisdiction (*i.e.,* Pacific Coast groundfish), or other anticipated problems. For 2015, the Pacific Council recommended changes to the Plan that affect the recreational (sport) and commercial fisheries. In this rule, NMFS proposes to adopt the Council's recommended changes to the Plan, revise the annual sport fishery measures to reflect the changes to the Plan and update them with 2015 dates, and make changes to the codified regulations to update references to NMFS regional offices to reflect a recent NMFS merger. Final allocations will be included in the final rule for this action following the final TAC decision by the IPHC. The proposed changes do not affect the tribal fisheries.

Changes to the Plan

The 2A Halibut Catch Sharing Plan, as outlined above, allocates the TAC at various levels. The commercial fishery is further divided into a directed commercial fishery that is allocated 85 percent of the commercial allocation of the Pacific halibut TAC, and incidental catch in the salmon troll fishery that is allocated 15 percent of the commercial allocation. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53.30′ N. lat.), Oregon, and California. North of 46°53.30′ N. lat. (Pt. Chehalis), the Plan allows for incidental halibut retention in the sablefish primary fishery when the overall Area 2A TAC is above 900,000 lb (408.2 mt). The Plan also divides the sport fisheries into seven geographic subareas, each with separate allocations, seasons, and bag limits. The non-tribal allocation is divided into four shares. At the first level, there are specific percentage allocations for tribal and non-tribal fisheries. The non-tribal portion is then allocated to commercial components and to recreational components. The commercial component is then apportioned into directed, incidental troll, and incidental sablefish fisheries. The recreational portions for Oregon and Washington are furthered apportioned into area subquotas and these subquotas are further split into seasonal or depth fisheries (nearshore vs all depths). There may be gear restrictions and other management measures established as necessary to minimize the potential for the allocations to be exceeded.

At the September meeting, the Council adopted a range of Plan alternatives for public review. For 2015, the Council adopted two types of Plan changes that are discussed separately below. The first were the routine recreational fishery adjustments proposed by the states each year to accommodate the needs of their fisheries. The second were allocation changes to both the non-treaty commercial and recreational fisheries in order to increase the California allocation. The Council made final Plan change recommendations from this range at its November meeting.

For the non-allocation Plan changes the Council considered changes to the Columbia River, Oregon Central Coast, Southern Oregon, and California subareas. For the Columbia River subarea the Council considered: (1) Status quo seasonal management in a spring and summer fishery and one alternative which removes the seasonal split in the Columbia River subarea to allow for a single continuous season, (2) status quo allocation contributions from Washington and Oregon in equal amounts and one alternative that modifies the Oregon contribution to the Columbia River subarea to 2.3 percent of the Oregon sport allocation, (3) status quo nearshore fishery allocation of 1,500 pounds and one alternative that modifies the Columbia River nearshore area allocation to 500 pounds. The Council recommended and NMFS proposes each of the alternatives for the Columbia River subarea. For the Oregon Central Coast subarea the Council considered three all-depth season structures and modifications to the allocation from the Oregon Central Coast spring fishery to the Southern Oregon subarea. For the season structure, the Council considered three alternatives. Status quo, separate spring and summer seasons; Alternative 1a which would combine the spring and summer season and open the fishery on May 1; and Alternative 1b which is the same as 1a, except begin on the first weekend in May that avoid negative tides. For the allocation change the Council considered: status quo, which allocates a portion of the spring fishery to the Southern Oregon subarea and one alternative which allocates a portion of the overall Oregon Central Coast subarea allocation to the Southern Oregon subarea. The Council recommended and NMFS proposes the status quo alternative for the season structure and the one alternative for the allocation to the Southern Oregon subarea. For the Southern Oregon subarea the Council considered three alternative season dates. Status quo, opening May 1, seven days per week; Alternative 1, open June 1, seven days per week; and Alternative 2, open July 1 seven days per week. The Council recommended and NMFS proposes the status quo alternative. In the Columbia River and Central Oregon Coast subareas the Council considered three alternatives to incidental groundfish retention allowances. Status quo, only Pacific cod and sablefish are allowed; Alternative 1 revise the bottomfish restrictions such that all groundfish except rockfish and lingcod would be allowed when halibut are onboard; and Alternative 2 revise the bottomfish restrictions such that other flatfish, in addition to Pacific cod and sablefish, would be allowed when halibut are onboard. The Council recommended and NMFS proposes Alternative 2. For the California subarea, the Council considered three alternatives. Status quo, fixed season open May 1–July 31 and September 1–October 31, no inseason adjustment; Alternative 1, one month season between May 1 and October 31, to be determined preseason, with inseason adjustment as needed; Alternative 2, 15 consecutive day season between May 1 and October 31, to be determined preseason, with inseason adjustment as needed. The Council recommended and NMFS proposes a modified Alternative which allows for a seven day a week fishery, that will be determined preseason through joint consultation between NMFS and CDFW, and allows for inseason adjustment as necessary. No alternatives were considered for the NMFS recommended changes because they are administrative in nature and simply update the name of the Region from Northwest to West Coast.

The changes to the Columbia River subarea allocations and incidentally landed species allowances are expected to increase recreational opportunities by shifting underutilized fishery allocation from the late to the early part of the season when effort is higher and by turning previously discarded incidental flatfish catch into landed catch. Changes to the Oregon Central Coast subarea allocation and incidentally landed species are expected to prolong seasons and increase the total number of fishing days and are expected to increase recreational opportunities by turning

previously discarded incidental catch into landed catch. None of these changes are controversial and none are expected to result in substantial environmental or economic impacts. These actions are intended to enhance the conservation of Pacific halibut, to provide angler opportunity where available, and to protect overfished groundfish species from incidental catch in the halibut fisheries. Because the goal of the proposed action is to maximize angler participation and thus to maximize the economic benefits of the fishery, NMFS did not analyze alternatives to the above changes to the Plan other than the proposed changes and the status quo for purposes of the IRFA. Status quo would be the 2014 Plan applied to the 2015 TAC. Effects of the status quo and the proposed changes are similar because the changes to the Plan for 2015 are not substantially different from the 2015 Plan. The propose changes to the Plan are not expected to have a significant impact on a substantial number of small entities.

Changes to Allocations

The Small Business Administration defines a ''small'' harvesting business as one with annual receipts, not in excess of $20.5 million. For related fish-processing businesses, a small business is one that employs 500 or fewer persons. For wholesale businesses, a small business is one that employs not more than 100 people. For marinas and charter/party boats, a small business is one with annual receipts, not in excess of $7.5 million. This rule directly affects charterboat operations, and participants in the non-treaty directed commercial fishery off the coast of Washington, Oregon, and California. Applying the SBA's size standard for small businesses, NMFS considers all of the charterboat operations and participants in the non-treaty directed commercial fishery affected by this action as small businesses.

This analysis continues the main conclusions developed in previous analyses that charterboats and the non-treaty directed commercial fishing vessels are small businesses (See 77 FR 5477 (Feb 3, 2012) and 76 FR 2876 (Jan 18, 2011). In 2014, 591 vessels were issued IPHC licenses to retain halibut. IPHC issues licenses for: the directed commercial fishery and the incidental fishery in the sablefish primary fishery in Area 2A (166 licenses in 2014); incidental halibut caught in the salmon troll fishery (425 licenses in 2014); and the charterboat fleet (127 licenses in 2013, the most recent year available). No vessel may participate in more than one of these three fisheries per year. These license estimates overstate the number of vessels that participate in the fishery. IPHC estimates that 60 vessels participated in the directed commercial fishery, 100 vessels in the incidental commercial (salmon) fishery, and 13 vessels in the incidental commercial (sablefish) fishery. Recent information on charterboat activity is not available, prior analysis indicated that 60 percent of the IPHC charterboat license holders may be affected by these regulations.

In response to the growing California sport fishery, for 2014, a specific recreational subquota was created—1% of the non-tribal quota or 6,240 lbs. In prior years, the California fishery was a portion of the Southern Oregon/Northern California subquota. Preliminary catch data show that the California fishery has taken 31,226 lbs, five times the California subquota. Because the 2014 subquota was insuffiencent to meet the growth in the California fishery, the Council reviewed six alternatives that allocate halibut to the various sectors differently between the sectors depending on the size of the TAC. Status Quo: The non-treaty allocation is apportioned according to the 2014 CSP: Washington sport (36.60%), Oregon sport (30.70%), California sport (1.00%), and commercial (31.70%). Alternative 1: Maintain allocations as described in the CSP (Status Quo), except increase the California sport allocation by two percent, for a total California sport allocation of three percent, by reducing the non-treaty commercial fishery share. Alternative 2, Option A: Same allocations as described in Alternative 1 when the 2A TAC is one million pounds or less. When the 2A TAC is above one million pounds, the California sport allocation would increase by an additional one percent, for a total California sport allocation of four percent, by reducing the non-treaty commercial fishery share. Alternative 2, Option B: Same allocations as described in Alternative 1 when the 2A TAC is one million pounds or less. When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 1 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to 30–50 percent of the non-treaty share, and allocation percentages for the non-treaty commercial and recreational (Washington and Oregon) would be reduced to remain proportional to the status quo non-treaty shares. Alternative 3: Increase the California sport allocation by two percent, for a total California sport allocation of three percent, when the 2A TAC is less than one million pounds by reducing the three major non-treaty group allocations (*i.e.,* Washington sport, Oregon sport, and commercial). When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 3 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to four percent of the non-treaty share by reducing the three major non-treaty group allocations. Alternative 4: Increase the California sport share by three percent, for a total allocation of four percent, when the 2A TAC is less than one million pounds by reducing the three major non-treaty group allocations. When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 4 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to five percent of the non-treaty share by reducing the three major non-treaty group allocations. Alternative 5: Increase the California sport share by four percent, for a total allocation of five percent, when the 2A TAC is less than one million pounds by reducing the three major non-treaty group allocations. When the 2A TAC is greater than one million pounds, the first one million pounds of the 2A TAC shall be distributed according to the Alternative 5 allocations. For the portion of the 2A TAC that exceeds one million pounds, the California sport allocation would increase to six percent of the non-treaty share by reducing the three major non-treaty group allocations. In addition to modifying the commercial and recreational fisheries allocations, suboptions within the allocation alternatives were evaluated for when the TAC is expected to be greater than one million pounds to cap the California allocation. These caps were designed to cap the California allocation to a level that the fishery could reasonably be expected to harvest in order to not strand pounds, therefore, making them unavailable to other fisheries. However, a one million pound TAC is a level the fishery has not experienced in recent years nor is it anticipated for the near term future. In response to the growing California sport fishery, the 2014 Plan included a specific recreational subquota of 1% of the non-tribal quota or 6,240 lbs. Prior to 2014, the California fishery was a portion of the Southern Oregon/Northern California subquota.

Preliminary catch data show that the California fishery has taken 31,226 lbs, five times the 2014 California subquota.

For 2015, the Council has recommended and NMFS proposes to approve and implement Alternative 4 (the preferred alternative). For 2015, the Council recommended to increase the California recreational fishery allocation to 4% of the non-tribal allocation by reducing the Washington and Oregon sport and commercial allocations each by 1 percent. This modification is intended to provide an allocation to California that better matches recent effort. The CDFW has also committed to increased inseason monitoring in collaboration with NMFS. Pacific halibut sport fisheries in California have exceeded the allocation in recent years and therefore the goal of increased inseason monitoring and action, as necessary, is to keep the subarea within its allocation. Further, instead of a fixed season, CDFW will recommend to NMFS, similar to subareas in Washington and Oregon, a season length based on expected catch to attain the subarea quota. If the status quo is maintained, the California fishery is likely to continue to exceed its quota and suffer an early shutdown. Under the status quo alternative, the overall halibut TAC will run the risk of being exceeded, and therefore it was not selected. Alternatives 1, 2, and 3 provide increases to the recreational fishery based on decreasing the commercial quota by 2 percent. Alternative 5 increases the California subquota by 4 percent by reducing the Oregon and Washington subquota and the non-tribal commercial quota. While this favors the California fishery, it is at the expense of too large of a reduction in the other fisheries, and therefore it was not selected.

Under Alternative 4, the preferred alternative, the increase of 3% to the California subquota comes from reducing the WA sport quota by 1%, the Oregon sport quota by 1%, and the non-tribal commercial quota by 1%. The overall effect is a shift of 1% reduction of the non-tribal commercial directed quota to the total sport quota allocation. From an economic perspective, it is unclear whether this shift is negative or positive given available analyses. However the overall economic effects of this shift is small as the potential loss of about $300,000 in ex-vessel revenues must be weighed by the gain of increased charterboat recreational activities.

There are no projected reporting or recordkeeping requirements associated with this action.

There are no relevant Federal rules that may duplicate, overlap, or conflict with this action.

Pursuant to Executive Order 13175, the Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Section 302(b)(5) of the Magnuson-Stevens Fishery Conservation and Management Act establishes a seat on the Pacific Council for a representative of an Indian tribe with federally recognized fishing rights from California, Oregon, Washington, or Idaho.

The U.S. Government formally recognizes that the 13 Washington Tribes have treaty rights to fish for Pacific halibut. In general terms, the quantification of those rights is 50 percent of the harvestable surplus of Pacific halibut available in the tribes' usual and accustomed fishing areas (described at 50 CFR 300.64). Each of the treaty tribes has the discretion to administer their fisheries and to establish their own policies to achieve program objectives. Accordingly, tribal allocations and regulations, including the proposed changes to the Plan, have been developed in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

In 2014, a Biological Opinion (BiOp) was completed for the 2014–2016 Area 2A Pacific Halibut Catch Sharing Plan. The BiOp concluded that the continuing implementation of the Plan was not likely to adversely affect southern resident killer whales, leatherback sea turtles, humpack whales, blue whales, fin whales, Guadalupe fur seals, north Pacific right whales, sei whales, sperm whales, and steller sea lions. Further the BiOp concluded that continuing implementation of the Plan was likely to adversely affect but not likely to jeopardize Puget Sound/Georgia basin bocaccio, canary rockfish, and yelloweye rockfish, southern green sturgeon, lower Columbia River Chinook, and Puget Sound Chinook. The BiOp also concluded that the continued implementation of the Plan was not likely to adversely modify critical habitat of southern resident killer whales, leatherback sea turtles, Puget Sound/Georgia basin bocaccio, canary rockfish, and yelloweye rockfish, southern green sturgeon, lower Columbia River Chinook, and Puget Sound Chinook. Because the halibut fishery does not overlap with the critical habitat for the remaining listed species it was determined that, an evaluation of the effects on critical habitat was not applicable. Finally, in a letter dated March 12, 2014, NMFS determined that fishing activities conducted under the Plan would have no effect on Eulachon. None of the Council recommended changes to the Plan proposed in this rule change the determinations made in the BiOp because they do not result in changes to fishing behavior such that the impacts to listed species is anticipated to change. NMFS has initiated consultation with the US Fish and Wildlife Service on the ongoing implementation of the Catch Sharing Plan and its effects on short-tailed and black-footed albatross, California least tern, marbled murrelet, bull trout, and sea otters.

Authority: 16 U.S.C. 1801 *et seq.*

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Antarctica, Canada, Exports, Fish, Fisheries, Fishing, Imports, Indians, Labeling, Marine resources, Reporting and recordkeeping requirements, Russian Federation, Transportation, Treaties, Wildlife.

Dated: January 22, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is proposed to be amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart E—Pacific Halibut Fisheries

■ 1. The authority citation for part 300, subpart E continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 2. In § 300.63, revise paragraphs (a), (c)(1) introductory text, (c)(3)(ii), and (c)(5) to read as follows:

§ 300.63 Catch sharing plan and domestic management measures in Area 2A.

(a) A catch sharing plan (CSP) may be developed by the Pacific Fishery Management Council and approved by NMFS for portions of the fishery. Any approved CSP may be obtained from the Administrator, West Coast Region, NMFS.

* * * * *

(c) * * * (1) The Regional Administrator, NMFS West Coast Region, after consultation with the Chairman of the Pacific Fishery Management Council, the Commission Executive Director, and the Fisheries Director(s) of the affected state(s), or their designees, is authorized to modify regulations during the season after making the following determinations:

* * * * *

(3) * * *

(ii) Actual notice of inseason management actions will be provided by a telephone hotline administered by the West Coast Region, NMFS, at 206–526–6667 or 800–662–9825 (May through October) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF–FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishers should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.

* * * * *

(5) *Availability of data.* The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the West Coast Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE., Seattle, Washington.

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[FR Doc. 2015–01962 Filed 1–29–15; 4:15 pm]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 80, No. 22

Tuesday, February 3, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0042]

Notice of Availability of an Evaluation of the Classical Swine Fever, Foot-and-Mouth Disease, Swine Vesicular Disease, and Rinderpest Status of Croatia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that we determined that the Republic of Croatia is free of foot-and-mouth disease, swine vesicular disease, and rinderpest and is low risk for classical swine fever. We are making our determinations, as well as an evaluation we have prepared in connection with this action, available for review and comment.

DATES: We will consider all comments that we receive on or before April 6, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0042*.
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2014–0042, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0042* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Link, Import Risk Analyst, Regionalization Evaluation Services, National Import Export Services, Veterinary Services, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7731; *Donald.B.Link@aphis.usda.gov*.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States to prevent the introduction of various animal diseases, including classical swine fever (CSF), foot-and-mouth disease (FMD), swine vesicular disease (SVD), and rinderpest. The regulations prohibit or restrict the importation of live ruminants and swine, and products from these animals, from regions where these diseases are considered to exist.

Within part 94, § 94.1 contains requirements governing the importation of ruminants and swine from regions where rinderpest or FMD exists and the importation of the meat of any ruminants or swine from regions where rinderpest or FMD exists to prevent the introduction of either disease into the United States. We consider rinderpest and FMD to exist in all regions except those listed in accordance with paragraph (a) of that section as free of rinderpest and FMD.

Section 94.9 contains requirements governing the importation of pork and pork products from regions where CSF exists. Section 94.10 contains importation requirements for swine from regions where CSF is considered to exist and designates the Animal and Plant Health Inspection Service (APHIS)-defined European CSF region as a single region of low-risk for CSF. Section 94.31 contains requirements governing the importation of pork, pork products, and swine from the APHIS-defined European CSF region. We consider CSF to exist in all regions of the world except those listed in accordance with paragraph (a) of § 94.9 [1] as free of the disease.

Section 94.11 of the regulations contains requirements governing the importation of meat of any ruminants or swine from regions that have been determined to be free of rinderpest and FMD, but that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected regions. Such regions are listed in accordance with paragraph (a) of that section.

Section 94.12 of the regulations contains requirements governing the importation of pork or pork products from regions where SVD exists. We consider SVD to exist in all regions of the world except those listed in accordance with paragraph (a) of that section as free of SVD.

Section 94.13 contains importation requirements governing the importation of pork or pork products from regions that have been declared free of SVD as provided in § 94.12(a) but supplement their national pork supply by the importation of fresh (chilled or frozen) meat of animals from regions where SVD is considered to exist, or have a common border with such regions, or have trade practices that are less restrictive than are acceptable to the United States. Such regions are listed in accordance with paragraph (a) of § 94.13.

Section 94.14 states that no swine which are moved from or transit any region in which SVD is known to exist may be imported into the United States except wild swine imported in accordance with § 94.14(b).

The regulations in 9 CFR part 92, § 92.2, contain requirements for requesting the recognition of the animal health status of a region (as well as for the approval of the export of a particular type of animal or animal product to the United States from a foreign region). If, after review and evaluation of the information submitted in support of the request, APHIS believes the request can be safely granted, APHIS will make its evaluation available for public comment through a document published in the **Federal Register**. Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the request that will be detailed in another

[1] The list of regions comprising the APHIS-defined European CSF region and the lists of regions considered free of FMD, SVD, and rinderpest are located on the APHIS Web site at: *http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_animal_health%2Fsa_import_into_us%2Fct_animal_disease_status.*

document published in the **Federal Register**.

The Republic of Croatia submitted a request to APHIS to evaluate the CSF, FMD, SVD, and rinderpest status of the country. In response to this request, APHIS conducted a qualitative risk assessment to evaluate Croatia with respect to these diseases. Based on this evaluation, APHIS recognizes Croatia to be free of FMD, SVD, and rinderpest, and low risk for CSF. APHIS has also determined that the surveillance, prevention, and control measures implemented by the European Union (EU) and Croatia, an EU Member State, are sufficient to minimize the likelihood of introducing CSF, FMD, SVD, and rinderpest into the United States via imports of species or products susceptible to these diseases. Our determinations support adding Croatia to the Web-based list of regions comprising the APHIS-defined European CSF region, which APHIS considers to be low risk for CSF, and to the respective Web-based lists of regions APHIS considers free of FMD, SVD, and rinderpest.

Therefore, in accordance with § 92.2(e), we are announcing the availability of our evaluation of the CSF, FMD, SVD, and rinderpest status of Croatia for public review and comment. We are also announcing the availability of an environmental assessment (EA) and a finding of no significant impact (FONSI) [2] which have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provision of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). The evaluation, EA, and FONSI may be viewed on the Regulations.gov Web site or in our reading room. (Instructions for accessing Regulations.gov and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this notice.) The documents are also available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Information submitted in support of Croatia's original request is available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After reviewing any comments we receive, we will announce our decision regarding the disease status of Croatia under consideration with respect to CSF, FMD, SVD, and rinderpest and the import status of susceptible animals and products of such animals in a subsequent notice.

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 28th day of January 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–02011 Filed 2–2–15; 8:45 am]

BILLING CODE 3410–34–P

[2] The FONSI for Croatia incorporates by reference an EA prepared for Slovakia that addresses the potential environmental impacts of CSF, FMD, SVD, and rinderpest for Slovakia and other EU Member States.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0047]

U.S. Department of Agriculture Stakeholder Workshop on Coexistence

ACTION: Notice of workshop listening session and request for comments.

SUMMARY: We are advising the public that the U.S. Department of Agriculture is holding a 2-day, invitation-only workshop on agricultural coexistence, the concurrent cultivation of conventional, organic, identity-preserved, and genetically engineered crops consistent with farmer choices and consumer preferences. The objective of the workshop is to advance an understanding of agricultural coexistence and discuss how to make coexistence achievable and a basic consideration for all stakeholders. Workshop participants will represent a broad range of interests and experience relating to agricultural coexistence. The public is invited to listen to or watch the workshop sessions via phone and/or Webcast, after which they will have the opportunity to provide comments on the proposals discussed.

DATES: The workshop will be held on March 12–13, 2015, from 8:30 a.m. to 6 p.m. Comments on the workshop will be accepted from March 13, 2015, through March 27, 2015.

ADDRESSES: Call-in and Webcast information is available at the agricultural coexistence workshop Web page at: *http://www.aphis.usda.gov/wps/portal/aphis/newsroom/stakeholder-info/!ut/p/a1/nVFNU4MwEP0tHjxmEkgk4Ug7foBKD9W25MJskyixFChEx_57gem1aN3bzr739u1bLPEGywq-7Ds4W1dQDr0MchYL36fEj8ULFyQi8zBZxCtC6E0PyHoAOVMRGfnJ4sH3Zj3_fhnekjhd3T2LJ04fZwFeY4mlqlzjCpxBU9guV3XlTOXy0m5baI_XpIMctvWny8f52HcOdqaoS23ablBolNU4CxljRocaBYp6iCnOkdAAiAPVEBiujQcnxxOWfrl4dDyhkPATYCKUrPfAzy5JAry88KjkD3-yH4eDjPq0h3y_Hd78M–5m_7oX9Ih2b2mKZHb1A2VTHxo!/?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_about_aphis%2Fsa_stakeholders%2Fct_coexistence_meeting.*

You may submit comments following the workshop by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0047.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0047, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0047* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Tadle, Program Analyst, Planning, Evaluation, and Decision Support, PPD, APHIS, 4700 River Road Unit 120, Riverdale, MD 20737, (301) 851–3140; *Michael.A.Tadle@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION: Over the past decade, the number of acres on which American farmers are growing genetically engineered (GE) plants has increased significantly, and GE crop production continues to rise in output and variety. At the same time, farmers across the United States are producing greater quantities of identity-preserved non-GE and organic crops to meet growing consumer demand. As a result, the interactions of GE and identity-preserved non-GE production chains are becoming more significant for American farmers and consumers, the agriculture industry, and the United States Department of Agriculture (USDA or the Department). USDA supports the successful coexistence of these different forms of agricultural production and recognizes that each contributes to the overall health of farming and rural

communities throughout the United States.

The USDA Advisory Committee of Biotechnology and 21st Century Agriculture (AC21) provides guidance to the Department on issues relating to agricultural coexistence, including examining the long-term impacts of biotechnology on the U.S. food and agriculture system and recommending how the Department might address those impacts. In 2011, the AC21 was tasked with recommending appropriate compensation mechanisms, if any, for addressing economic losses by farmers resulting from the unintended presence of GE materials in their crops, determining how such mechanisms would be implemented and how compensable claims would be decided, and identifying what other steps USDA might take to bolster coexistence.

During its deliberations, the AC21 examined practices used within the agricultural community for mitigating the economic risk posed by gene flow between different forms of production. They also reviewed stewardship practices, the importance of seed quality, and ways to facilitate communication and collaboration among stakeholders on matters of coexistence. In November 2012, they presented a report [1] to the Secretary recommending actions in five major areas: Potential compensation mechanisms, stewardship, education and outreach, research, and seed quality. The recommendations reinforced the importance of agricultural coexistence and the need to educate farmers and other stakeholders in the food and feed production chain about coexistence and each stakeholder's role in its success. Following the report, USDA also assembled several cross-Agency working groups to consider the recommendations in depth. The results of their work will be discussed at the workshop.

Among the recommendations made by the AC21 were the following:

- USDA should ''spearhead and fund a broad-based, comprehensive education and outreach initiative to strengthen understanding of coexistence between diverse agricultural production systems,'' and
- USDA should ''work with agricultural stakeholders to develop a package of specific mechanisms that: (1) Foster good crop stewardship and mitigate potential economic risks derived from unintended gene flow between crop varieties and unintended presence in general; and (2) promote and incentivize farmer adoption of appropriate stewardship practices.''

In response to these recommendations, USDA solicited public input on ways that it could further agricultural coexistence by fostering better communication and collaboration among those involved in diverse agricultural production systems. On November 4, 2013, the Department published a Request for Information [2] in the **Federal Register** and invited public comments. These comments were considered by the cross-Agency working groups that were established to address the report recommendations.

Workshop Activities

USDA intends to host a 2-day, invitation-only workshop on March 12–13, 2015, to provide an opportunity to learn from stakeholders representing a wide range of interests with respect to agricultural coexistence and to build upon the Department's leadership and outreach efforts to promote coexistence. The workshop will achieve these aims by providing a forum for stakeholders to discuss current and potential USDA responses to the AC21 recommendations. USDA has organized the workshop around three sessions: (1) The current state of affairs of coexistence; (2) knowledge gaps, challenges, and USDA's responses so far to the AC21 recommendations; and (3) additional steps USDA is considering to respond to the challenges. During the workshop, participants representing industry, farmers, government, and academia will have the chance to expand their understanding of coexistence-related issues and raise questions, voice concerns, and share their expertise and insights about addressing the challenges of coexistence. The public will have an opportunity to listen to or watch the workshop remotely and submit comments, questions, and proposals after the event. Details for accessing the workshop and submitting comments are provided below.

In the first session, presentations will cover the current state of agricultural coexistence in the United States, including the science of GE crops, the economic implications of coexistence, and growing market demand for organic and identity-preserved non-GE products.

The second session will focus on current challenges to agricultural coexistence and what is being and can be done to address these challenges. This session will include discussion of actions that USDA has already taken in response to the AC21 report, insurance options for organic growers, germplasm purity, and reports on current coexistence-related research projects.

The final session will focus on looking ahead at what USDA intends to do to promote agricultural coexistence. Topics of discussion will include USDA initiatives, including a stakeholder outreach/communication plan, a survey of organic producers on GE-related economic losses, a study on the economic implications of coexistence, and the potential use of conservation programs, when applicable, in support of coexistence.

Due to time and space constraints, we found it necessary to limit participation in the workshop to invitation only. As noted above, participants attending the workshop have been selected from all sectors of the agricultural community and bring with them a diversity of perspectives and experiences regarding agricultural coexistence. We invite the public to listen in and watch the presentations and discussions during both days of the workshop. Information for accessing the workshop via phone and Webcast is available on the agricultural coexistence workshop Web page (see link included above under **ADDRESSES**). A full listing of workshop activities can also be found there. Persons interested in submitting comments on any of the topics presented during the workshop are welcome to do so through either of the methods listed above under **ADDRESSES**. We will thoroughly review all submissions and draw upon them as we develop ways of promoting coexistence that consider the needs of all types of producers.

Several new USDA draft proposals and products concerning coexistence will also be made available for public review via the agricultural coexistence workshop Web page, including resources for coexistence communication and planning, education on crop-specific stewardship practices and agricultural contracting, and other information on agricultural production and associated governmental programs, as well as earlier reports of the AC21. Also available is information about a new pilot program in which entities that submit a petition to USDA for a determination of nonregulated status for certain regulated articles

[1] ''Enhancing Coexistence: A Report of the AC21 to the Secretary of Agriculture.'' The report can be viewed at: *http://www.usda.gov/documents/ac21_report-enhancing-coexistence.pdf.*

[2] 78 FR 65960–65962. To view the Request for Information, the comments we received, and a USDA-prepared summary of those comments, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0047.*

under 7 CFR part 340 may voluntarily submit a conflict analysis and coexistence plan to advance agricultural coexistence strategies.

Additional coexistence documents will be made available in the weeks prior to the March workshop. Workshop presentations and summaries from plenary sessions and working group meetings will be made available after the event. Documents can be found as indicated above via the agricultural coexistence workshop Web page.

Additional information regarding the workshop may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 28th day of January 2015.

Tom Vilsack,

Secretary of Agriculture.

[FR Doc. 2015–02035 Filed 2–2–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2014–0013]

Notice of Proposed Changes to Section I of the Iowa, Minnesota, North Dakota, and South Dakota State Technical Guides

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Notice of availability of proposed changes to the NRCS State-specific Field Office Technical Guides for review and comment; extension of comment period.

SUMMARY: NRCS published a notice of proposed changes to section I of the State-specific technical guides for Iowa, Minnesota, North Dakota, and South Dakota on November 5, 2014, with a comment period ending February 3, 2015. This document extends the comment period.

DATES: The comment period for this notice (79 FR 65615, November 5, 2014) is hereby extended until February 20, 2015.

ADDRESSES: Comments should be submitted for each specific State, identified by Docket Number NRCS–2014–0013, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail or hand-delivery:* Submit State-specific comments to the appropriate State contact. The contact information for each State is shown below.
- NRCS will post all comments on *http://www.regulations.gov*. Personal information provided with comments will be posted. If your comment includes your address, phone number, email, or other personal identifying information, your comments, including personal information, may be available to the public. You may ask in your comment that your personal identifying information be withheld from public view, but this cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: The NRCS State Conservationist specific to your response.

- Iowa, Natural Resources Conservation Service, Jay Mar, State Conservationist, 210 Walnut Street, Room 693, Des Moines, Iowa 50309–2180; telephone: (515) 284–4769; email: *jay.mar@ia.usda.gove*; Iowa Web site: *http://www.nrcs.usda.gov/wps/portal/nrcs/site/ia/home/*
- Minnesota, Natural Resources Conservation Service, Walter Albarran, Acting State Conservationist, 375 Jackson Street, Suite 600, St. Paul, Minnesota 55101–1854; telephone: (651) 602–7854; email: *walter.albarran@fl.usda.gov*; Minnesota Web site: *http://www.nrcs.usda.gov/wps/portal/nrcs/site/mn/home/*
- North Dakota, Natural Resources Conservation Service, Mary Podoll, State Conservationist, 220 East Rosser Avenue, Room 278, Bismarck, North Dakota 58502–1458; telephone: (701) 530–2003; email: *mary.podoll@nd.usda.gov*, North Dakota Web site: *http://www.nrcs.usda.gov/wps/portal/nrcs/site/nd/home/*
- South Dakota, Natural Resources Conservation Service, Jeff Zimprich, State Conservationist, 200 Fourth Street SW., Room 203, Huron, South Dakota 57350; telephone: (605) 352–1200; email: *jeff.zimprich@sd.usda.gov*; South Dakota Web site: *http://www.nrcs.usda.gov/wps/portal/nrcs/site/sd/home/*

Electronic copies of the proposed revised offsite methods are available through *http://www.regulations.gov* by accessing Docket No. NRCS–2014–0013. Alternatively, copies can be downloaded or printed from the State-specific Web site listed above. Requests for paper versions or inquiries may be directed to the specific State Conservationist at the contact points listed above.

SUPPLEMENTARY INFORMATION: NRCS has received a number of questions about the proposed changes referred to in this notice, including several requests for additional time to complete detailed reviews and comments. This action extends the comment period to ensure that the public has sufficient time to review and comment on the proposed changes.

Signed this 28th day of January, 2015, in Washington, DC.

Jason A. Weller,

Chief, Natural Resources Conservation Service.

[FR Doc. 2015–02083 Filed 2–2–15; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

[Docket No. NRCS–2015–0001]

Notice of Proposed Changes to the National Handbook of Conservation Practices for the Natural Resources Conservation Service

AGENCY: Natural Resources Conservation Service (NRCS), USDA.

ACTION: Notice of availability of proposed changes in the NRCS National Handbook of Conservation Practices for public review and comment.

SUMMARY: Notice is hereby given of the intention of NRCS to issue a new conservation practice standard in the National Handbook of Conservation Practices. This standard is High Tunnel System (Code 325). NRCS State Conservationists who choose to adopt this practice for use within their States will incorporate it into section IV of their respective electronic Field Office Technical Guide. This practice may be used in conservation systems that treat highly erodible land (HEL) or on land determined to be a wetland. Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 requires NRCS to make available for public review and comment all proposed revisions to conservation practice standards used to carry out HEL and wetland provisions of the law.

DATES: *Effective Date:* This is effective February 3, 2015.

Comment Date: Submit comments on or before March 5, 2015. Final versions of this new conservation practice standard will be adopted after the close of the 30-day period and after consideration of all comments.

ADDRESSES: Comments should be submitted and identified by Docket Number NRCS–2015–0001, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.

• *Mail or hand-delivery:* Public Comments Processing, Attention: Regulatory and Agency Policy Team, Strategic Planning and Accountability, Natural Resources Conservation Service, 5601 Sunnyside Avenue, Building 1–1112D, Beltsville, Maryland 20705.

NRCS will post all comments on *http://www.regulations.gov*. In general, personal information provided with comments will be posted. If your comment includes your address, phone number, email, or other personal identifying information, your comments, including personal information, may be available to the public. You may ask in your comment that your personal identifying information be withheld from public view, but this cannot be guaranteed.

FOR FURTHER INFORMATION CONTACT: Wayne Bogovich, National Agricultural Engineer, Conservation Engineering Division, Department of Agriculture, Natural Resources Conservation Service, 1400 Independence Avenue SW., Room 6136 South Building, Washington, DC 20250.

Electronic copies of the proposed new standard is available through *http://www.regulations.gov* by accessing Docket No. NRCS–2015–0001. Alternatively, a copy can be downloaded or printed from the following Web site: *http://go.usa.gov/TXye*. Requests for a paper version or inquiries may be directed to Emil Horvath, National Practice Standards Review Coordinator, Natural Resources Conservation Service, Central National Technology Support Center, 501 West Felix Street, Fort Worth, Texas 76115.

SUPPLEMENTARY INFORMATION: To fully understand the new conservation practice standard, individuals are encouraged to acquire the document from one of the means listed. To aid in this understanding, following are some highlights of the proposed new standard: *High Tunnel System (Code 325)*—This is a new National Conservation Practice Standard with a 5 year lifespan. Prior to this new National Conservation Practice Standard, there existed an Interim Conservation Practice Standard, ''Seasonal High Tunnel'' (Code 798), that has been utilized extensively by a number of States since 2010. Because the Interim Conservation Practice Standard has been used so widely (10 thousand structures with financial assistance amounting to about $20 million), States recommended conversion of this interim standard to a new National Conservation Practice Standard. ''High Tunnel System'' (Code 325) applies to ''kits'' that can be purchased from a number of suppliers. Improving plant health and vigor has been identified as the purpose of this standard. The conservation practice describes ''an enclosed polyethylene, plastic, or fabric covered structure used to cover and protect crops from sun, wind, excessive rainfall, or cold to extend the growing season in an environmentally safe manner.''

Signed this 26th day of January, 2015, in Washington, DC.

Jason A. Weller,

Chief, Natural Resources Conservation Service.

[FR Doc. 2015–02084 Filed 2–2–15; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Notice of a National Public Stakeholder Forum on the Rural Energy for America Program

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Rural Business-Cooperative Service (RBS), an Agency within the USDA Rural Development Mission area, will hold an informational meeting, entitled ''Rural Energy for America Program (REAP) National Stakeholder Forum,'' associated with the recently published REAP rule and notice. The Stakeholder forum is open to the public, and participation can be in person or via webinar.

DATES: The Stakeholder Forum will be held on February 6, 2015, from 1 p.m. to 3 p.m. EDT. There will be two sessions with a short break in between. Session one will focus on the program changes to the grant and guaranteed loan components of REAP as a result of the recently published REAP rule and enactment of the 2014 Farm Bill. Session two will include a panel of guests who will discuss opportunities and successes within REAP. A question and answer session will follow the panel discussion.

For those wishing to attend in person, seating will be available on a first come first serve basis. You must register, as described in the Instructions for Attending the Meeting in Person section, by noon EDT February 4, 2015.

ADDRESSES: The Stakeholder Forum will take place in room 107–A of the Whitten Building on Jefferson Drive SW., located between 12th and 14th Streets SW., in Washington, DC 20250. For webinar participation, you must register for the webinar at *https://www.webcaster4.com/Webcast/Page/694/7209* prior to or during the webinar.

FOR FURTHER INFORMATION CONTACT: Venus Welch-White, Rural Business-Cooperative Service, Room 6870, 1400 Independence Avenue SW., Washington, DC 20250–3221, Telephone: (202) 720–0400. Email: *venus.welchwhite@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The REAP final rule and accompanying notice were published in the **Federal Register** on December 29, 2014 (*http://www.gpo.gov/fdsys/pkg/FR-2014-12-29* (December 29, 2014, page 78029)). In order to familarize the public with the changes to the REAP rule, representatives of the Department of Agriculture are conducting a National Stakeholder Forum.

The purpose of this forum is to provide information on the final rule for the Rural Energy for America Program, focusing on the changes associated with application submittal, scoring, funding, and other program information. Participants will be afforded the opportunity to ask questions on the material in the presentation through the webinar software.

Date: February 6, 2015.

Time: 1 p.m.–3 p.m.

Location information: USDA headquarters, in the Whitten Building, 1400 Jefferson Drive SW., Room 107–A, Washington, DC 20250.

Webinar registration information can be found at *https://www.webcaster4.com/Webcast/Page/694/7209.* Participants are responsible for ensuring their systems are compatible with the webinar software.

Instructions for Attending the Meeting In Person: Space for attendance at the meeting is limited. Due to USDA headquarters security and space requirements, all persons wishing to attend the public meeting in person, must send an email to *energydivision@wdc.usda.gov* by noon EDT February 4, 2015, to register the names of those planning to attend. Registrations will be accepted until maximum room capacity is reached. To register, provide the following information:

- First Name
- Last Name
- Organization
- Title
- Email

- City
- State

Upon arrival at the USDA Whitten Building, registered persons must provide valid photo identification in order to enter the building; visitors need to enter the Whitten Building on the mall side. Please allow extra time to get through security.

Nondiscrimination Statement: The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because of all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.* Individuals who are deaf, hard of hearing, or have speech disabilities and you wish to file a program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish). USDA is an equal opportunity provider and employer. The full ''Non-Discrimination Statement'' is found at: *http://www.usda.gov/wps/portal/usda/usdahome?navtype=FT&navid=Non_Discrimination.*

Dated: January 28, 2015.

Thomas E. Hannah,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2015–02032 Filed 2–2–15; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee for a Meeting To Discuss Civil Rights Issues in the State and Plan Future Activities

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on Thursday, March 19, 2015, for the purpose of discussing current civil rights issues in Indiana and determining plans for the next Committee project. Members of the Advisory Committee will be presenting issues that they believe the Committee should research and issue a report to the Commission.

Members of the public are invited to make statements into the record at the meeting starting at 2:50 p.m. Member of the public are also entitled to submit written comments; the comments must be received in the regional office by April 19, 2015. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60603. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Midwestern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Indiana Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda:

Welcome and Introductions
1:00 p.m. to 1:15 p.m.
B. Diane Clements Boyd, Chair

Discussion of Current Civil Rights Issues in Indiana
1:15 p.m. to 2:15 p.m.
Indiana Advisory Committee Members

Future plans and actions
2:15 p.m. to 2:30 p.m.

Open Comment
2:30 p.m.

Adjournment
3:00 p.m.

DATES: The meeting will be held on Thursday, March 19, 2015, at 1:00 p.m.

ADDRESSES: The meeting will be held at the Indiana Government Conference Center, 302 West Washington Street, Conference Room D, Indianapolis, IN 46204.

Dated: January 27, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–02043 Filed 2–2–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Mississippi Advisory Committee for a Meeting To Discuss and Decide on a Project Proposal Regarding Childcare Subsidy Policies in Mississippi

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting on Friday, February 27, 2015, at 1:00 p.m. CST for the purpose of discussing a project proposal on childcare subsidy policies in Mississippi. The project would lead to an advisory memorandum to the Commission.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–417–8533, conference ID: 7796659. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free

telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by March 28, 2015. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Mississippi Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

Agenda:

Welcome and Introductions

1:00 p.m. to 1:10 p.m.

Susan Glisson, Chair

Discussion of Proposal on Childcare Subsidies in Mississippi

1:10 p.m. to 1:50 p.m.

Planning Next Steps

1:50 p.m. to 2:00 p.m.

Adjournment

2:00 p.m.

DATES: The meeting will be held on Friday, February 27, 2015, at 1:00 p.m. CST.

Public Call Information:

Dial: 888–417–8533

Conference ID: 7796659

Dated: January 28, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–02044 Filed 2–2–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Safety and Security Business Development Mission to Morocco, Algeria and Egypt

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice; extension of application deadline.

SUMMARY: The United States Department of Commerce, International Trade Administration is amending a notice published May 5, 2014, for the Safety and Security Business Development Mission to Morocco, Algeria and Egypt (March 4–12, 2015) to extend the date of the application deadline from January 15, 2015, to the new deadline of January 30, 2015.

DATES: The application deadline for the notice published May 5, 2014, at 79 FR 10205, is extended to January 30, 2015.

SUPPLEMENTARY INFORMATION:

Amendment To Revise the Application Deadline

Background

Recruitment for this Mission began in May 2014. Due to November & December 2014 holidays, it has been determined that additional time is needed to allow for additional recruitment and marketing in support of the mission. Applications will now be accepted through January 30, 2015 (and after that date if space remains and scheduling constraints permit). Interested companies that have not already submitted an application are encouraged to do so.

Amendments

For the reasons stated above, the last paragraph of the Timeframe for Recruitment and Application section is amended to allow for applications to be accepted through January 30, 2015. ''Recruitment for this mission will conclude no later than January 30, 2015. The U.S. Department of Commerce will review applications and make selection decisions as quickly as possible. Applications received after January 30, 2015, will be considered only if space and scheduling constraints permit.''

FOR FURTHER INFORMATION CONTACT:

Trade Missions Office, Arica Young, U.S. Department of Commerce, Washington, DC, Tel: 613–317–7538, Email: *Arica.Young@trade.gov.*

Baltimore U.S. Export Assistance Center, Paul Matino, Tel: 410–962–4539 Ext. 108, Email: *Paul.Matino@trade.gov.*

U.S. Embassy Cairo, Egypt, Ann Bacher, Regional Senior Commercial Officer, Tel: +20–2–2797–2298, Fax: + 20–2–2795–8368, Email: *Ann.Bacher@trade.gov.*

Frank Spector,

International Trade Specialist.

[FR Doc. 2015–01633 Filed 2–2–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee Meeting

AGENCY: ITA, DOC.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Thursday, February 19, 2015, at 9:00 a.m. Eastern Standard Time (EST).

ADDRESSES: The meeting will be held in Room 4830, U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Ave. NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, ITA, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Thursday, February 19, 2015 CINTAC meeting is as follows:

9 a.m.–4 p.m.

1. International Trade Administration's Civil Nuclear Trade Initiative Update

2. Civil Nuclear Trade Promotion Activities Discussion
3. Public comment period

The meeting will be disabled-accessible. Public seating is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information below by 5 p.m. EST on Friday, February 13, 2015 in order to pre-register for clearance into the building. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 30 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5 p.m. EST on Friday, February 13, 2015. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers. Speakers are requested to bring at least 20 copies of their oral comments for distribution to the participants and public at the meeting.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5 p.m. EST on February 13, 2015. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2015–02039 Filed 2–2–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

8th Annual U.S. Industry Program at the International Atomic Energy Agency (IAEA) General Conference

AGENCY: International Trade Administration (/ITA), Department of Commerce (DOC).

ACTION: Notice

Mission Description

The United States Department of Commerce's (DOC) International Trade Administration (ITA), with participation from the U.S. Departments of Energy and State, is organizing the 8th Annual U.S. Industry Program at the International Atomic Energy Agency (IAEA) General Conference, to be held September 13–16, 2015, in Vienna, Austria. The IAEA General Conference is the premier global meeting of civil nuclear policymakers and typically attracts senior officials and industry representatives from all 162 Member States. The U.S. Industry Program is part of the Department of Commerce-led Civil Nuclear Trade Initiative, a U.S. Government effort to help U.S. civil nuclear companies identify and capitalize on commercial civil nuclear opportunities around the world. The purpose of the program is to help the U.S. nuclear industry promote its services and technologies to an international audience, including senior energy policymakers from current and emerging markets as well as IAEA staff.

Representatives of U.S. companies from across the U.S. civil nuclear supply chain are eligible to participate. In addition, organizations providing related services to the industry, such as universities, research institutions, and U.S. civil nuclear trade associations, are eligible for participation. The mission will help U.S. participants gain market insights, make industry contacts, solidify business strategies, and identify or advance specific projects with the goal of increasing U.S. civil nuclear exports to a wide variety of countries interested in nuclear energy.

The schedule includes: (1) Meetings with foreign delegations; (2) briefings from senior U.S. Government officials and IAEA staff on important civil nuclear topics including regulatory, technology and standards issues; liability, public acceptance, export controls, financing, infrastructure development, and R&D cooperation; and (3) networking events. Past U.S. Industry Programs have included participation by the U.S. Secretary of Energy, the Chairman of the U.S. Nuclear Regulatory Commission (NRC) and senior U.S. Government officials from the Departments of Commerce, Energy, State, the U.S. Export-Import Bank and the National Security Council.

There are significant opportunities for U.S. businesses in the global civil nuclear energy market. With 174 nuclear plant projects planned in 30 countries over the next 8–10 years, this translates to a market demand for equipment and services totaling $500–740 billion over the next ten years. This mission contributes to the President's National Export Initiative NEXT (*http://www.trade.gov/neinext*) and DOC's Civil Nuclear Trade Initiative (*http://export.gov/civilnuclear*), by assisting U.S. businesses in entering or expanding in international markets, and enhancing opportunities for U.S. exports.

Mission Setting

The IAEA General Conference is the premier global meeting of civil nuclear policymakers, and typically attracts over 1,200 senior officials and industry representatives from all 162 IAEA Member States. As such, it is an opportunity to highlight the breadth and depth of the U.S. civil nuclear sector to foreign energy policymakers and potential customers. The U.S. Industry Program will provide opportunities for U.S. industry representatives to meet with U.S. Government and IAEA officials and discuss key issues of interest for civil nuclear exporters. The program will also feature exclusive briefings from foreign government representatives, providing opportunities for participants to develop contacts in potential export markets. Past U.S. Industry Programs have included participation from U.S. companies and organizations from across the U.S. civil nuclear supply chain, including large reactor and small modular reactor (SMR) designers; component manufacturers; engineering, procurement, and construction firms; civil nuclear program management providers; advisory services firms; fuel cycle service providers (including uranium enrichment); National Laboratories; and industry trade associations and professional organizations.

Mission Goals

The purpose of the U.S. Industry Program is to highlight the benefits of U.S. civil nuclear technology to foreign decision makers in key export markets and to enable representatives from the U.S. public and private sector to discuss U.S. industry's role in the safe and secure expansion of civil nuclear power

worldwide. U.S. participants will also have the opportunity to network and build relationships in the global civil nuclear sector, interact with foreign government and industry officials, and learn more about current and future project opportunities. Foreign government participants will hear about the expertise that the U.S. industry has amassed in this sector and may learn how to better partner with U.S. industry on future nuclear power projects, thus potentially leading to increased U.S. exports. Participants will also be able to schedule one-on-one meetings with visiting ITA staff from key markets to learn about export opportunities and how to identify potential buyers, agents and distributors in those markets.

Mission Scenario

Prior to the start of the IAEA General Conference, on September 13, trade mission participants can attend a welcome reception hosted by ITA officials. Monday, September 14, will begin with a Policymaker's Roundtable and an interagency U.S. Government briefing featuring discussion sessions and remarks by senior officials from the U.S. Departments of Commerce, Energy and State, the NRC, and the National Security Council. Participants will receive invitations to the IAEA Director General's Reception and the U.S. Mission to the IAEA Reception, offering further opportunities for networking. Tuesday, September 15, will feature panel discussions with U.S. government officials, industry representatives, and other experts that will focus on relevant nuclear issues. On Tuesday evening, a special reception for Industry Program participants and invited foreign government officials will be held. In addition, on Monday, Tuesday, and Wednesday, meetings with foreign delegation officials from some of the top markets for U.S. civil nuclear exports will be scheduled. Approximately ten such meetings will be planned throughout the duration of the event.

Participants will have access to the catered America lounge which includes meeting space. In addition, the U.S. Government will support an exhibit within the IAEA General Conference venue to showcase U.S. nuclear energy policies, programs, technology and services, where participating organizations will have the option to provide company literature that will be integrated into the exhibit. The U.S. exhibit will be staffed by DOC staff throughout the conference. Exhibit staff will be instructed to note interest on the part of country delegates and pass those contacts on to program participants. The exhibit will also serve as a meeting-point for U.S. company representatives at the conference.

Mission Dates and Proposed Agenda

****Note that specific events and meeting times have yet to be confirmed****

Sunday, September 13

6:00–8:00 p.m. U.S. Industry Delegation Welcome Reception and Program Orientation/Major Nuclear Markets Overview

Monday, September 14

7:45 a.m. Industry Program breakfast meeting begins
8:10–9:45 a.m. U.S. Policymakers Roundtable
9:45–10:00 a.m. Break
10:00–11:00 a.m. USG Dialogue with Industry
11:00 a.m.–6:00 p.m. IAEA Side Events
12:00 p.m.–12:30 p.m. Break
12:30–2:00 p.m. Industry Program Meetings: One-on-one meetings with ITA Commercial Service staff and Ex-Im Bank staff over lunch
2:00–3:00 p.m. Secretary of Energy visits U.S. Exhibit
3:00–6:00 p.m. Country & IAEA Briefings for Industry Delegation (foreign delegates & IAEA staff)
6:30–7:30 p.m. IAEA Director General Reception
7:30–9:30 p.m. U.S. Mission to the IAEA Reception

Tuesday, September 15

9:00–11:00 a.m. USG/Industry Roundtable briefings
11:00 a.m.–6:00 p.m. Country & IAEA Briefings for Industry (presented by foreign delegates & IAEA staff)
10:00 a.m.–6:00 p.m. IAEA Side Event Meetings
6:00–8:00 p.m. U.S. Industry Reception (America Lounge)

Wednesday, September 16

10:00 a.m.–3:00 p.m. Country & IAEA Briefings for Industry (presented by foreign delegates & IAEA staff)
10:00 a.m.–6:00 p.m. IAEA Side Events

Participation Requirements

U.S. companies, U.S. trade associations, and U.S. academic and research institutions interested in participating in the trade mission must complete and submit an application package for consideration by the DOC. All applicants will be evaluated on their ability to meet certain conditions and best satisfy the selection criteria as outlined below. Applications will be reviewed on a rolling basis in the order that they are received. A minimum of 15 and maximum of 50 companies and/or trade associations and/or U.S. academic and research institutions will be selected to participate in the mission from the applicant pool.

Fees and Expenses

After a company or organization has been selected to participate on the mission, a payment to the DOC in the form of a participation fee is required. Participants will be able to take advantage of U.S. Embassy rates for hotel rooms.

- The fee to participate in the event is *$3,300* for a large, small or medium-sized company (SME), a trade association, or a U.S. university or research institution. The fee for each additional representative (large company, trade association, university/research institution, or SME) is *$2,200.*

Exclusions

The mission fee does not include any personal travel expenses such as lodging, most meals, local ground transportation, except as stated in the proposed agenda, and air transportation from the United States to the mission site and return to the United States.

Sponsorship Opportunities

In order to afford interested companies with the opportunity to define a higher profile during the program, we are offering a number of marketing partnership opportunities for the program. More information about these opportunities will be posted online soon.

Conditions for Participation

Applicants must submit a completed mission application signed by a company, trade association, or academic or research institution official, together with supplemental application materials, including adequate information on the organization's products and/or services, primary market objectives, and goals for participation. If the DOC receives an incomplete application, the DOC may reject the application, request additional information, or take the lack of information into account in its evaluation.

Each applicant also must certify that the products or services it seeks to export through the mission are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have demonstrable U.S. content as a percentage of the value of the finished product or service. In the case of a trade association, the applicant must certify that, for each company to be represented

by the trade association or trade organization, the products and services the represented company seeks to export are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have demonstrable U.S. content. In the case of an academic or research institution, the applicant must certify that as part of its activities at the event, it will represent the interests of constituents that meet the criteria above.

Applicants from a company, organization or institution that is majority owned or controlled by a foreign government entity will not be considered for participation in the U.S. Industry Program.

Selection Criteria

Selection will be based on the following criteria:

- Suitability of the company's (or, in the case of another organization, represented companies' or constituents') products or services to each of the markets the company or organization has expressed an interest in exporting to as part of this trade mission.
- The company's (or, in the case of another organization, represented companies' or constituents') potential for business in each of the markets the company or organization has expressed an interest in exporting to as part of this trade mission, including likelihood of exports resulting from the mission.
- Consistency of the applicant company's (or, in the case of another organization, represented companies' or constituents') goals and objectives with the stated mission scope.

Diversity of company size, sector or subsector, and location also may be considered in the review process. Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and will not be considered.

Timeframe for Recruitment and Participation

Recruitment for participation in the U.S. Industry Program as a representative of the U.S. nuclear industry will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the DOC trade mission calendar, notices to industry trade associations and other multiplier groups. Recruitment will begin 2 weeks after publication in the **Federal Register** and conclude no later than June 26, 2015. The ITA will review applications and make selection decisions on a rolling basis. Applications received after June 26, 2015, will be considered only if space and scheduling permit.

Contacts

Jonathan Chesebro, Industry & Analysis, Office of Energy and Environmental Industries, Washington, DC, Tel: (202) 482–1297, Email: *jonathan.chesebro@trade.gov*

Marta Haustein, Embassy of the United States of America, U.S. Commercial Service, Vienna, Austria, Tel: +43(0) 1 313 39 2205, Email: *marta.haustein@trade.gov*

Ryan Russell, U.S. Commercial Service, Pittsburgh, PA, Tel: (412) 644–2817, Email: *Ryan.Russell@trade.gov*

Dated: January 22, 2015.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2015–02042 Filed 2–2–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD647

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States, Dolphin and Wahoo Fishery Off the Atlantic States, and Coral and Coral Reefs Fishery in the South Atlantic; Exempted Fishing Permit

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of two applications for exempted fishing permits; request for comments.

SUMMARY: NMFS announces the receipt of two applications for exempted fishing permits (EFPs), one from Dr. Janelle Fleming, on behalf of the Eastern Carolina Artificial Reef Association (ECARA); and one from Dr. James Morris of the National Ocean Service (NOS). If granted, the EFPs would authorize the deployment of Maine lobster traps, crab pot Christmas trees, and horizontal structures (fish attracting devices) at several sites in the Federal waters off North Carolina to determine the efficacy of these gear types for attracting and collecting invasive lionfish.

DATES: Written comments must be received on or before March 5, 2015.

ADDRESSES: You may submit comments on the applications, identified by ''NOAA–NMFS–2015–0018'', by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0018,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Kate Michie, 727–824–5305; email *Kate.Michie@noaa.gov*.

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The fishing activities proposed under each EFP are similar in nature; therefore, both EFP requests are being announced in a single **Federal Register** notice. However, NMFS will consider each application separately and make independent determinations about whether to issue each EFP. The EFP requests involve activities covered by regulations implementing the Fishery Management Plans (FMP) for federally managed fisheries of the South Atlantic Region, which prohibit the use of fish traps in the South Atlantic (50 CFR 622.9). The ECARA request authorization to deploy two sets of five Maine lobster traps with crab pot Christmas trees. The NOS applicant requests authorization to deploy one set of five Maine lobster traps with crab pot Christmas trees and horizontal structures. Crab pot Christmas trees are a vertical, pyramid-shaped structure with many branch-type projections.

Crab pot Christmas trees would be used as fish attracting devices in both projects. The horizontal structures are horizontal and concave structures elevated off the bottom with four legs similar to an upside down satellite dish or a small round table. This structure type has been documented to attract large aggregations of lionfish. In both projects, the Maine lobster traps and accompanying attracting devices would be set along artificial reef sites, natural reef sites, rocky reef bottom, and a flat sandy area in Federal waters off North Carolina.

The ECARA applicant has requested the EFP be effective from the date of issuance through December 31, 2016, and the NOS applicant has requested the EFP be effective from the date of issuance through December 31, 2018.

The purpose of these studies are to support continued research on traps that could be used for collecting invasive lionfish off eastern North Carolina artificial reefs, and to determine their efficacy as fish attracting devices. Additionally, the ECARA project intends to assess consumers' preference for lionfish as an exotic food source in a restaurant setting to determine if Carteret County, NC, would support a consumer market for the species.

In both studies, each string of five Maine lobster traps and crab pot Christmas trees/horizontal structures will be connected by a chain with no buoy lines to the surface, and deployed along designated hard bottom features with a distance of 30 ft (9.14 m) to 50 ft (15.24 m) between each trap. After deployment, divers will verify the position of the traps to ensure the traps are located between 20 ft (6.10 m) and 30 ft (9.14 m) from the designated bottom feature. Trap deployment would occur year-round along the North Carolina coast from 3 miles offshore, and up to 360 ft (109.68 m) in depth. The traps will be deployed for at least 48 hours and no longer than 3 weeks. After 48 hours, divers will count and identify the number of fish inside and around the traps, and record video prior to hauling the traps.

Video images will be used to assess the success of the crab pot Christmas trees and horizontal structures as attracting devices for lionfish, and other fish species. Under the ECARA project, fish captured in the Maine lobster traps will be quantified to the lowest possible taxon, measured, photographed/video documented, and released alive. Any egg bearing lobsters captured in a trap will be returned to the water and released alive. Captured lionfish will be counted, measured, and prepared for consumption at nearby restaurants. These lionfish will be offered, free of charge, to patrons as part of the consumer demand assessment portion of the research project. Under the NOS project, fish caught in the Maine lobster traps will be removed from the traps, returned to the water and released alive.

NMFS finds these applications warrant further consideration based on a preliminary review. Possible conditions the agency may impose on this permit, if they are granted, include but are not limited to, a prohibition of conducting research within marine protected areas, marine sanctuaries, special management zones, or artificial reefs without additional authorization, and use of escape panels on the Maine lobster traps. Additionally, NMFS will require any sea turtles taken incidentally during the course of fishing or scientific research activities to be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water. A final decision on issuance of each of the EFPs will depend on NMFS' review of public comments received on the application, consultations with the affected state, the South Atlantic Fishery Management Council, and the U.S. Coast Guard, and a determination that they are consistent with all applicable laws.

Authority: 16 U.S.C 1801 *et seq.*

Dated: January 29, 2015.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–02041 Filed 2–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD746

Council Coordination Committee Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: NMFS will host a meeting of the Council Coordination Committee (CCC), consisting of the Regional Fishery Management Council chairs, vice chairs, and executive directors on February 18–19, 2015. The intent of this meeting is to discuss issues of relevance to the Councils, including budget allocations for FY2015 and budget planning for FY2016 and beyond; FY2015 Priorities; an overview of the Saltonstall-Kennedy FY14–15 grants process; the FY2015 legislative outlook; updates on Magnuson-Stevens Act (MSA) National Standard 1, the Presidential Task Force on combatting Illegal, Unreported, and Unregulated (IUU) fishing and seafood fraud, MSA operational guidelines, NMFS climate science strategy, and habitat conservation initiatives; updates on electronic monitoring implementation plans, the Fisheries Forum Information Network, the report on Science Center 2013 data program review and 2014 assessment program review; and Council workgroup updates, including stock rebuilding, National Environmental Policy Act (NEPA), allocation, and socioeconomic issues and other topics related to implementation of the MSA.

DATES: The meeting will begin at 9 a.m. on Wednesday, February 18, 2015, recess at 5:45 p.m. or when business is complete; and reconvene at 9 a.m. on Thursday, February 19, 2015, and adjourn by 5 p.m. or when business is complete.

ADDRESSES: The meeting will be held at the Holiday Inn Capitol Hill, 550 C Street SW., Washington, DC 20024, telephone 202–479–4000, fax 202–288–4627.

FOR FURTHER INFORMATION CONTACT: William D. Chappell: telephone 301–427–8505 or email at *William.Chappell@noaa.gov;* or Brian Fredieu: telephone 301–427–8505 or email at *Brian.Fredieu@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (MSRA) established the CCC by amending Section 302 (16 U.S.C. 1852) of the MSA. The committee consists of the chairs, vice chairs, and executive directors of each of the eight Regional Fishery Management Councils authorized by the MSA or other Council members or staff. NMFS will host this meeting and provide reports to the CCC for its information and discussion. All sessions are open to the public.

Proposed Agenda

Wednesday, February 18, 2015

9 a.m.—Morning Session Begins

- Welcome/Introductions
- NMFS Update
- NMFS FY15 Priorities
- Council Report Round Robin: Top three priorities for 2015
- Management and Budget update: FY2015—Status, Council funding; FY2016—Update Budget Outlook; Records Management
- Overview of S/K FY14–15 Grant

Process
- Legislative Outlook
- National Standard 1
- Presidential Task Force on combatting Illegal, Unreported, and Unregulated (IUU) fishing and seafood fraud
- Update on MSA Operational Guidelines

5:45 p.m.—Adjourn for the day

Thursday, February 20, 2015

9 a.m.—Morning Session Begins
- NMFS Climate Science Strategy
- Report on Science Centers 2013 Data Program Review and 2014 Assessment Program Review
- Electronic Monitoring Implementation Plans
- Fisheries Forum Information Network (FFIN)
- Habitat Workgroup Update and Future Planning
- Council Workgroup Updates: MSA—Stock Rebuilding; MSA—Reconciling Statutory Inconsistency (NEPA); Legislative Committee (MSA reauthorization); CCC Allocation Review Working Group; Western Pacific Fishery Management Council (WPFMC) Socioeconomic Workshop Report

5 p.m.—Adjourn for the day

The order in which the agenda items are addressed may change. The CCC will meet as late as necessary to complete scheduled business.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Brian Fredieu at 301–427–8505 at least five working days prior to the meeting.

Dated: January 28, 2015.

Alan Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–02022 Filed 2–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD075

Endangered Species; File No. 18136

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for a permit modification.

SUMMARY: Notice is hereby given that Larry Wood, LDWood BioConsulting, Inc., 425 Kennedy Street, Jupiter, FL 33468, has requested a modification to scientific research Permit No. 18136.

DATES: Written, telefaxed, or email comments must be received on or before March 5, 2015.

ADDRESSES: The modification request and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov/,* and then selecting File No. 18136 Mod 1 from the list of available applications. These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Brendan Hurley, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 18136, issued on December 16, 2014 (79 FR 74712) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

Permit No. 18136 authorizes the permit holder to continue to describe the abundance and movements of an aggregation of hawksbill sea turtles (*Eretmochelys imbricata*) found on the barrier reefs of southeast Florida. Up to 50 sea turtles may be approached during dives for observation and photographs annually. Up to 25 additional animals may be hand captured, measured, flipper and passive integrated transponder tagged, photographed, tissue sampled, and released annually. In addition, up to six sub-adult and six adult hawksbills maybe captured for the above procedures and fitted with a satellite transmitter prior to their release. The permit is valid through September 30, 2019. The permit holder requests authorization to expand the study area to include the waters of Miami-Dade and Monroe Counties. No other changes to the permit are requested.

Dated: January 28, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–02054 Filed 2–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Powder River Training Complex, Ellsworth Air Force Base, South Dakota, Final Environmental Impact Statement

ACTION: Notice of Availability (NOA) Record of Decision (ROD).

SUMMARY: On January 16, 2015, the United States Air Force signed the ROD for the Powder River Training Complex, Ellsworth Air Force Base, South Dakota, Final Environmental Impact Statement (EIS). This ROD states the Air Force decision to select Modified Alternative A and adopts specified mitigation measures. The Air Force will request the Federal Aviation Adminsitration (FAA) to chart the Modified Alternative A airspace to implement the decision.

The decision was based on matters discussed in the Final EIS; inputs from the public, Native American tribes, and Federal, State and local units of government, and regulatory agencies; and other relevant factors. The Final EIS was made available to the public on November 28, 2014, through a NOA in the **Federal Register** (Volume 79, Number 229, Page 70865) with a post-filing waiting period that ended on December 29, 2014. This ROD documents only the Air Force decision on the proposed actions analyzed in the Final EIS. Authority: This NOA is published pursuant to the regulations (40 CFR Sec. 1506.6) implementing the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) and the Air Force's Environmental Impact Analysis Process (32 CFR Secs. 989.21(b) and 989.24(b)(7)).

FOR FURTHER INFORMATION CONTACT: Judith Keith, AFCEC/CZN 2261 Hughes

Ave, Ste 155, JBSA Lackland, TX 78236, 210–925–3367.

Henry Williams,

Civ, DAF, Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2015–02066 Filed 2–2–15; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0010]

Agency Information Collection Activities; Comment Request; College Assistance Migrant Program (CAMP)

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 6, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0010 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E115, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact: Lisa Gillette, (202) 260–1426.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: College Assistance Migrant Program (CAMP).

OMB Control Number: 1810–0689.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, Tribal Governments.

Total Estimated Number of Annual Responses: 37.

Total Estimated Number of Annual Burden Hours: 1,184.

Abstract: The College Assistance Migrant Program (CAMP) office staff collects information for the CAMP Annual Performance Report (APR) the data being collected is in compliance with Higher Education Act of 1965, as amended, Title IV, Sec. 418A; 20 U.S.C. 1070d–2 (special programs for students whose families are engaged in migrant and seasonal farm work) (shown in appendix A), the Government Performance Results Act (GPRA) of 1993, Section 4 (1115), and the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.253. EDGAR states that recipients of multi-year discretionary grants must submit an APR demonstrating that substantial progress has been made towards meeting the approved objectives of the project. In addition, EDGAR requires discretionary grantees to report on their progress toward meeting the performance measures established for the ED grant program. The CAMP office staff requests a customized APR that goes beyond the generic 524B APR to facilitate the collection of more standardized and comprehensive data to inform GPRA, to improve the overall quality of data collected, and to increase the quality of data that can be used to inform policy decisions.

Dated: January 29, 2015.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–02046 Filed 2–2–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register.**

DATES: Wednesday, February 18, 2015, 2:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site

programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda:

1. 2:00 p.m. Approval of Agenda
2. 2:02 p.m. Approval of Minutes from November 12, 2014
3. 2:05 p.m. Old Business
4. 2:15 p.m. New Business
5. 2:25 p.m. Update from Executive Committee—Doug Sayre, Chair
6. 2:35 p.m. Update from DOE—Lee Bishop, Deputy Designated Federal Officer
7. 2:45 p.m. Presentation by DOE
8. 3:30 p.m. Public Comment Period
9. 3:45 p.m. Sub-Committee Breakout Session
   - Discuss Topics for Committee Sponsored Draft Recommendations
   - Compile Information for Waste Isolation Pilot Plant Recommendation
   - General Committee Business
10. 4:00 p.m. Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC on January 29, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–02048 Filed 2–2–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1827–004.
Applicants: Cleco Power LLC.
Description: Triennial Market Power Filing for Central Region of Cleco Power LLC.
Filed Date: 1/23/15.
Accession Number: 20150123–5292.
Comments Due: 5 p.m. ET 3/24/15.

Docket Numbers: ER10–2532–004.
Applicants: Crescent Ridge LLC.
Description: Notice of Non-Material Change in Status of Crescent Ridge LLC.
Filed Date: 1/23/15.
Accession Number: 20150123–5297.
Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: ER15–494–001.
Applicants: Duke Energy Dicks Creek, LLC.
Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 12/1/2014.
Filed Date: 1/26/15.
Accession Number: 20150126–5221.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–495–001.
Applicants: Duke Energy Killen, LLC.
Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 12/1/2014.
Filed Date: 1/26/15.
Accession Number: 20150126–5225.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–496–001.
Applicants: Duke Energy Zimmer, LLC.
Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 12/1/2014.
Filed Date: 1/26/15.
Accession Number: 20150126–5229.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–497–000.
Applicants: Duke Energy Ohio, Inc.
Description: Report Filing: Response to Deficiency Letter to be effective 11/29/2014.
Filed Date: 1/26/15.
Accession Number: 20150126–5259.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–498–001.
Applicants: Duke Energy Miami Fort, LLC.
Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 12/1/2014.
Filed Date: 1/26/15.
Accession Number: 20150126–5232.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–607–001.
Applicants: Duke Energy Stuart, LLC.
Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 12/1/2014.
Filed Date: 1/26/15.
Accession Number: 20150126–5234.
Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–902–000.
Applicants: Pacific Summit Energy LLC.
Description: Compliance filing per 35: Revised MBR Tariff to be effective 3/24/2015.
Filed Date: 1/23/15.
Accession Number: 20150123–5224.
Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: ER15–903–000.
Applicants: Cianbro Energy, LLC.
Description: Tariff Withdrawal per 35.15: Cancellation of MBR Tariff to be effective 2/1/2015.
Filed Date: 1/23/15.
Accession Number: 20150123–5228.
Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: ER15–904–000.
Applicants: Kennebec River Energy, LLC.
Description: Tariff Withdrawal per 35.15: Cancellation of MBR Tariff to be effective 1/23/2015.
Filed Date: 1/23/15.
Accession Number: 20150123–5307.
Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: ER15–905–000.
Applicants: PalletOne Energy, LLC.
Description: Tariff Withdrawal per 35.15: Cancellation of MBR Tariff to be effective 2/1/2015.
Filed Date: 1/23/15.
Accession Number: 20150123–5232.
Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: ER15–906–000.
Applicants: PacifiCorp.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Tri-State Construction Agmt—Deaver to be effective 1/21/2015.
Filed Date: 1/23/15.
Accession Number: 20150123–5253.
Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: ER15–907–000.
Applicants: PacifiCorp.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Tri-State NITSA Rev 6 to be effective 1/21/2015.

Filed Date: 1/26/15.

Accession Number: 20150126–5238.

Comments Due: 5 p.m. ET 2/17/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–3–000.

Applicants: Xcel Energy Southwest Transmission Company, LLC.

Description: Supplement to October 31, 2014 Application under Section 204 of the Federal Power Act of Xcel Energy Southwest Transmission Company, LLC.

Filed Date: 1/26/15.

Accession Number: 20150126–5257.

Comments Due: 5 p.m. ET 2/5/15.

Docket Numbers: ES15–4–000.

Applicants: Xcel Energy Transmission Development Company, LLC.

Description: Supplement to October 31, 2014 Application under Section 204 of the Federal Power Act of Xcel Energy Transmission Development Company, LLC.

Filed Date: 1/26/15.

Accession Number: 20150126–5210.

Comments Due: 5 p.m. ET 2/5/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–5–000.

Applicants: North American Electric Reliability Corp.

Description: Petition for Approval of Amendments to the Delegation Agreement of Southwest Power Pool, Inc. Submitted by the North American Electric Reliability Corporation.

Filed Date: 1/23/15.

Accession Number: 20150123–5315.

Comments Due: 5 p.m. ET 2/13/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 26, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02009 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–1173–004.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment per 35.17(b): 2nd Amendment to NCEMC NITSA SA 210 to be effective 1/1/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5051.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER14–1934–002; ER14–1935–002

Applicants: Rising Tree Wind Farm LLC, Rising Tree Wind Farm II LLC.

Description: Notice of Non-Material Change in Status of Rising Tree Wind Farm LLC, et. al.

Filed Date: 1/26/15.

Accession Number: 20150126–5395.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–647–001.

Applicants: Kay Wind, LLC.

Description: Tariff Amendment per 35.17(b): Kay Wind MBRA Amendment 12715 to be effective 2/16/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5119.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–744–000.

Applicants: Trans Bay Cable LLC.

Description: Errata to December 29, 2014 Trans Bay Cable LLC tariff filing.

Filed Date: 1/23/15.

Accession Number: 20150123–5321.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER15–908–000.

Applicants: Central Maine Power Company.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Western Maine Renewables, LLC E&P Agreement to be effective 3/28/2015.

Filed Date: 1/26/15.

Accession Number: 20150126–5341.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–910–000.

Applicants: Consumers Energy Company.

Description: Application to Approve the Reclassification by the Michigan Public Service Commission of Certain Assets from Distribution to Transmission of Consumers Energy Company.

Filed Date: 1/23/15.

Accession Number: 20150123–5327.

Comments Due: 5 p.m. ET 2/13/15.

Docket Numbers: ER15–911–000.

Applicants: Southern California Edison Company.

Description: Tariff Withdrawal per 35.15: Notices of Cancellation SGIA and Distribution Service Agmt Adelanto Greenworks B to be effective 1/28/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5128.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–912–000.

Applicants: South Carolina Electric & Gas Company.

Description: Compliance filing per 35: SCE&G Attachment H & Schedule 1 to be effective 3/31/2010.

Filed Date: 1/27/15.

Accession Number: 20150127–5206.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–913–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Original Service Agreement No. 3315; Queue No. X3–007 to be effective 1/27/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5208.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–914–000.

Applicants: Western Antelope Blue Sky Ranch A LLC.

Description: Initial rate filing per 35.12 Western Antelope Blue Sky Ranch A LLC SFA to be effective 2/1/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5217.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–915–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–27_SA 2193 MidAmerican-CIPCO GFA to be effective 1/28/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5225.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–916–000.

Applicants: Sierra Solar Greenworks LLC.

Description: Initial rate filing per 35.12 Sierra Solar Greenworks LLC SFA to be effective 2/1/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5237.

Comments Due: 5 p.m. ET 2/17/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–4–000.

Applicants: Blue Canyon Windpower LLC, Blue Canyon Windpower II LLC,

Blue Canyon Windpower V LLC, Blue Canyon Windpower VI LLC, Cloud County Wind Farm, LLC, Sustaining Power Solutions LLC.

Description: Quarterly Land Acquisition Report of Blue Canyon Windpower LLC, et. al.

Filed Date: 1/26/15.

Accession Number: 20150126–5393.

Comments Due: 5 p.m. ET 2/17/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 27, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02010 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–38–000]

RTO Energy Trading, LLC; Notice of Petition for Declaratory Order

Take notice that on January 26, 2015, pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207 (2014), RTO Energy Trading, LLC (RET), filed a petition for declaratory order requesting the Commission confirm that: (1) Absent indicia of common control, overlap in capital ownership, even if significant, is insufficient to render two entities ''affiliates,'' or otherwise require or allow them to be jointly subject to PJM Interconnection, LLC.'s (PJM) Tariff and/or Operating Agreement; and (2) RET is not deemed be an affiliate, an affiliated entity, or otherwise related to, or affiliated with, any other Commission-regulated market participant; and, thus, should not be, for any purpose, jointly subject to PJM's Tariff and/or Operating Agreement with any other Commission-regulated market participant, as long as RET follows certain safeguards, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on February 25, 2015.

Dated: January 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–01995 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–509–000]

Paiute Pipeline Company; Notice of Availability of the Environmental Assessment for the Proposed 2015 Elko Area Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this Environmental Assessment (EA) of the 2015 Elko Area Expansion Project (Elko Expansion Project or Project) proposed by Paiute Pipeline Company in the above-referenced docket. Paiute Pipeline Company requests authorization to construct, operate, and maintain a new natural gas pipeline and associated facilities in Elko County, Nevada.

The proposed Elko Expansion Project would involve construction of about 35 miles of new 8-inch-diameter pipeline, one interconnect station, modifications to the existing Elko City Gate, and two isolation valves. Paiute Pipeline Company states that the purpose of the Project is to provide 21,994 dekatherms per day of natural gas transportation service to the Elko, Nevada area.

The EA assesses the potential environmental effects of the construction and operation of the Elko Expansion Project in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA). The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Department of Interior's Bureau of Land Management (BLM) and the U.S. Army Corps of Engineers participated as cooperating agencies in the preparation of this EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The BLM has jurisdiction over public land and with this document is evaluating the environmental effects of issuing a right-of-way grant to Paiute Pipeline Company.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the Project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link.

A limited number of copies of the EA are also available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments

should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are properly recorded and considered prior to a Commission decision on the proposal, it is important that the FERC receives your comments in Washington, DC on or before February 26, 2015.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the project docket number (CP14–509–000) with your submission. The Commission encourages electronic filing of comments and has dedicated eFiling expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to Documents and Filings. An eComment is an easy method for interested persons to submit text-only comments on a project;

(2) You may file your comments electronically by using the eFiling feature, which is located on the Commission's Web site at *www.ferc.gov* under the link to Documents and Filings. With eFiling you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing''; or

(3) You may file a paper copy of your comments at the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Although your comments will be considered by the Commission, simply filing comments will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (Title 18 Code of Federal Regulations Part 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding that would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the Project is available from the Commission's Office of External Affairs, at 1–866–208–FERC (3372) or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP14–509). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact 1–202–502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription, which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/doc-filing/esubscriptions.asp.*

Dated: January 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–01994 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–1–000]

PennEast Pipeline Company, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned PennEast Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

January 13, 2015.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the PennEast Pipeline Project (Project) involving construction and operation of facilities by PennEast Pipeline Company, LLC (PennEast), a partnership of six member companies including AGL Resources, New Jersey Resources Pipeline Company, South Jersey Industries, Public Service Electric and Gas Company Power LLC, Spectra Energy Partners, and UGI Energy Services. The Commission will use this EIS in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies and stakeholders on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. Please note that the scoping period will close on February 12, 2015. However, this is not your only public input opportunity; please refer to the Review Process flow chart in appendix 1.[1]

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meetings scheduled as follows:

Date and time	Location
January 27, 2015, 6:00 PM Eastern Time	College of New Jersey, 2000 Pennington Road, Ewing, NJ 08628.
January 28, 2015, 6:00 PM Eastern Time	Bucks County Community College, 275 Swamp Road, Newtown, PA 18940.

[1] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Date and time	Location
February 10, 2015, 6:00 PM Eastern Time	Northampton Community College, 3835 Green Pond Rd, Bethlehem, PA 18020.
February 11, 2015, 6:00 PM Eastern Time	Penn's Peak, 325 Maury Road, Jim Thorpe, PA 18229.
February 12, 2015, 6:00 PM Eastern Time	Best Western Hotel & Conference Center, 77 E Market Street, Wilkes-Barre, PA.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this planned Project and encourage them to comment on their areas of concern.

The purpose of these scoping meetings is to provide the public an opportunity to learn more about the Commission's environmental review process, and to verbally comment on the Project. Each scoping meeting will start at 6:00 p.m. and representatives from PennEast will be present one hour prior to the start of each meeting to answer questions about the Project. Affected landowners and interested groups and individuals are encouraged to attend the scoping meetings and present comments on the issues they believe should be addressed in the EIS. A transcript of each meeting will be added to the Commission's administrative record to ensure that your comments are accurately recorded.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

The ''For Citizens'' section of the FERC Web site (*www.ferc.gov*) provides more information about the FERC and the environmental review process. This section also includes information about getting involved in FERC jurisdictional projects, and a citizens' guide entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' The guide addresses a number of frequently asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

PennEast plans to construct, install, own, operate, and maintain the planned Project to provide approximately 1.0 billion cubic feet per day of year-round transportation service from northern Pennsylvania to markets in eastern and southeastern Pennsylvania and New Jersey. PennEast states the Project would bring natural gas produced in the Marcellus Shale region in eastern Pennsylvania to homes and businesses in Pennsylvania and New Jersey. The Project would extend from various receipt point interconnections, including interconnections with Transcontinental Gas Pipeline Company, LLC and gathering systems operated by Williams Partners L.P., Regency Energy Partners LP, and UGI Energy Services, LLC, all in Luzerne County, Pennsylvania. Various delivery point interconnections would be constructed including UGI Utilities, Inc. in Carbon and Northampton Counties, Pennsylvania, Columbia Gas Transmission, LLC in Northampton County; and Elizabethtown Gas, Texas Eastern Transmission, LP and Algonquin Transmission, LLC, all in Hunterdon, New Jersey.

The planned Project would consist of constructing or installing the following components:

- 108.8 miles of new 36-inch-diameter pipeline, originating near Dallas, Luzerne County, Pennsylvania and terminating near Pennington, Mercer County, New Jersey. The pipeline route would also traverse Carbon, Northampton, and Bucks Counties, Pennsylvania, and Hunterdon and Mercer Counties, New Jersey;
- the Hellertown Lateral, a 2.1-mile, 24-inch-diameter new pipeline and the associated TCO Interconnect and UGI Lehigh Interconnect and Launcher/Receiver Site in Northampton County, Pennsylvania;
- one new compressor station near Blakeslee in Kidder Township, Carbon County, Pennsylvania. Installation of three gas turbine-driven Taurus 70 units rated at 10,916 horsepower (hp) each under ISO conditions (32,745 total ISO hp);
- the Wyoming Interconnect at Milepost (MP) 0.00 in Luzerne County, Pennsylvania;
- the Springville Interconnect at MP 0.25 in Luzerne County, Pennsylvania;
- the Auburn and Leidy Interconnects at MP 4.50 in Luzerne County, Pennsylvania;
- the UGI HAZ Interconnect at MP 25.50 in Carbon County, Pennsylvania;
- the Elizabethtown Interconnect at MP 76.35 in Hunterdon County, New Jersey;
- the Algonquin and TETCO Interconnects in Hunterdon County, New Jersey;
- the Transco Interconnect at MP 108.8 in Mercer County, New Jersey; and
- seven mainline block valves at locations along the planned pipeline segments in Luzerne, Carbon, and Northampton Counties, Pennsylvania and Hunterdon County, New Jersey.

The general location of the Project facilities is shown in appendix 2.

PennEast plans to conduct tree clearing in the fourth quarter of 2016 with construction starting in Spring 2017 and a projected in-service date of October 1, 2017.

Land Requirements for Construction

PennEast is still in the planning phase of the Project and workspace requirements have not been finalized. However, PennEast is planning on using a 100-foot-wide construction right-of-way for the 36-inch-diameter pipeline, affecting approximately 1,308 acres of land based on the length of the pipeline. Following construction, PennEast would retain a 50-foot-wide easement for operation of the Project. PennEast would also require land for additional temporary workspaces at road, railroad, waterbody, and wetland crossings; topsoil storage; access roads; storage or pipe yards; and other purposes during construction.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS, and address as appropriate.

In the EIS we will discuss impacts that could occur as a result of the construction and operation and maintenance of the planned Project under these general headings:

- Geology;
- soils;
- water resources, including surface water and groundwater;
- wetlands;
- vegetation and wildlife, including migratory birds;
- fisheries and aquatic resources;
- threatened, endangered, and other special-status species;
- land use, recreation, special interest areas, and visual resources;
- socioeconomics;
- cultural resources;
- air quality and noise;
- public safety and reliability; and
- cumulative environmental impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we participated in public Open House meetings sponsored by PennEast in the project area in November 2014 to explain the environmental review process to interested stakeholders. We have also begun to contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this Project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers (USACE) has expressed their intention to participate as a cooperating agency in the preparation of the EIS to satisfy their NEPA responsibilities related to this Project. The USACE has jurisdictional authority pursuant to Section 404 of the Clean Water Act, which governs the discharge of dredged or fill material into waters of the United States, and Section 10 of the Rivers and Harbors Act, which regulates any work or structures that potentially affect the navigability of a waterway.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the Project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

Based on our preliminary review of the Project; information provided by PennEast; and public comments filed in the Commission's administrative record and submitted to staff at the applicant-sponsored open houses; we have identified several issues that we think deserve attention. This preliminary list of issues may change based on your comments and our ongoing environmental analysis. These issues are:

- Purpose and need for the Project;
- impacts on forested areas including fragmentation;
- impacts on agricultural areas and soils;
- impacts on residential areas and use of eminent domain;
- impacts on recreational areas including parks and nature preserves including Appalachian Trail, Sourland Conservancy, and other state-managed and preserved lands;
- impacts on preservation easements on private lands or conservation easements and property values;
- impacts on surface water including Susquehanna, Delaware, and Lehigh Rivers;
- impacts on groundwater including wells and springs;
- impacts on wildlife and vegetation;
- impacts on federal and state-listed threatened, endangered, and sensitive species;
- geologic hazards including karst and seismic areas;
- impacts on air quality;
- impacts related to noise during construction and operation;
- assessment of alternative pipeline routes and compressor station locations; and
- cumulative impacts.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before February 12, 2015. However, this is not your only public input opportunity; please refer to the Review Process flow chart in appendix 1.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF15–1–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address:

Kimberly D. Bose,

Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes: Federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 3).

Becoming an Intervenor

Once PennEast files its application with the Commission, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF15–1). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.* Public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Finally, PennEast has established a toll-free phone number (1–844–347–7119) and an email support address (*answers@penneastpipeline.com*) so that parties can contact it directly with questions about the Project. PennEast has also established a Project Web site (*http://penneastpipeline.com*) where additional information on the Project is available.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–01999 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9685–030]

Trafalgar Power, Inc.; Ampersand Cranberry Lake Hydro, LLC; Notice of Application for Transfer of License and Soliciting Comments and Motions To Intervene

On December 5, 2014 and supplemented on January 13, 2015, Trafalgar Power, Inc. (transferor) and Ampersand Cranberry Lake Hydro, LLC (transferee) filed an application for transfer of license of the Cranberry Lake Hydroelectric Project, FERC No. 9685. The project is located on the Oswegatchie River in St. Lawrence, County, New York.

The transferor and transferee seek Commission approval to transfer the license for the Cranberry Lake Hydroelectric Project from the transferor to the transferee.

Applicant Contact: For Transferor: Mr. Arthur Steckler, President, Trafalgar Power, Inc., 11010 Lake Grove Blvd., Suite 100, Box 353, Morrisville, NC 27560–7392. For Transferee: Mr. Lutz Loegters, Ampersand Cranberry Lake Hydro LLC, c/o Ampersand Hydro, LLC, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111.

FERC Contact: Patricia W. Gillis, (202) 502–8735.

Deadline for filing comments and motions to intervene: 30 days from the issuance date of this notice, by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–9685–030.

Dated: January 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–01998 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5000–071]

Trafalgar Power, Inc.; Ampersand Kayuta Lake Hydro LLC; Notice of Application for Transfer of License and Soliciting Comments and Motions To Intervene

On November 24, 2014 and supplemented on January 13, 2015, Trafalgar Power, Inc. (transferor) and Ampersand Kayuta Lake Hydro LLC (transferee) filed an application for transfer of license of the Kayuta Lake Hydroelectric Project, FERC No. 5000. The project is located on the Black River in Oneida, County, New York.

The transferor and transferee seek Commission approval to transfer the license for the Kayuta Lake Hydroelectric Project from the transferor to the transferee.

Applicant Contact: For Transferor: Mr. Arthur Steckler, President, Trafalgar Power, Inc., 11010 Lake Grove Blvd., Suite 100, Box 353, Morrisville, NC 27560–7392. For Transferee: Mr. Lutz Loegters, Ampersand Kayuta Lake Hydro LLC, c/o Ampersand Hydro, LLC, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111.

FERC Contact: Patricia W. Gillis, (202) 502–8735.

Deadline for filing comments and motions to intervene: 30 days from the issuance date of this notice, by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–5000–071.

Dated: January 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–01997 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4639–031]

Christine Falls of New York, Inc.; Ampersand Christine Falls Hydro, LLC; Notice of Application for Transfer of License and Soliciting Comments and Motions To Intervene

On November 24, 2014 and supplemented on January 13, 2015, Trafalgar Power, Inc. (transferor) and Ampersand Christine Falls Hydro, LLC (transferee) filed an application for transfer of license of the Christine Falls Hydroelectric Project, FERC No. 4639. The project is located on the Sacandaga River in Hamilton, County, New York.

The transferor and transferee seek Commission approval to transfer the license for the Christine Falls Hydroelectric Project from the transferor to the transferee.

Applicant Contact: For Transferor: Mr. Arthur Steckler, President, Trafalgar Power, Inc., 11010 Lake Grove Blvd., Suite 100, Box 353, Morrisville, NC 27560–7392. For Transferee: Mr. Lutz Loegters, Ampersand Christine Falls Hydro LLC, c/o Ampersand Hydro, LLC, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111.

FERC Contact: Patricia W. Gillis, (202) 502–8735.

Deadline for filing comments and motions to intervene: 30 days from the issuance date of this notice, by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–4639–031.

Dated: January 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–01996 Filed 2–2–15; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1189]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 6, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1189.

Title: Signal Boosters, Sections 1.1307(b)(1), 20.3, 20.21(a)(2),

20.21(a)(5), 20.21(e)(2), 20.21(e)(8)(I)(G), 20.21(e)(9)(I)(H), 20.21(f), 20.21(h), 22.9, 24.9, 27.9. 90.203, 90.219(b)(l)(I), 90.219(d)(5), and 90.219(e)(5).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Not for profit institutions and Individuals or household.

Number of Respondents and Responses: 632,595 respondents and 635,215 responses.

Estimated Time per Response: .5 hours–40 hours.

Frequency of Response: Recordkeeping requirement, On occasion reporting requirement and Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 154(I), 303(g), 303(r) and 332.

Total Annual Burden: 324,470 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: This information collection affects individuals or households; thus, there are impacts under the Privacy Act. However, the government is not directly collecting this information and the R&O directs carriers to protect the information to the extent it is considered Customer Proprietary Network Information (CPNI).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: On September 19, 2014, the Federal Communications Commission (Commission or FCC) adopted an *Order on Reconsideration* in WT Docket No. 10–4, FCC No. 14–138, in which it took the following action, among others: Required that Consumer Signal Boosters certified for fixed operation only be labeled to notify consumers that such devices may only be used in fixed, in-building locations. Therefore, the new labeling requirement which requires OMB review and approval is as follows:

The labeling requirement is covered under 47 section 20.21(f)(1)(iv)(A)(*2*). The new requirement is needed in order to ensure that consumers are properly informed about which devices are suitable for their use and how to comply with our rules, the Commission required that all Consumer Signal Boosters certified for fixed, in-building operation include a label directing consumers that the device may only be operated in a fixed, in-building location. The Verizon Petitioners state that this additional labeling requirement is necessary to inform purchasers of fixed Consumer Signal Boosters that they may not lawfully be installed and operated in a moving vehicle or outdoor location. We recognize that our labeling requirement imposes additional costs on entities that manufacture Consumer Signal Boosters; however, on balance, we find that such costs are outweighed by the benefits of ensuring that consumers purchase appropriate devices. Accordingly, all fixed Consumer Signal Boosters, both Provider-Specific and Wideband, manufactured or imported on or after one year from the effective date of the rule change must include the following advisory (1) in on-line point-of-sale marketing materials, (2) in any print or on-line owner's manual and installation instructions, (3) on the outside packaging of the device, and (4) on a label affixed to the device: ''This device may be operated ONLY in a fixed location for in-building use.''

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–01951 Filed 2–2–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 11–43; DA 15–18]

National Nonbroadcast Network Rankings for Purposes of July 1, 2015 Update to Video Description Requirements

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Media Bureau (Bureau) announces the top national nonbroadcast networks for the 2013 to 2014 ratings year according to data provided by the Nielsen Company for purposes of the July 1, 2015 update to the video description requirements. The Bureau provides filing instructions for any program network that believes it should be excluded from the list of top five networks covered by the video description requirements based on an applicable exemption.

DATES: Petitions for exemption may be filed on or before March 5, 2015.

ADDRESSES: Filings should be submitted electronically in MB Docket No. 11–43 by accessing the Commission's Electronic Comment Filing System (ECFS): *http://www.fcc.gov/cgb/ecfs/*. Filers should follow the instructions provided on the Web site for submitting filings.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

FOR FURTHER INFORMATION CONTACT: Maria Mullarkey, *Maria.Mullarkey@fcc.gov*, of the Policy Division, Media Bureau, (202) 418–2120.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice in MB Docket No. 11–43, DA 15–18, released on January 7, 2015. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/*. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Summary

The Commission's video description rules require multichannel video programming distributor (''MVPD'') systems that serve 50,000 or more subscribers to provide 50 hours of video description per calendar quarter during prime time or children's programming on each of the top five national nonbroadcast networks.[1] The top five national nonbroadcast networks are defined by an average of the national audience share during prime time of nonbroadcast networks that reach 50 percent or more of MVPD households and have at least 50 hours per quarter of prime time programming that is not live or near-live or otherwise exempt under the video description rules.[2] The nonbroadcast networks currently subject to the video description requirements

[1] 47 CFR 79.3(b)(4). Video description makes video programming accessible to individuals who are blind or visually impaired through ''[t]he insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.'' *Id.* 79.3(a)(3).

[2] *Id.* 79.3(b)(4). ''Live or near-live programming'' is defined as programming performed either simultaneously with, or recorded no more than 24 hours prior to, its first transmission by a video programming distributor. *Id.* 79.3(a)(7).

are USA, the Disney Channel, TNT, Nickelodeon, and TBS.[3]

In accordance with the Commission's rules, the list of top five nonbroadcast networks will update at three year intervals to account for changes in ratings, and the first update will occur on July 1, 2015, based on the 2013 to 2014 ratings year.[4] According to data provided by the Nielsen Company, the top ten nonbroadcast networks for the 2013 to 2014 ratings year are: USA Network, ESPN, Turner Network Television, TBS Network, History, Disney Channel, Fox News Channel, Nickelodeon, A&E Network, and FX.[5]

If a program network believes it should be excluded from the list of top five networks covered by the video description requirements because it does not air at least 50 hours of prime time programming that is not live or near-live or is otherwise exempt, it must seek an exemption no later than 30 days after publication of this Public Notice.[6] Filings should be submitted electronically in MB Docket No. 11–43 by accessing the Commission's Electronic Comment Filing System (ECFS): *http://www.fcc.gov/cgb/ecfs/*. Filers should follow the instructions provided on the Web site for submitting filings. The Media Bureau will promptly evaluate requests for exemption and will provide notice of any resulting revisions to the list.

[3] *Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Report and Order, 26 FCC Rcd 11847, 11854, para. 12 (2011) (''*2011 Video Description Order*'').

[4] 47 CFR 79.3(b)(4); *2011 Video Description Order,* 26 FCC Rcd at 11857, para. 18.

[5] In determining the top five nonbroadcast networks subject to the rules in 2011, the Commission relied on Nielsen's ''live +7 day'' ratings, which include incremental viewing that takes place during the seven days following a telecast. Consistent with this approach, we rely on Nielsen's ''live + 7 day'' ratings. The data covers the 2013 to 2014 cable ratings year (September 30, 2013 to September 28, 2014).

[6] *See 2011 Video Description Order,* 26 FCC Rcd at 11857, para. 18. In the *2011 Video Description Order,* the Commission stated that ''[t]o the extent a program network that otherwise would appear in the list of top five nonbroadcast networks does not air at least 50 hours of prime time programming that is not exempt, it must seek an exemption from the video description requirement no later than 30 days after publication of the 2013–2014 ratings information by The Nielsen Company,'' noting that ''[t]his requirement will ensure that the nonbroadcast network replacing it in the top five has ample time to come into compliance.'' *Id.* Although the *Order* indicates that networks must file for exemption 30 days after publication of the ratings information, we will allow parties to file for exemption 30 days after publication of this Public Notice to ensure that all parties are evaluating the same ratings data and have the full time period to evaluate this data and submit a request for exemption, if necessary.

Federal Communications Commission.

William T. Lake,

Chief, Media Bureau.

[FR Doc. 2015–02079 Filed 2–2–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of: 10320, Chestatee State Bank, Dawsonville, GA

Notice Is Hereby Given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Chestatee State Bank, Dawsonville, GA (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Chestatee State Bank on 12/17/2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: January 28, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–01950 Filed 2–2–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

[NOTICE 2015–01]

Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold

AGENCY: Federal Election Commission.

ACTION: Notice of adjustments to contribution and expenditure limitations and lobbyist bundling disclosure threshold.

SUMMARY: As mandated by provisions of the Federal Election Campaign Act of 1971, as amended (''FECA'' or ''the Act''), the Federal Election Commission (''FEC'' or ''the Commission'') is adjusting certain contribution and expenditure limitations and the lobbyist bundling disclosure threshold set forth in the Act, to index the amounts for inflation. Additional details appear in the supplemental information that follows.

DATES: *Effective Date:* The effective date for the limitation at 52 U.S.C. 30116(a)(1)(A) is November 5, 2014. The effective date for the limitations at 52 U.S.C. 30104(i)(3)(A), 30116(a)(1)(B), 30116(d) and 30116(h) is January 1, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 999 E Street NW., Washington, DC 20463; (202) 694–1100 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: Under the Federal Election Campaign Act of 1971, 52 U.S.C. 30101 *et seq.,* coordinated party expenditure limits (52 U.S.C. 30116(d)(2) and (3)(A), (B)), certain contribution limits (52 U.S.C. 30116(a)(1)(A) and (B), and (h)), and the disclosure threshold for contributions bundled by lobbyists (52 U.S.C. 30104(i)(3)(A)) are adjusted periodically to reflect changes in the consumer price index. *See* 52 U.S.C. 30104(i)(3) and 30116(c)(1), and 11 CFR 109.32 and 110.17(a), (f). The Commission is publishing this notice to announce the adjusted limits and disclosure threshold.

Coordinated Party Expenditure Limits for 2015

Under 52 U.S.C. 30116(c), the Commission must adjust the expenditure limitations established by 52 U.S.C. 30116(d) (the limits on expenditures by national party committees, state party committees, or their subordinate committees in connection with the general election campaign of candidates for Federal office) annually to account for inflation. This expenditure limitation is increased by the percent difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 1974).

1. Expenditure Limitation for House of Representatives in States With More Than One Congressional District

Both the national and state party committees have an expenditure limitation for each general election held to fill a seat in the House of Representatives in states with more than one congressional district. This limitation also applies to those states and territories that elect individuals to the office of Delegate or Resident Commissioner.[1] The formula used to calculate the expenditure limitation in such states multiplies the base figure of $10,000 by the difference in the price index (4.80133), rounding to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B) and 30116(d)(3)(B), and 11 CFR 109.32(b) and 110.17. Based upon this formula, the expenditure limitation for 2015 general elections for House candidates in these states is $48,000.

2. Expenditure Limitation for Senate and for House of Representatives in States With Only One Congressional District

Both the national and state party committees have an expenditure limitation for a general election held to fill a seat in the Senate or in the House of Representatives in states with only one congressional district. The formula used to calculate this expenditure limitation considers not only the price index but also the voting age population (''VAP'') of the state. The VAP of each state is published annually in the **Federal Register** by the Department of Commerce. 11 CFR 110.18. The general election expenditure limitation is the greater of: The base figure ($20,000) multiplied by the difference in the price index, 4.80133 (which totals $96,000); or $0.02 multiplied by the VAP of the state, multiplied by 4.80133. Amounts are rounded to the nearest $100. *See* 52 U.S.C. 30116(c)(1)(B) and 30116(d)(3)(A), and 11 CFR 109.32(b) and 110.17. The chart below provides the state-by-state breakdown of the 2015 general election expenditure limitation for Senate elections. The expenditure limitation for 2015 House elections in states with only one congressional district[2] is $96,000.

SENATE GENERAL ELECTION COORDINATED EXPENDITURE LIMITS—2015 ELECTIONS

State	Voting age population (VAP)	VAP × .02 × the price index (4.80133)	Senate expenditure limit (the greater of the amount in column 3 or $96,000)
Alabama	3,741,806	$359,300	$359,300
Alaska	550,189	52,800	96,000
Arizona	5,109,792	490,700	490,700
Arkansas	2,259,350	217,000	217,000
California	29,649,348	2,847,100	2,847,100
Colorado	4,109,494	394,600	394,600
Connecticut	2,821,247	270,900	270,900
Delaware	731,367	70,200	96,000
Florida	15,839,713	1,521,000	1,521,000
Georgia	7,604,061	730,200	730,200
Hawaii	1,111,117	106,700	106,700
Idaho	1,203,384	115,600	115,600
Illinois	9,892,106	949,900	949,900
Indiana	5,014,928	481,600	481,600
Iowa	2,381,172	228,700	228,700
Kansas	2,181,355	209,500	209,500
Kentucky	3,400,843	326,600	326,600
Louisiana	3,536,183	339,600	339,600
Maine	1,071,112	102,900	102,900
Maryland	4,625,863	444,200	444,200
Massachusetts	5,354,940	514,200	514,200
Michigan	7,686,087	738,100	738,100
Minnesota	4,175,347	400,900	400,900
Mississippi	2,262,810	217,300	217,300
Missouri	4,670,966	448,500	448,500
Montana	798,555	76,700	96,000
Nebraska	1,414,894	135,900	135,900
Nevada	2,175,874	208,900	208,900
New Hampshire	1,059,672	101,800	101,800
New Jersey	6,926,094	665,100	665,100
New Mexico	1,583,623	152,100	152,100
New York	15,517,321	1,490,100	1,490,100
North Carolina	7,656,415	735,200	735,200
North Dakota	570,955	54,800	96,000
Ohio	8,955,859	860,000	860,000
Oklahoma	2,925,352	280,900	280,900
Oregon	3,112,217	298,900	298,900
Pennsylvania	10,086,316	968,600	968,600
Rhode Island	842,321	80,900	96,000
South Carolina	3,747,734	359,900	359,900
South Dakota	642,768	61,700	96,000

[1] Currently, these states are the District of Columbia, the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, the United States Virgin Islands and the Northern Mariana Islands. *See http://www.house.gov/representatives.*

[2] Currently, these states are: Alaska, Delaware, Montana, North Dakota, South Dakota, Vermont and Wyoming. See *http://www.house.gov/representatives/.*

SENATE GENERAL ELECTION COORDINATED EXPENDITURE LIMITS—2015 ELECTIONS—Continued

State	Voting age population (VAP)	VAP × .02 × the price index (4.80133)	Senate expenditure limit (the greater of the amount in column 3 or $96,000)
Tennessee	5,054,826	485,400	485,400
Texas	19,841,344	1,905,300	1,905,300
Utah	2,038,787	195,800	195,800
Vermont	504,976	48,500	96,000
Virginia	6,457,174	620,100	620,100
Washington	5,458,809	524,200	524,200
West Virginia	1,470,179	141,200	141,200
Wisconsin	4,457,375	428,000	428,000
Wyoming	445,830	42,800	96,000

Limitations on Contributions by Individuals, Non-Multicandidate Committees and Certain Political Party Committees Giving to U.S. Senate Candidates for the 2015–2016 Election Cycle

The Act requires inflation indexing to: (1) The limitations on contributions made by persons under 52 U.S.C. 30116(a)(1)(A) (contributions to candidates) and 30116(a)(1)(B) (contributions to national party committees); and (2) the limitation on contributions made to U.S. Senate candidates by certain political party committees at 52 U.S.C. 30116(h). *See* 2 U.S.C. 30116(c). These contribution limitations are increased by multiplying the respective statutory contribution amount by 1.33702, the percent difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 2001). The resulting amount is rounded to the nearest multiple of $100. *See* 52 U.S.C. 30116(c) and 11 CFR 110.17(b). Contribution limitations shall be adjusted accordingly:

Statutory provision	Statutory mount	2015–2016 limit
52 U.S.C. 30116(a)(1)(A)	$2,000	$2,700
52 U.S.C. 30116(a)(1)(B)	25,000	33,400
52 U.S.C. 30116(h)	35,000	46,800

The increased limitation at 52 U.S.C. 30116(a)(1)(A) is to be in effect for the two-year period beginning on the first day following the date of the general election in the preceding year and ending on the date of the next regularly scheduled election. Thus the $2,700 figure above is in effect from November 5, 2014, to November 8, 2016. The limitations under 52 U.S.C. 30116(a)(1)(B) and 30116(h) shall be in effect beginning January 1st of the odd-numbered year and ending on December 31st of the next even-numbered year. Thus the new contribution limitations under 52 U.S.C. 30116(a)(1)(B) and 30116(h) are in effect from January 1, 2015, to December 31, 2016. *See* 11 CFR 110.17(b)(1).

Lobbyist Bundling Disclosure Threshold for 2015

The Act requires certain political committees to disclose contributions bundled by lobbyists/registrants and lobbyist/registrant political action committees once the contributions exceed a specified threshold amount. The Commission must adjust this threshold amount annually to account for inflation. The disclosure threshold is increased by multiplying the $15,000 statutory disclosure threshold by 1.17429, the difference between the price index, as certified to the Commission by the Secretary of Labor, for the 12 months preceding the beginning of the calendar year and the price index for the base period (calendar year 2006). The resulting amount is rounded to the nearest multiple of $100. *See* 52 U.S.C. 30104(i)(3)(A) and (B), 30116(c)(1)(B) and 11 CFR 104.22(g). Based upon this formula ($15,000 × 1.17429), the lobbyist bundling disclosure threshold for calendar year 2015 is $17,600.

On behalf of the Commission, January 28, 2015.

Ann M. Ravel,

Chair, Federal Election Commission.

[FR Doc. 2015–01963 Filed 2–2–15; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 19, 2015.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *(15–005) Prior change in control notice filed by (1) Carolyn Harris Hall,*

Stevenson, Alabama; (2) Bill Hall, Stevenson, Alabama; (3) Gena Hall Blackmon, Stevenson, Alabama; (4) Revocable Trust for Julia Ann Harris Hale, Holbert Leon Hale, Jr., and Julia Ann Harris Hale, as Trustees; all of Newnan, Georgia; (5) Revocable Trust for Holbert Leon Hale, Jr., Holbert Leon Hale, Jr., and Julia Ann Harris Hale, as Trustees, all of Newnan, Georgia; (6) Mona Hale Peterman, Raleigh, North Carolina; (7) Benjamin Peterman, Raleigh, North Carolina; (8) Matthew Peterman, Raleigh, North Carolina; (9) Jennifer Hale Dickerson, Mount Pleasant, South Carolina; (10) Stephen Dickerson, Mount Pleasant, South Carolina; and (11) Patricia Searels, Austin, Texas; to retain 10 percent or more of the outstanding shares of First Bancshares of Stevenson, Inc., and its subsidiary, First Southern State Bank, both of Stevenson, Alabama.

Board of Governors of the Federal Reserve System, January 29, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–02078 Filed 2–2–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 141 0108]

Cerberus Institutional Partners V, L.P., AB Acquisition LLC, and Safeway Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before February 26, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/albertsonssafewayconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Albertson's and Safeway Inc.,—Consent Agreement; File No. 141 0108'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/albertsonssafewayconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Albertson's and Safeway Inc.,—Consent Agreement; File No. 141 0108'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Alexis Gilman, Bureau of Competition, (202–326–2579) or Dan Ducore, Bureau of Competition, (202–326–2526), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for January 27, 2015), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 26, 2015. Write ''Albertson's and Safeway Inc.,—Consent Agreement; File No. 141 0108'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/albertsonssafewayconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Albertson's and Safeway Inc.,—Consent Agreement; File No. 141 0108'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before February 26, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

I. Introduction and Background

The Federal Trade Commission (''Commission'') has accepted for public comment, subject to final approval, an Agreement Containing Consent Order (''Consent Order'') from Cerberus Institutional Partners V, L.P. (''Cerberus''), its wholly owned subsidiary, AB Acquisition, LLC (''Albertson's''), and Safeway Inc. (''Safeway'') (collectively, the ''Respondents''). On March 6, 2014, Albertson's and Safeway entered into a merger agreement whereby Albertson's agreed to purchase 100% of the equity of Safeway for approximately $9.2 billion (the ''Acquisition''). The purpose of the proposed Consent Order is to remedy the anticompetitive effects that otherwise would result from the Acquisition. Under the terms of the proposed Consent Order, Respondents are required to divest 168 stores and related assets in 130 local supermarket geographic markets (collectively, the ''relevant markets'') in eight states to four Commission-approved buyers. The divestitures must be completed within a time-period ranging from 60 to 150 days following the date of the Acquisition. Finally, the Commission and Respondents have agreed to an Order to Maintain Assets that requires Respondents to operate and maintain each divestiture store in the normal course of business, through the date the store is ultimately divested to a buyer.

The proposed Consent Order has been placed on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission again will review the proposed Consent Order and any comments received, and decide whether it should withdraw the Consent Order, modify the Consent Order, or make it final.

The Commission's Complaint alleges that the Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by removing an actual, direct, and substantial supermarket competitor in the 130 local supermarket geographic markets. The elimination of this competition would result in significant competitive harm; specifically the Acquisition will allow the combined entity to increase prices above competitive levels, unilaterally or by coordinating with remaining market participants. Similarly, absent a remedy, there is significant risk that the merged firm may decrease quality and service aspects of their stores below competitive levels. The proposed Consent Order would remedy the alleged violations by requiring divestitures to replace competition that otherwise would be lost in the relevant markets because of the Acquisition.

The Respondents

AB Acquisition, LLC, owned by New York-based private equity firm Cerberus Capital Management, L.P., is the parent company of Albertson's LLC and New Albertson's, Inc. (together ''Albertson's''). As of March 19, 2014, Albertson's LLC operated 630 supermarkets, primarily under its Albertson's banner. Presently, Albertson's stores are located in Arkansas, Arizona, California, Colorado, Florida, Idaho, Louisiana, Montana, Nevada, New Mexico, North Dakota, Oregon, Texas, Utah, Washington, and Wyoming. Albertson's LLC also operates supermarkets in Texas under the Market Street, Amigos, and United Supermarkets banners. United Supermarkets is a traditional grocery store, while Market Street offers specialty and ''whole-health'' products, and Amigos has an international and Hispanic format. As of March 19, 2014, New Albertson's, Inc., owned and operated 445 supermarkets under the Jewel-Osco, ACME, Shaw's, and Star Market banners, dispersed throughout Iowa, Illinois, Indiana, Delaware, Maryland, Pennsylvania, New Jersey, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont.

As of December 2013, Safeway owned 1,332 supermarkets, making it one of the largest food and drug retailers in the United States. Stores are operated under the Safeway banner in Alaska, Arizona, California, Colorado, District of Columbia, Delaware, Hawaii, Idaho, Maryland, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Virginia, Washington, and Wyoming. Safeway also operates stores under the following banners: Pavilions, Pak 'n Save, and The Market in California; Randall's and Tom Thumb in Texas; Genuardi's in Pennsylvania; Vons in California and Nevada; and Carr's in Alaska.

Retail Sale of Food and Other Grocery Products In Supermarkets

The Acquisition presents substantial antitrust concerns for the retail sale of food and other grocery products in supermarkets. Supermarkets are defined as traditional full-line retail grocery stores that sell, on a large-scale basis, food and non-food products that customers regularly consume at home—including, but not limited to, fresh meat, dairy products, frozen foods, beverages, bakery goods, dry groceries, detergents, and health and beauty products. This broad set of products and services provides a ''one-stop shopping'' experience for consumers by enabling them to shop in a single store for all of their food and grocery needs. The ability to offer consumers one-stop shopping is a critical differentiating factor between supermarkets and other food retailers.

The relevant product market includes supermarkets within ''hypermarkets,'' such as Wal-Mart Supercenters. Hypermarkets also sell an array of products that would not be found in traditional supermarkets. However, hypermarkets, like conventional supermarkets, contain bakeries, delis, dairy, produce, fresh meat, and sufficient product offerings to enable customers to purchase all of their weekly grocery requirements in a single shopping visit.

Other types of retailers—such as hard discounters, limited assortment stores, natural and organic markets, ethnic specialty stores, and club stores—also sell food and grocery items. These types of retailers, however, are not in the relevant product market because they offer a more limited range of products and services than supermarkets and because they appeal to a distinct customer type. Shoppers typically do not view these other food and grocery retailers as adequate substitutes for supermarkets.[2] Further, although these other types of retailers offer some competition, supermarkets do not view them as providing as significant or close competition as traditional supermarkets. Thus, consistent with prior Commission precedent, these other types of retailers are excluded from the relevant product market.[3]

[2] Supermarket shoppers would be unlikely to switch to one of these other types of retailers in response to a small but significant increase in price or ''SSNIP'' by a hypothetical supermarket monopolist. *See* U.S. DOJ and FTC Horizontal Merger Guidelines § 4.1.1 (2010).

[3] *See, e.g.,* Bi-Lo Holdings, LLC/Delhaize America, LLC, Docket C–4440 (February 25, 2014); AB Acquisition, LLC, Docket C–4424 (December 23,

The relevant geographic markets in which to analyze the effects of the Acquisition are areas that range from a two- to ten-mile radius around each of the Respondents' supermarkets, depending on factors such as population density, traffic patterns, and unique characteristics of each market. Where the Respondents' supermarkets are located in rural, isolated areas, the relevant geographic areas are larger than areas where the Respondents' supermarkets are located in more densely populated suburban areas. A hypothetical monopolist of the retail sale of food and grocery products in supermarkets in each relevant area could profitably impose a small but significant non-transitory increase in price.

The 130 geographic markets in which to analyze the effects of the Acquisition are local areas in and around: (1) Anthem, Arizona; (2) Carefree, Arizona; (3) Flagstaff, Arizona; (4) Lake Havasu, Arizona; (5) Prescott, Arizona; (6) Prescott Valley, Arizona; (7) Scottsdale, Arizona; (8) Tucson (Eastern), Arizona; (9) Tucson (Southwest), Arizona; (10) Alpine, California; (11) Arroyo Grande/Grover Beach, California; (12) Atascadero, California; (13) Bakersfield, California; (14) Burbank, California; (15) Calabasas, California; (16) Camarillo, California; (17) Carlsbad (North), California; (18) Carlsbad (South), California; (19) Carpinteria, California; (20) Cheviot Hills/Culver City, California; (21) Chino Hills, California; (22) Coronado, California; (23) Diamond Bar, California; (24) El Cajon, California; (25) Hermosa Beach, California; (26) Imperial Beach, California; (27) La Jolla, California; (28) La Mesa, California; (29) Ladera Ranch, California; (30) Laguna Beach, California; (31) Laguna Niguel, California; (32) Lakewood, California; (33) Lemon Grove, California; (34) Lomita, California; (35) Lompoc, California; (36) Mira Mesa (North), California; (37) Mira Mesa (South), California; (38) Mission Viejo/Laguna Hills, California; (39) Mission Viejo (North), California; (40) Morro Bay, California; (41) National City, California; (42) Newbury, California; (43) Newport, California; (44) Oxnard, California; (45) Palm Desert/Rancho Mirage, California; (46) Palmdale, California; (47) Paso Robles, California; (48) Poway, California; (49) Rancho Cucamonga/Upland, California; (50) Rancho Santa Margarita, California; (51) San Diego (Clairemont), California; (52) San Diego (Hillcrest/University Heights), California; (53) San Diego (Tierrasanta), California; (54) San Luis Obispo, California; (55) San Marcos, California; (56) San Pedro, California; (57) Santa Barbara, California; (58) Santa Barbara/Goleta, California; (59) Santa Clarita, California; (60) Santa Monica, California; (61) Santee, California; (62) Simi Valley, California; (63) Solana Beach, California; (64) Thousand Oaks, California; (65) Tujunga, California; (66) Tustin (Central), California; (67) Tustin/Irvine, California; (68) Ventura, California; (69) Westlake Village, California; (70) Yorba Linda, California; (71) Butte, Montana; (72) Deer Lodge, Montana; (73) Missoula, Montana; (74) Boulder City, Nevada; (75) Henderson, (East), Nevada; (76) Henderson (Southwest), Nevada; (77) Summerlin, Nevada; (78) Ashland, Oregon; (79) Baker County, Oregon; (80) Bend, Oregon; (81) Eugene, Oregon; (82) Grants Pass, Oregon; (83) Happy Valley/Clackamas, Oregon; (84) Keizer, Oregon; (85) Klamath Falls, Oregon; (86) Lake Oswego, Oregon; (87) Milwaukie, Oregon; (88) Sherwood, Oregon; (89) Springfield, Oregon; (90) Tigard, Oregon; (91) West Linn, Oregon; (92) Colleyville, Texas; (93) Dallas (Far North), Texas; (94) Dallas (Farmers/Branch/North Dallas), Texas; (95) Dallas (University Park/Highland Park), Texas; (96) Dallas (University Park/Northeast), Texas; (97) McKinney, Texas; (98) Plano, Texas; (99) Roanoke, Texas; (100) Rowlett, Texas; (101) Bremerton, Washington; (102) Burien, Washington; (103) Everett, Washington; (104) Federal Way, Washington; (105) Gig Harbor, Washington; (106) Lake Forest Park, Washington; (107) Lake Stevens, Washington; (108) Lakewood, Washington; (109) Liberty Lake, Washington; (110) Milton, Washington; (111) Monroe, Washington; (112) Oak Harbor, Washington; (113) Olympia (East), Washington; (114) Port Angeles, Washington; (115) Port Orchard, Washington; (116) Puyallup, Washington; (117) Renton (East Hill-Meridian), Washington; (118) Renton (New Castle), Washington; (119) Sammamish, Washington; (120) Shoreline, Washington; (121) Silverdale, Washington; (122) Snohomish, Washington; (123) Tacoma (Eastside), Washington; (124) Tacoma (Spanaway), Washington; (125) Walla Walla, Washington; (126) Wenatchee, Washington; (127) Woodinville, Washington; (128) Casper, Wyoming; (129) Laramie, Wyoming; and (130) Sheridan, Wyoming.

Each of the relevant geographic markets is highly concentrated and the Acquisition would significantly increase market concentration and eliminate substantial direct competition between two significant supermarket operators. The post-Acquisition HHI levels in the relevant markets vary from 2,562 to 10,000 points, and the HHI deltas vary from 225 to 5,000 points. Under the 2010 Department of Justice and Federal Trade Commission Horizontal Merger Guidelines (''Merger Guidelines''), an acquisition that results in an HHI in excess of 2,500 points and increases the HHI by more than 200 points is presumed anticompetitive. Thus, the presumptions of illegality and anticompetitive effects are easily met, and often far exceeded, in the relevant geographic markets at issue.

The relevant markets are also highly concentrated in terms of the number of remaining market participants post-Acquisition. Of the 130 geographic markets, the acquisition will result in a merger-to-monopoly in 13 markets and a merger-to-duopoly in 42 markets. In the remaining markets, the Acquisition will reduce the number of market participants from four to three in 43 markets, five to four in 27 markets, and six to five in five markets.[4]

The anticompetitive implications of such significant increases in market concentration are reinforced by substantial evidence demonstrating that Albertson's and Safeway are close and vigorous competitors in terms of price, format, service, product offerings, promotional activity, and location in each of the relevant geographic markets. Absent relief, the Acquisition would eliminate significant head-to-head competition between Albertson's and Safeway and would increase the ability and incentive of Albertson's to raise prices unilaterally post-Acquisition. The Acquisition would also decrease incentives to compete on non-price factors, such as service levels, convenience, and quality. Lastly, the high levels of concentration also increase the likelihood of competitive harm through coordinated interaction in markets in which Albertson's will face only one other traditional supermarket competitor post-Acquisition. Given the transparency of pricing and promotional

2013); Konkinlijke Ahold N.V./Safeway Inc., Docket C–4367 (August 17, 2012); Shaw's/Star Markets, Docket C–3934 (June 28, 1999); Kroger/Fred Meyer, Docket C–3917 (January 10, 2000); Albertson's/American Stores, Docket C–3986 (June 22, 1999); Ahold/Giant, Docket C–3861 (April 5, 1999); Albertson's/Buttrey, Docket C–3838 (December 8, 1998); Jitney-Jungle Stores of America, Inc., Docket C–3784 (January 30, 1998). *But see* Wal-Mart/Supermercados Amigo, Docket C–4066 (November 21, 2002) (the Commission's complaint alleged that in Puerto Rico, club stores should be included in a product market that included supermarkets because club stores in Puerto Rico enabled consumers to purchase substantially all of their weekly food and grocery requirements in a single shopping visit).

[4] *See* Exhibit A.

practices among supermarkets and that supermarkets ''price check'' competitors in the ordinary course of business, the Acquisition increases the possibility that Albertson's and its remaining competitor could simply follow each other's price increases post-Acquisition.

New entry or expansion in the relevant markets is unlikely to deter or counteract the anticompetitive effects of the Acquisition. Moreover, even if a prospective entrant existed, the entrant must secure a viable location, obtain the necessary permits and governmental approvals, build its retail establishment or renovate an existing building, and open to customers before it could begin operating and serve as a relevant competitive constraint. As a result, new entry sufficient to achieve a significant market impact and act as a competitive constraint is unlikely to occur in a timely manner.

The Proposed Consent Order

The proposed remedy, which requires the divestiture of Albertson's or Safeway supermarkets in the relevant markets to four Commission-approved up-front buyers (the ''proposed buyers'') will restore fully the competition that otherwise would be eliminated in these markets as a result of the Acquisition. Specifically, Respondents have agreed to divest:

- 146 stores and related assets in Arizona, California, Nevada, Oregon, and Washington to Haggen, Inc. (''Haggen'');
- Two stores in Washington to Supervalu, Inc. (''Supervalu'');
- 12 stores and related assets in Texas to Associated Wholesale Grocers (''AWG''); and
- Eight stores and related assets in Montana and Wyoming to Associated Food Stores (''Associated'').

The proposed buyers appear to be highly suitable purchasers and are well positioned to enter the relevant geographic markets and prevent the increase in market concentration and likely competitive harm that otherwise would have resulted from the Acquisition. The supermarkets currently owned by any of the proposed buyers are all located outside the relevant geographic markets in which they are purchasing divested stores.

Haggen is a regional supermarket chain with 18 supermarkets in Washington and Oregon. Haggen will purchase all but two of the divested stores in Washington, because Haggen already operates stores in those two geographic markets. Supervalu will purchase the two stores in Washington that Haggen is not purchasing. Supervalu is a wholesale distributor that also operates 190 corporate-owned supermarkets and previously owned these two Washington stores. AWG is a member-owned cooperative grocery wholesaler supplying nearly 3,000 supermarkets in 33 states. Although AWG does not currently own or operate any supermarkets, AWG has owned and operated corporate-owned supermarkets in the past. Finally, Associated is a member-owned cooperative grocery wholesaler that supplies and operates retail supermarkets. Associated's members operate approximately 424 grocery stores in ten states, and the cooperative, through a subsidiary, owns and operates 43 corporate-owned supermarkets located in Utah and Nevada. It is expected that AWG will assign its operating rights in the 12 Texas stores it is acquiring to RLS Supermarkets, LLC (d/b/a Minyard Food Stores) and that Associated will assign its rights in the eight Montana and Wyoming stores it is acquiring to Missoula Fresh Market LLC, Ridley's Family Markets, Inc., and Stokes Inc.

The Proposed Consent Order requires Respondents to divest: (a) The Arizona, California, Nevada, Oregon, and Washington assets to Haggen within 150 days from the date of the Acquisition; (b) the two stores in Washington to Supervalu within 100 days of the date of the Acquisition; (c) the Texas assets to AWG within 60 days of the date of the Acquisition; and (d) the Montana and Wyoming assets to Associated within 60 days of the date of the Acquisition. If, at the time before the Proposed Consent Order is made final, the Commission determines that any of the proposed buyers are not acceptable buyers, Respondents must immediately rescind the divestiture(s) and divest the assets to a different buyer that receives the Commission's prior approval.

The proposed Consent Order contains additional provisions designed to ensure the adequacy of the proposed relief. For example, Respondents have agreed to an Order to Maintain Assets that will be issued at the time the Proposed Consent Order is accepted for public comment. The Order to Maintain Assets requires Albertson's and Safeway to operate and maintain each divestiture store in the normal course of business, through the date the store is ultimately divested to a buyer. Since the divestiture schedule runs for an extended period of time (potentially up to 150 days following the Acquisition date), the Proposed Consent Order appoints Richard King as a Monitor to oversee the Respondents' compliance with the requirements of the Proposed Consent Order and Order to Maintain Assets. Mr. King has the experience and skill-set to be an effective Monitor, no identifiable conflicts, and sufficient time to dedicate to this matter through its conclusion. Lastly, for a period of ten years, Albertson's is required to give the Commission prior notice of plans to acquire any interest in a supermarket that has operated or is operating in the counties included in the relevant markets.

* * *

The sole purpose of this Analysis is to facilitate public comment on the proposed Consent Order. This Analysis does not constitute an official interpretation of the proposed Consent Order, nor does it modify its terms in any way.

EXHIBIT A

Area number	City	State	Merger result	HHI (pre)	HHI (post)	Delta	Divested store(s)
1	Anthem	AZ	4 to 3	2768	3423	655	SFY 1726.
2	Carefree	AZ	5 to 4	2298	2976	678	ALB 979.
3	Flagstaff	AZ	5 to 4	2744	3365	621	ALB 967.
4	Lake Havasu	AZ	4 to 3	2609	3401	792	ALB 1027.
5	Prescott	AZ	4 to 3	2675	3405	730	ALB 953.
6	Prescott Valley	AZ	4 to 3	2828	3340	512	ALB 965.
7	Scottsdale	AZ	3 to 2	3797	5001	1204	ALB 983.
8	Tucson (Eastern)	AZ	4 to 3	3341	4130	789	SFY 234 & 2611.
9	Tucson (Southwest)	AZ	5 to 4	2018	2909	891	ALB 972.
10	Alpine	CA	3 to 2	3857	5002	1145	SFY 2333.
11	Arroyo Grande/Grover Beach	CA	3 to 2	3690	6864	3174	ALB 6304.
12	Atascadero	CA	3 to 2	3456	6242	2786	ALB 6390.

EXHIBIT A—Continued

Area number	City	State	Merger result	HHI (pre)	HHI (post)	Delta	Divested store(s)
13	Bakersfield	CA	6 to 5	1923	2562	639	ALB 6323, 6325 & 6379.
14	Burbank	CA	3 to 2	4199	5011	812	ALB 6315.
15	Calabasas	CA	3 to 2	3400	5415	2015	SFY 2031.
16	Camarillo	CA	5 to 4	2950	4215	1265	ALB 6385.
17	Carlsbad (North)	CA	4 to 3	2977	3888	911	ALB 6701.
18	Carlsbad (South)	CA	5 to 4	2209	3210	1001	ALB 6720.
19	Carpinteria	CA	2 to 1	5012	10,000	4988	SFY 2425.
20	Cheviot Hills/Culver City	CA	4 to 3	2394	3914	1520	ALB 6168 & 6169.
21	Chino Hills	CA	4 to 3	3596	4047	451	SFY 2597.
22	Coronado Island	CA	2 to 1	5025	10,000	4975	ALB 6747.
23	Diamond Bar	CA	3 to 2	4466	5231	765	SFY 2062.
24	El Cajon	CA	4 to 3	2983	3597	614	ALB 6771.
25	Hermosa Beach	CA	5 to 4	2752	4371	1619	ALB 6127, 6138, 6153 & 6189.
26	Imperial Beach	CA	2 to 1	5869	10,000	4131	ALB 6228.
27	La Jolla	CA	3 to 2	5505	7083	1578	ALB 6788.
28	La Mesa	CA	3 to 2	3382	5997	2615	SFY 2064 & 2137.
29	Ladera Ranch	CA	2 to 1	5081	10,000	4919	SFY 2703.
30	Laguna Beach	CA	3 to 2	3335	5799	2464	ALB 6575.
31	Laguna Niguel	CA	4 to 3	3190	3883	693	SFY 1676.
32	Lakewood	CA	6 to 5	2073	2581	508	ALB 6154.
33	Lemon Grove	CA	3 to 2	3581	6059	2478	SFY 2365.
34	Lomita	CA	3 to 2	3695	5040	1345	ALB 6107.
35	Lompoc	CA	4 to 3	2566	3713	1147	ALB 6339.
36	Mira Mesa (North)	CA	5 to 4	2412	3808	1396	ALB 6742 & 6772.
37	Mira Mesa (South)	CA	2 to 1	6904	10,000	3096	ALB 6770.
38	Mission Viejo/Laguna Hills	CA	4 to 3	3157	3784	627	ALB 6517.
39	Mission Viejo (North)	CA	3 to 2	3933	5012	1079	SFY 1670.
40	Morro Bay	CA	5 to 4	2965	4056	1091	SFY 2312.
41	National City	CA	3 to 2	3748	5013	1265	SFY 2006, 2336 & 3063.
42	Newbury Park	CA	3 to 2	3629	5833	2204	SFY 1793.
43	Newport Beach	CA	5 to 4	3160	3811	651	ALB 6504.
44	Oxnard	CA	4 to 3	2939	3375	436	ALB 6217.
45	Palm Desert/Rancho Mirage	CA	6 to 5	2196	3094	898	SFY 2383 & 3218.
46	Palmdale	CA	4 to 3	3056	4039	983	ALB 6329.
47	Paso Robles	CA	4 to 3	2851	5427	2576	SFY 2317.
48	Poway	CA	4 to 3	2540	3526	986	ALB 6741 & 6763.
49	Rancho Cucamonga/Upland	CA	4 to 3	3266	4118	852	ALB 6523 & 6589.
50	Rancho Santa Margarita	CA	4 to 3	2628	4300	1672	ALB 6521.
51	San Diego (Clairemont)	CA	3 to 2	4066	6374	2308	ALB 6781.
52	San Diego (Hillcrest/University Heights).	CA	3 to 2	4436	6571	2135	ALB 6714 & 6715.
53	San Diego, CA (Tierrasanta)	CA	2 to 1	5586	10,000	4414	ALB 6760.
54	San Luis Obispo	CA	4 to 3	2896	5306	2410	ALB 6372 & 6409.
55	San Marcos	CA	3 to 2	5991	6282	291	SFY 2174.
56	San Pedro	CA	3 to 2	3518	6442	2924	ALB 6160 & 6164.
57	Santa Barbara	CA	4 to 3	2741	3462	721	ALB 6351 & 6352.
58	Santa Barbara/Goleta	CA	3 to 2	3909	7469	3560	SFY 2048 & 2691.
59	Santa Clarita	CA	4 to 3	2646	3732	1086	SFY 1669 & 1961.
60	Santa Monica	CA	4 to 3	3293	4879	1586	ALB 6162.
61	Santee	CA	3 to 2	3477	6133	2656	ALB 6727.
62	Simi Valley	CA	5 to 4	3633	7101	3468	ALB 6317 & 6363; SFY 2163.
63	Solana Beach	CA	3 to 2	3830	6188	2358	ALB 6702.
64	Thousand Oaks	CA	3 to 2	4057	6047	1990	ALB 6369.
65	Tujunga	CA	3 to 2	3688	3969	281	ALB 6397.
66	Tustin (central)	CA	4 to 3	3474	4348	874	SFY 2146 & 2324.
67	Tustin/Irvine	CA	4 to 3	3939	4485	546	SFY 2822.
68	Ventura	CA	4 to 3	2732	3550	818	ALB 6318.
69	Westlake Village	CA	5 to 4	1955	3563	1608	ALB 6388.
70	Yorba Linda	CA	4 to 3	2803	4588	1785	ALB 6510.
71	Butte	MT	3 to 2	4701	5189	488	ALB 2007.
72	Deer Lodge	MT	2 to 1	5000	10,000	5000	SFY 3256.
73	Missoula	MT	4 to 3	3107	4063	956	SFY 1573 & 2619.
74	Boulder City	NV	2 to 1	5051	10,000	4949	SFY 2391.
75	Henderson (East)	NV	4 to 3	2705	3356	651	ALB 6014 & 6019.
76	Henderson (Southwest)	NV	3 to 2	3653	5042	1389	ALB 6028.
77	Summerlin	NV	4 to 3	3107	4367	1260	SFY 1688, 2392 & 2395.
78	Ashland	OR	2 to 1	5013	10,000	4987	SFY 4292.
79	Baker County	OR	2 to 1	5102	10,000	4898	ALB 261.
80	Bend	OR	6 to 5	2632	3824	1192	ALB 587 & 588.
81	Eugene	OR	5 to 4	2392	3414	1022	ALB 507 & 568.
82	Grants Pass	OR	4 to 3	2769	3537	768	ALB 501 & 537.

EXHIBIT A—Continued

Area number	City	State	Merger result	HHI (pre)	HHI (post)	Delta	Divested store(s)
83	Happy Valley/Clackamas	OR	2 to 1	5006	10,000	4994	ALB 503.
84	Keizer	OR	5 to 4	2852	3367	515	ALB 562.
85	Klamath Falls	OR	5 to 4	2511	2917	406	SFY 1766 & 4395.
86	Lake Oswego	OR	4 to 3	3176	5604	2428	ALB 521.
87	Milwaukie	OR	3 to 2	5729	6082	353	ALB 566.
88	Sherwood	OR	3 to 2	3989	5028	1039	ALB 579.
89	Springfield	OR	3 to 2	4400	5197	797	SFY 311.
90	Tigard	OR	5 to 4	2261	2984	723	ALB 559, 565 & 576.
91	West Linn	OR	3 to 2	3611	6268	2657	ALB 506.
92	Colleyville	TX	5 to 4	2686	3465	779	SFY 3555 & 3576.
93	Dallas (Far North)	TX	5 to 4	2413	2891	478	ALB 4140.
94	Dallas (Farmers Branch/North Dallas).	TX	4 to 3	3746	5175	1429	ALB 4182.
95	Dallas (University Park/Highland Park).	TX	4 to 3	2755	4261	1506	ALB 4134 & 4168.
96	Dallas (University Park/Northeast Dallas).	TX	5 to 4	2345	3065	720	ALB 4132 & 4297.
97	McKinney	TX	5 to 4	2692	3613	921	SFY 3573.
98	Plano	TX	4 to 3	3105	3541	436	SFY 2568.
99	Roanoke	TX	3 to 2	4680	5351	671	ALB 4149.
100	Rowlett	TX	3 to 2	3386	5450	2064	ALB 4197.
101	Bremerton	WA	4 to 3	2721	3399	678	ALB 443.
102	Burien	WA	5 to 4	1979	4489	2510	ALB 411 & 473.
103	Everett	WA	5 to 4	2301	2586	285	SFY 517.
104	Federal Way	WA	5 to 4	2312	2709	397	ALB 496.
105	Gig Harbor	WA	3 to 2	3396	5235	1839	SFY 2949.
106	Lake Forest Park	WA	5 to 4	3889	4352	463	ALB 425.
107	Lake Stevens	WA	5 to 4	2646	3455	809	ALB 477.
108	Lakewood	WA	5 to 4	2333	3170	837	ALB 465.
109	Liberty Lake	WA	3 to 2	3483	5090	1607	SFY 1741.
110	Milton	WA	3 to 2	3960	5010	1050	ALB 472.
111	Monroe	WA	4 to 3	2911	3352	441	ALB 476.
112	Oak Harbor	WA	3 to 2	4296	6446	2150	SFY 3518.
113	Olympia (East)	WA	6 to 5	2205	2566	361	ALB 415.
114	Port Angeles	WA	3 to 2	3773	5588	1815	ALB 404.
115	Port Orchard	WA	4 to 3	2747	3362	615	SFY 1082.
116	Puyallup	WA	3 to 2	4160	5072	912	ALB 468.
117	Renton (East Hill-Meridian)	WA	4 to 3	3304	3719	415	ALB 470.
118	Renton (New Castle)	WA	4 to 3	4417	5274	857	SFY 1468.
119	Sammamish	WA	2 to 1	5761	10,000	4239	ALB 403.
120	Shoreline	WA	4 to 3	3792	4017	225	SFY 442.
121	Silverdale	WA	4 to 3	2845	3516	671	ALB 492.
122	Snohomish	WA	2 to 1	5595	10,000	4405	ALB 401.
123	Tacoma (Eastside)	WA	4 to 3	3260	3727	467	ALB 498.
124	Tacoma (Spanaway)	WA	5 to 4	2707	3360	653	SFY 551.
125	Walla Walla	WA	5 to 4	2624	3417	793	ALB 225.
126	Wenatchee	WA	3 to 2	3744	5047	1303	ALB 244.
127	Woodinville	WA	3 to 2	3568	5192	1624	ALB 459.
128	Casper	WY	4 to 3	3816	4353	537	SFY 433 & 2468.
129	Laramie	WY	3 to 2	3793	5000	1207	ALB 2063.
130	Sheridan	WY	3 to 2	4802	5421	619	SFY 2664.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–01971 Filed 2–2–15; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CECANF–2015–01; Docket No. 2015–0004; Sequence No. 1]

Commission To Eliminate Child Abuse and Neglect Fatalities; Announcement of Meeting

AGENCY: Commission To Eliminate Child Abuse and Neglect Fatalities.

ACTION: Meeting notice.

SUMMARY: The Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), a Federal Advisory Committee established by the Protect Our Kids Act of 2012, Public Law 112–275, will hold a meeting open to the public on Thursday, February 26, 2015 and Friday, February 27, 2015 in Portland, Oregon.

DATES: The meetings will be held on Thursday, February 26, 2015, from 8:00 a.m. to 5:30 p.m., and Friday, February 27, 2015 from 8:00 a.m. to 12:30 p.m. Pacific Standard Time.

ADDRESSES: CECANF will convene its meeting at the Marriott City Center, 520 SW Broadway, Portland, Oregon 97205.

This site is accessible to individuals with disabilities. The meeting also will be made available via teleconference and/or webinar.

Submit comments identified by ''Notice–CECANF–2015–01,'' by either of the following methods:

• Regulations.gov: *http://www.regulations.gov*.

Submit comments via the Federal eRulemaking portal by searching for ''Notice–CECANF–2015–01.'' Select the link ''Comment Now'' that corresponds with ''Notice–CECANF–2015–01.'' Follow the instructions provided on the screen. Please include your name, organization name (if any), and ''Notice–CECANF–2015–01'' on your attached document.

• Mail: U.S. General Services Administration, 1800 F Street NW., Room 7003D, Washington DC 20405, Attention: Tom Hodnett (CD) for CECANF.

Instructions: Please submit comments only and cite ''Notice–CECANF–2015–01'' in all correspondence related to this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Visit the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/* or contact Patricia Brincefield, Communications Director, at 202–818–9596, U.S. General Services Administration, 1800 F Street NW., Room 7003D, Washington DC 20405, Attention: Tom Hodnett (CD) for CECANF.

SUPPLEMENTARY INFORMATION:

Background: CECANF was established to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

Agenda: On February 26, 2015, Commission members will meet to hear testimony from four panels of presenters. The first panel will focus on service delivery models under way in the Pacific Northwest region that are promising in the prevention of fatalities to children *not known* to the child welfare system. During the second panel, Commission members will hear testimony on workforce issues that influence performance and successful strategies for addressing these issues. JooYeun Chang, Associate Commissioner of the Children's Bureau, will talk with Commissioners about the status and effectiveness of key federal policies aimed at protecting children at risk of harm. She will provide critical information regarding successful strategies that are being used by states, tribes, and localities that demonstrate reduced child abuse and neglect fatalities to children known to child welfare. In the fourth panel, Commissioners will learn about the legal framework that supports or limits government's ability to intervene on behalf of children in the family context. Commission members will then continue discussing the work plans of the six Commission subcommittees, the information that they have obtained to date, and emerging high-level recommendations.

Attendance at the Meeting: Individuals interested in attending the meeting in person or participating by webinar and teleconference must register in advance. To register to attend in person or by webinar/phone, please go to *https://attendee.gotowebinar.com/rt/842048149990446850* and follow the prompts. Once you register, you will receive a confirmation email with the webinar login and teleconference number. Detailed meeting minutes will be posted within 90 days of the meeting. Members of the public will not have the opportunity to ask questions or otherwise participate in the meeting.

However, members of the public wishing to comment should follow the steps detailed under the heading **ADDRESSES** in this publication or contact us via the CECANF Web site at *https://eliminatechildabusefatalities.sites.usa.gov/contact-us/*.

Dated: January 21, 2015.

Karen White,

Executive Assistant.

[FR Doc. 2015–02052 Filed 2–2–15; 8:45 am]

BILLING CODE 6820–34–P

GOVERNMENT ACCOUNTABILITY OFFICE

Health Information Technology Policy Committee Nomination Letters

AGENCY: Government Accountability Office (GAO).

ACTION: Notice on letters of nomination of candidates.

SUMMARY: The American Recovery and Reinvestment Act of 2009 (ARRA) established the Health Information Technology Policy Committee (Health IT Policy Committee) and gave the Comptroller General responsibility for appointing 13 of its 20 members. As the result of terms ending in April 2015, GAO is accepting nominations of individuals for four openings on the committee in the following categories of representation or expertise required in ARRA: Advocate for patients or consumers, health care provider, representative of a health plan or third party payer, and expertise in health care quality measurement and reporting. For appointments to the HIT Policy committee to be made in April 2015 in these categories, I am announcing the following: Letters of nomination and resumes should be submitted by February 27, 2015 to ensure adequate opportunity for review and consideration of nominees.

ADDRESSES: *Email: HITCommittee@gao.gov.*

Mail: ATTN: HITPC Appointments, U.S. GAO, 441 G Street NW., Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: GAO Office of Public Affairs, (202) 512–4800. 42 U.S.C. 300jj-12.

Gene L. Dodaro,

Comptroller General of the United States.

[FR Doc. 2015–01837 Filed 2–2–15; 8:45 am]

BILLING CODE 1610–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Advisory Committee on Children and Disasters

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Advisory Committee on Children and Disasters (NACCD) will be holding a meeting via teleconference. The meeting is open to the public.

DATES: The February 26, 2015, NACCD meeting is scheduled from 2:00 p.m. to 3:00 p.m. EST. The agenda is subject to change as priorities dictate. Please check the NACCD Web site, located at *WWW.PHE.GOV/NACCD* for the most up-to-date information on the meeting.

ADDRESSES: To attend the meeting via teleconference, call toll-free: 1–877–601–4720. The pass-code is: 9977742. Please call 15 minutes prior to the beginning of the conference call to facilitate attendance. Pre-registration is required for public attendance. Individuals who wish to attend the meeting should submit an inquiry via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

FOR FURTHER INFORMATION CONTACT: Please submit an inquiry via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S. C., Appendix, as amended), and section 2811A of the Public Health Service (PHS) Act (42 U.S. C. 300hh–10a), as added by section 103 of the Pandemic and All Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the HHS Secretary, in consultation with the Secretary of the U.S. Department of Homeland Security, established the National Advisory Committee on Children and Disasters (NACCD). The purpose of the NACCD is to provide advice and consultation to the HHS Secretary with respect to the medical and public health needs of children in relation to disasters. The Office of the Assistant Secretary for Preparedness and Response (ASPR) provides management and administrative oversight to support the activities of the NACCD.

Background: This public meeting will be dedicated to the members voting to approve the report of findings of the NACCD Surge Capacity Work Group.

Availability of Materials: The meeting agenda and materials will be posted on the NACCD Web site at: *www.phe.gov/naccd* prior to the meeting.

Procedures for Providing Public Input: All written comments must be received prior to February 24, 2015. Please submit comments via the NACCD Contact Form located at *www.phe.gov/NACCDComments.* Individuals who plan to attend and need special assistance should submit a request via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

Dated: January 22, 2015.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2015–01615 Filed 2–2–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0940]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov*. Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB No. 0920–0940, exp. 06/30/2015)—Extension—Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health (NIOSH), Health Hazard Evaluation Program.

As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the CDC has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et. seq.*).

To request additional information, please contact Leroy A. Richardson, Centers for Disease Control and Prevention, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received no comments in response to the 60-day notice published in the **Federal Register** on April 30, 2014 (75 FR 24432).

This is a new collection of information. Respondents will be

screened and selected from Individuals and Households, Businesses, Organizations, and/or State, Local or Tribal Government. There is no cost to respondents other than their time. The estimated total burden hours for this data collection activity are 268.

Type of collection	Average number of respondents per activity	Annual frequency per response	Average number of activities	Average hours per response
Online surveys, Telephone Surveys, Focus Groups, In person observation/testing	67	1	5	48/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–02062 Filed 2–2–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, Department of Health and Human Services, has been renewed for a 2-year period through May 21, 2016.

For information, contact William Cibulas, Ph.D., Designated Federal Officer, Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry, Department of Health and Human Services, 4770 Buford Highway, Mailstop F61, Chamblee, Georgia 30341, telephone (770) 488–0662 or fax (770) 488–3385.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–02026 Filed 2–2–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0129]

Agency Information Collection Activities; Proposed Collection; Comment Request; General Licensing Provisions; Section 351(k) Biosimilar Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection in an application for a proposed biosimilar product and an application for a supplement for a proposed interchangeable product.

DATES: Submit either electronic or written comments on the collection of information by April 6, 2015.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA 305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

General Licensing Provisions; Section 351(k) Biosimilar Applications (OMB Control Number 0910–0719)—Extension

The Patient Protection and Affordable Care Act (Affordable Care Act) (Pub. L. 111–148) contains a subtitle called the Biologics Price Competition and Innovation Act of 2009 (BPCI Act), which amends the Public Health Service Act (PHS Act) and establishes an abbreviated licensure pathway for

biological products shown to be biosimilar to, or interchangeable with, an FDA-licensed biological reference product (See sections 7001 through 7003 of the Affordable Care Act.)

Section 351(k) of the PHS Act (42 U.S.C. 262(k)), added by the BPCI Act, sets forth the requirements for an application for a proposed biosimilar product and an application or a supplement for a proposed interchangeable product. Section 351(k) defines biosimilarity to mean ''that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components'' and that ''there are no clinically meaningful differences between the biological product and the reference product in terms of the safety, purity, and potency of the product.'' (See section 351(i)(2) of the PHS Act.) A 351(k) application must contain, among other things, information demonstrating that the biological product is biosimilar to a reference product based upon data derived from analytical studies, animal studies, and clinical studies, unless FDA determines, in its discretion, that certain studies are unnecessary in a 351(k) application. (See section 351(k)(2) of the PHS Act.) To demonstrate interchangeability, an applicant must provide sufficient information to demonstrate biosimilarity and that the biosimilar biological product can be expected to produce the same clinical result as the reference product in any given patient and, if the biosimilar biological product is administered more than once to an individual, the risk in terms of safety or diminished efficacy of alternating or switching between the use of the biosimilar biological product and the reference product is not greater than the risk of using the reference product without such alternation or switch. (See section 351(k)(4) of the PHS Act.) Interchangeable products may be substituted for the reference product without the intervention of the prescribing health care provider. (See section 351(i)(3) of the PHS Act.)

In estimating the information collection burden for 351(k) applications, we reviewed the number of 351(k) applications FDA has received through fiscal year (FY) 2014, as well as the collection of information regarding the general licensing provisions for biologics license applications under section 351(a) of the PHS Act submitted to OMB (approved under OMB control number 0910–0338). For the information collection burden for 351(a) applications, FDA described § 601.2(a) (21 CFR 601.2(a)) as requiring a manufacturer of a biological product to submit an application on forms prescribed for such purpose with accompanying data and information including certain labeling information to FDA for approval to market a product in interstate commerce. FDA also added in the burden estimate the container and package labeling requirements provided under §§ 610.60 through 610.65 (21 CFR 610.60 through 610.65). The estimated hours per response for § 601.2, and §§ 610.60 through 610.65, are 860 hours.

In addition, in submitting a 351(a) application, an applicant completes the Form FDA 356h ''Application to Market a New Drug, Biologic, or an Antibiotic Drug for Human Use.'' The application form serves primarily as a checklist for firms to gather and submit certain information to FDA. The checklist helps to ensure that the application is complete and contains all the necessary information, so that delays due to lack of information may be eliminated. The form provides key information to FDA for efficient handling and distribution to the appropriate staff for review. The estimated burden hours for biological product submissions using FDA Form 356h are included under the applicable requirements approved under OMB control number 0910–0338.

To submit an application seeking licensure of a proposed biosimilar product under section 351(k)(2)(A)(i) and (k)(2)(A)(iii) of the PHS Act, FDA believes that the estimated burden hours would be approximately the same as noted under OMB control number 0910–0338 for a 351(a) application—860 hours. The burden estimates for seeking licensure of a proposed biosimilar product that meets the standards for interchangeability under section 351(k)(2)(B) and (k)(4) would also be 860 hours. Until we gain more experience with biosimilar applications, FDA believes this estimate is appropriate for 351(k) applications because to determine biosimilarity or interchangeability of a proposed 351(k) product, the application and the information submitted is expected to be comparably complex and technically demanding as a proposed 351(a) application. FDA may determine, in its discretion, an element required under a 351(k) application to be unnecessary to support licensure of a biosimilar or interchangeable product. In those cases, the number of hours per response may be less than the hours estimated.

A summary of the information collection requirements in the submission of a 351(k) application as described under the BPCI Act follows:

Section 351(k)(2)(A)(i) requires manufactures of 351(k) products to submit an application for FDA review and licensure before marketing a biosimilar product. An application submitted under this section shall include information demonstrating that:

- The biological product is biosimilar to a reference product based upon data derived from analytical studies, animal studies (including toxicity) and a clinical study or studies (including immunogenicity and pharmacokinetics or pharmacodynamics). The Secretary of Health and Human Services (the Secretary) may determine that any of these elements is unnecessary.
- The biological product and reference product utilize the same mechanism or mechanisms of action for the condition or conditions of use prescribed, recommended, or suggested in the proposed labeling, but only to the extent the mechanism or mechanisms of action are known for the reference product.
- The condition or conditions of use prescribed, recommended, or suggested in the labeling proposed for the biological product have been previously approved for the reference product.
- The route of administration, the dosage form, and the strength of the biological product are the same as those of the reference product.
- The facility in which the biological product is manufactured, processed, packed, or held meets standards designed to assure that the biological product continues to be safe, pure, and potent.

Section 351(k)(2)(A)(iii) requires the application to include publicly available information regarding the Secretary's previous determination that the reference product is safe, pure, and potent. The application may include any additional information in support of the application, including publicly available information with respect to the reference product or another biological product.

Under section 351(k)(2)(B) and (k)(4), a manufacturer may include information demonstrating that the biological product meets the standards for interchangeability either in the application to show biosimilarity or in a supplement to such an application. The information submitted to meet the standard for interchangeability must show that: (1) The biological product is biosimilar to the reference product and can be expected to produce the same clinical result as the reference product in any given patient; and (2) for a biological product that is administered more than once to an individual, the risk in terms of safety or diminished efficacy of alternating or switching between use of the biological product and the reference product is not greater

than the risk of using the reference product without such alternation or switch.

In addition to the collection of information regarding the submission of a 351(k) application for a proposed biosimilar or interchangeable biological product, section 351(l) of the BPCI Act establishes procedures for identifying and resolving patent disputes involving applications submitted under section 351(k) of the PHS Act. The burden estimates for the patent provisions under section 351(l)(6)(C) of the BPCI Act are included in table 1 of this document and are based on the estimated number of 351(k) biosimilar respondents. Based on similar reporting requirements, FDA estimates this notification will take 2 hours. A summary of the collection of information requirements under section 351(l)(6)(C) follows:

Not later than 30 days after a complaint from the reference product sponsor is served to a 351(k) applicant in an action for patent infringement described under 351(l)(6), section 351(l)(6)(C) requires that the 351(k) applicant provide the Secretary with notice and a copy of such complaint. The Secretary shall publish in the **Federal Register** notice any complaint received under section 351(l)(6)(C)(i).

Based on the number of 351(k) applications FDA received through FY 2014, we estimate that we will receive approximately five 351(k) applications annually. The number of respondents submitting 351(k) applications is based on the number of sponsors submitting 351(k) applications through FY 2014. In making these estimates, FDA has taken into account, among other things, the expiration dates of patents that relate to potential reference products, and general market interest in biological products that could be candidates for 351(k) applications.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

351(k) Applications (42 U.S.C. 262(k))	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
351(k)(2)(A)(i) and 351(k)(2)(A)(iii) Biosimilar Product Applications	5	1	5	860	4,300
351(k)(2)(B) and (k)(4) Interchangeable Product Applications or Supplements	2	1	2	860	1,720
351(l)(6)(C) Patent Infringement Notifications	5	1	5	2	10
Total					6,030

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: January 28, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–02025 Filed 2–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Charter Renewal

In accordance with Title 41 of the U.S. Code of Federal Regulations, Section 102–3.65(a), notice is hereby given that the Charter for the National Cancer Institute Council of Research Advocates (formerly known as the National Cancer Institute Director's Consumer Liaison Group) was renewed for an additional two-year period on August 17, 2014.

It is determined that the National Cancer Institute Council of Research Advocates is in the public interest in connection with the performance of duties imposed on the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail Stop Code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov*.

Dated: January 28, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01976 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Review of Superfund Hazardous Research and Training Programs.

Date: February 25–27, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Chapel Hill Hotel, One Europa Drive, Chapel Hill, NC 27514.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: January 28, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01988 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute Of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Loan Repayment Review Meeting.

Date: April 6, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, Suite 920, 6707 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, (301) 451–3398, *hayesj@mail.nih.gov.*

Dated: January 28, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01977 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, January 27, 2015, 09:00 a.m. to January 27, 2015, 12:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 which was published in the **Federal Register** on December 31, 2014, 79 FR 78879.

The meeting notice is amended to change the start time from 9:00 a.m. to 10:00 a.m. The meeting is closed to the public.

Dated: January 28, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01985 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; NIMH Biobehavioral Research Awards for Innovative New Scientists (BRAINS).

Date: February 23, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street, NW., Washington, DC 20037.

Contact Person: Megan Kinnane, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9609, Rockville, MD 20852–9609, 301–402–6807, *libbeym@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Longitudinal Assessment of Post-traumatic Syndromes (U01).

Date: February 23, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Leveraging a Recovery Act Resource to Accelerate Research on Neurodevelopment (R01).

Date: February 26, 2015.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: January 28, 2015.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01986 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Devices to Close Ductus Arteriosus in Premature Infants.

Date: February 23, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: William J Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892–7924, 301–435–0725, *johnsonwj@nhlbi.nih.gov*.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Mitral Valve Repair.

Date: February 24, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 28, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01980 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 392: New Computational Methods for Understanding the Functional Role of DNA Variants That Are Associated With Mental Disorder.

Date: February 24–25, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046B, MSC 7892, Bethesda, MD 20892, 301–408–9655, *gubina@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer, Cardiovascular, and Sleep Epidemiology Panel A.

Date: February 26–27, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 2620 Hotel, 2620 Jones Street, San Francisco, CA 94133.

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Social Sciences and Population Studies B Study Section.

Date: February 26–27, 2015.

Time: 8:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108.

Contact Person: Valerie Durrant, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3148, MSC 7770, Bethesda, MD 20892, (301) 827–6390, *durrantv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Population Sciences and Epidemiology.

Date: February 26, 2015.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Fungai Chanetsa, MPH, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–204: Infectious Diseases and Microbiology: Research In Biomedicine and Agriculture.

Date: February 27, 2015.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Virology.

Date: February 27, 2015.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.

Contact Person: Marci Scidmore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 301–435–1149, *marci.scidmore@nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Therapeutic Approaches to Genetic Diseases Study Section.

Date: March 2–3, 2015.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverase@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Systems Science and Health in the Behavioral and Social Sciences.

Date: March 3, 2015.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–615–7401, *wup4@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Lung Diseases.

Date: March 3–4, 2015.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: George M Barnas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4220, MSC 7818, Bethesda, MD 20892, 301–435–0696, *barnasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Innovative Therapies and Tools for Screenable Disorders in Newborns.

Date: March 3, 2015.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverase@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Aging Systems and Geriatrics Study Section.

Date: March 4–5, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Inese Z. Beitins, M.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Pulmonary Fibrosis and Lung Injury.

Date: March 4–5, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Bradley Nuss, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC7814, Bethesda, MD 20892, 301–451–8754, *nussb@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Clinical Studies and Epidemiology Study Section.

Date: March 4, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Contessa, 306 W Market Street, San Antonio, TX 78205.

Contact Person: Hilary D Sigmon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 357–9236, *sigmonh@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Molecular and Cellular Biology Study Section.

Date: March 4, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Los Angeles Airport Marriott, 5855 West Century Blvd., Los Angeles, CA 90045.

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Biomedical Computing and Health Informatics Study Section.

Date: March 4, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Melinda Jenkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, 301–437–7872, *jenkinsml2@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–12–057: Enhancing Development Biology AREA Review.

Date: March 4–5, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Maqsood A Wani, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Psychosocial Risk Prevention and Behavioral Medicine.

Date: March 4, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Weijia Ni, Ph.D., Chief/Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3100, MSC 7808, Bethesda, MD 20892, (301) 594–3292, *niw@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 28, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01981 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee F—Institutional Training and Education.

Date: February 23–24, 2015.

Time: 7:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Timothy C. Meeker, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20850, 240–276–6464, *meekert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Collaborative Research in Integrative Cancer Biology (U01).

Date: February 25, 2015.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 6W032, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Zhiqiang Zou, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W242, Rockville, MD 20850, 240–276–6372, *zouzhiq@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus SEP–4 Review.

Date: March 4–5, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Clifford W. Schweinfest, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W108, Rockville, MD 20850, 240–276–6343, *schweinfestcw@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Carcinogenic Risks Evaluation Monograph.

Date: March 6, 2015.

Time: 2:15 p.m. to 4:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W554, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Christopher L. Hatch, Ph.D., Chief, Health Scientist Administrator, Program Coordination & Referral Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W554, Rockville, MD 20850, 240–276–6454, *ch29v@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus SEP–7.

Date: March 17, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Timothy C. Meeker, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W624, Rockville, MD 20850, 240–276–6464, *meekert@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI R01/U54 Review.

Date: March 24, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 5W030, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Majed M. Hamawy, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W120, Bethesda, MD 20892, 240–276–6457 *mh101v@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus SEP–14 Review.

Date: April 30, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Ilda F.S. Melo, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, 7W122, Bethesda, MD 20892, 240–276–6349, *ilda.melo@nih.gov*.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 28, 2015.

Melanie J. Gray,

Program Analyst Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01984 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Initial Review Group; Mental Health Services Research Committee.

Date: March 4, 2015.

Time: 8:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW., Washington, DC 20036.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301–443–1225, *aschulte@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: January 28, 2015.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01987 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurobiology of Multisensory and Perception.

Date: February 24–25, 2015.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Wei-Qin Zhao, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181 MSC 7846, Bethesda, MD 20892–7846, 301–435–1236, *zhaow@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Genetic Variants in Disease.

Date: March 2, 2015.

Time: 1:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard A Currie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1108, MSC 7890, Bethesda, MD 20892, (301) 435–1219, *currieri@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Investigations on Primary Immunodeficiency Diseases.

Date: March 3, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Jin Huang, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G,

MSC 7812, Bethesda, MD 20892, 301–435–1230, *jh377p@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Clinical Neurophysiology, Devices, Neuroprosthetics, and Biosensors.

Date: March 5–6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Georgetown, 2350 M Street NW., Washington, DC 20037.

Contact Person: Cristine Backman, Ph.D., Scientific Review Officer, ETTN IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7846, Bethesda, MD 20892, *cbackman@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Brain Disorders, Language, Communication and Related Neurosciences.

Date: March 5–6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Vilen A Movsesyan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040M, MSC 7806, Bethesda, MD 20892, 301–402–7278, *movsesyanv@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell, Computational, and Molecular Biology.

Date: March 5, 2015.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Maria DeBernardi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7892, Bethesda, MD 20892, 301–435–1355, *debernardima@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular Sciences.

Date: March 5–6, 2015.

Time: 8:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD 21202.

Contact Person: Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301) 435–1743, *margaret.chandler@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Academic Research Enhancement: Healthcare Delivery and Methodologies.

Date: March 6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Rebecca Henry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–1717, *henryrr@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cell, Computational and Molecular Biology.

Date: March 6, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301–379–9351, *allen.richon@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Innovative Immunology Research.

Date: March 6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Andrea Keane-Myers, BS, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, Bethesda, MD 20892, 301–435–1221, *andrea.keane-myers@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biological Chemistry, Biophysics and Drug Discovery.

Date: March 6, 2015.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Vonda K. Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7892, Bethesda, MD 20892, 301–435–1789, *smithvo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA: Genes, Genomes and Genetics.

Date: March 6, 2015.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Dominique Lorang-Leins, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5108, MSC 7766, Bethesda, MD 20892, 301–326–9721, *Lorangd@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 28, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01979 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Peer Review Meeting.

Date: February 26, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Room 4H100, 5601 Fishers Lane, Rockville, MD 20852.

Contact Person: Zhuqing (Charlie) Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room # 3G41B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC9823, Bethesda, MD 20852–9823, (240) 669–5068, *zhuqing.li@nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Investigator Initiated Program Project Application (P01).

Date: February 27, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Yong Gao, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G13B, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD

20852–7616, (240) 669–5048, *yong.gao@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 28, 2015

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–01978 Filed 2–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2014–0664; OMB Control Number 1625–0012]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding Information Collection Requests (ICRs), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a Reinstatement, with change of a previously approved collection for which approval has expired for the following collection of information: 1625–0012, Certificate of Discharge to Merchant Mariner. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before March 5, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2014–0664] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* (a) To Coast Guard docket at *http://www.regulations.gov.* (b) To OIRA by email via: *OIRA-submission@omb.eop.gov*.

(2) *Mail:* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. (b) To OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr Ave SE., STOP 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532 or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2014–0664], and must be received by March 5, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2014–0664]; indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov*, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov*, and type ''USCG–2014–0664'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a

stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov*, click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2014–0664'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Numbers: 1625–0012.

Privacy Act

Anyone can search the electronic form of comments received in dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act statement regarding Coast Guard public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (79 FR 56081, September 18, 2014) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request

1. *Title:* Certificate of Discharge to Merchant Mariner.

OMB Control Number: 1625–0012.

Type of Request: Revision of a currently approved collection.

Respondents: Shipping companies, masters or individuals in charge of a vessel.

Abstract: Needed for establishing evidence of sea service aboard U.S. flagged merchant vessels for merchant mariners to upgrade their credentials, establish proof of eligibility for union and other benefits, and in litigation where vessel service is an issue.

Forms: CG–718A.

Burden Estimate: The total average hour burden is approximately 1,478 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: January 21, 2015.

Thomas P. Michelli,

U.S. Coast Guard, Chief Information Officer, Acting.

[FR Doc. 2015–02061 Filed 2–2–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0042]

Navigation Safety Advisory Council

AGENCY: Coast Guard, DHS.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Navigation Safety Advisory Council will meet on February 18–19, 2015, in Oakland, California to discuss matters relating to maritime collisions, rammings, and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. These meetings will be open to the public.

DATES: The Navigation Safety Advisory Council will meet on Wednesday, February 18, 2015, from 8 a.m. to 5:30 p.m., and on Thursday, February 19, 2015, from 8 a.m. to 5:30 p.m. Please note these meetings may close early if the Council has completed its business.

ADDRESSES: The meeting will be held at the Executive Inn and Suites, 1755 Embarcadero, Oakland, California 94606. *https://maps.google.com/maps?psj=1&bav=on.2,or.r_qf.&bvm=bv.83829542,d.eXY&biw=1419&bih=814&dpr=1&um=1&ie=UTF-8&q=executive+inn+and+suites+oakland&fb=1&gl=us&hq=executive+inn+and+suites+oakland&cid=12733826814197203612&sa=X&ei=y_DAVP-AHIH-gwSwnoHwBA&ved=0CCwQrwswAA&output=classic&dg=brw.*

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Burt Lahn listed in the **FOR FURTHER INFORMATION CONTACT** section below as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council as listed in the ''Agenda'' section below. Any written material submitted by the public will be distributed to the Council and become part of the public record. Written comments must be identified by USCG–2014–0405 and be submitted using one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments (preferred method to avoid delays in processing).
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action, USCG 2015–0042. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Docket: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov* insert USCG–2015–0042 in the Search box, press Enter, and then click on the item you wish to view.

A public comment period will be held during the meeting on February 18, 2015, from 5 p.m. to 5:30 p.m. and on February 19, 2015, prior to the close of the meeting. Public presentations may also be given. Speakers are requested to limit their presentation and comments to 10 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. To register as a speaker, contact Mr. Burt Lahn listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: If you have questions about these meetings, please contact Mr. George Detweiler, the Navigation Safety Advisory Council Alternate Designated Federal Officer, Commandant (CG–NAV–2), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE., Stop 7418, Washington, DC 20593, telephone 202–372–1566 or email *George.H.Detweiler@uscg.mil* or Mr. Burt Lahn, Navigation

Safety Advisory Council meeting coordinator, at telephone 202–372–1526 or email *burt.a.lahn@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, Title 5 United States Code, Appendix.

The Navigation Safety Advisory Council is an advisory committee authorized in 33 United States Code 2073 and chartered under the provisions of the Federal Advisory Committee Act. The Navigation Safety Advisory Council provides advice and recommendations to the Secretary, through the Commandant of the U.S. Coast Guard, on matters relating to prevention of maritime collisions, rammings, and groundings, Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

A copy of all meeting documentation is available at *https://homeport.uscg.mil/mycg/portal/ep/channelView.do?channelId=-18422&channelPage=%252Fep%252Fchannel%252Fdefault.jsp&pageTypeId=1348.* Alternatively, you may contact Mr. Burt Lahn as noted in the **FOR FURTHER INFORMATION** section above.

Agenda

The Navigation Safety Advisory Council will meet to review, discuss and formulate recommendations on the following topics.

Wednesday, February 18, 2015:

(1) E-Navigation Strategy. E-navigation is the collection, integration and display of maritime information onboard and ashore by electronic means to enhance berth-to-berth navigation and related services, safety and security and protection of the marine environment. The Coast Guard will provide an update on international developments in E-navigation and its own efforts to implement E-navigation;

(2) Atlantic Coast Port Access Route Study. The Atlantic Coast Port Access Route Study was initiated to study the navigational users and industrial development off the Atlantic Coast. The Coast Guard will provide an update on the results of this ongoing effort; and

(3) The Coast Guard's Future of Navigation initiative leverages technology in order to optimize the mix of electronic and visual aids to navigation. The Coast Guard will provide information on this project.

Following the above presentations, the Designated Federal Officer will form working groups to continue discussions on the following task statements that were provided to the Council at the June, 2014 meeting:

(1) Navigation Safety Advisory Council Task 14–01—Modernization of Marine Safety Information systems;

(2) Navigation Safety Advisory Council Task 14–02—Automatic Identification Systems Aids to Navigation, and

(3) Navigation Safety Advisory Council Task 14–03—Navigation Interests in Marine Planning.

The Designated Federal Officer will form working groups to discuss and provide recommendations on the following new task statements as appropriate:

(1) Navigation Safety Advisory Council Task 15–01—Unmanned Maritime Systems Best Practices, and

(2) Navigation Safety Advisory Council Task 15–02—Towing Safety Advisory Committee final report on Infrastructure Affecting Navigation (Subcommittee Task 13–04). The Council will be asked to review the final report and provide comments on possible impacts of the recommendations to the navigation rules.

Public comments or questions will be taken during the meeting as the Council discusses each issue and prior to the Council formulating recommendations on each issue. There will also be a public comment period at the end of the meeting.

Thursday, February 19, 2015:

(1) Working Group discussions continued from Wednesday, 18 February, 2015;

(2) Working Group reports presented to the Council;

(3) New Business;

a. Summary of Navigation Safety Advisory Council action items.

b. Schedule next meeting date—Spring, 2015.

c. Council discussions and acceptance of new tasks.

A public comment period will be held after the discussion of new tasks. Speakers' comments are limited to 10 minutes each. Public comments or questions will be taken at the discretion of the Designated Federal Officer during the discussion and recommendations, and new business portion of the meeting.

Minutes: Minutes from the meeting will be available for public view and copying within 90 days following the meeting at *https://homeport.uscg.mil/mycg/portal/ep/channelView.do?channelId=-18422&channelPage=%252Fep%252Fchannel%252Fdefault.jsp&pageTypeId=1348.*

Dated: January 28, 2015.

G.C. Rasicot,

Director, Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2015–01961 Filed 2–2–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0020]

Agency Information Collection Activities: Crew's Effects Declaration

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Crew's Effects Declaration (CBP Form 1304). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before March 5, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to theOMB Desk Officer for Customs and Border Protection, Department of HomelandSecurity, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal**

Register (79 FR 69516) on November 21, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Crew's Effects Declaration.

OMB Number: 1651–0020.

Form Number: Form 1304.

Abstract: CBP Form 1304, *Crew's Effects Declaration,* was developed through an agreement by the United Nations' Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. The form is used as part of the entrance and clearance of vessels pursuant to the provisions of 19 CFR 4.7 and 4.7a, 19 U.S.C. 1431, and 19 U.S.C. 1434. CBP Form 1304 is completed by the master of the arriving carrier to record and list the crew's effects that are onboard the vessel. This form is accessible at *http://forms.cbp.gov/pdf/CBP_Form_1304.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 1304.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 9,000.

Estimated Number of Total Annual Responses: 206,100.

Estimated Time per Response: 60 minutes.

Estimated Total Annual Burden Hours: 206,100.

Dated: January 27, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–02003 Filed 2–2–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0021]

Agency Information Collection Activities: Crew Member's Declaration

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Crew Member's Declaration (CBP Form 5129). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before March 5, 2015 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** (79 FR 69516) on November 21, 2014, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Crew Member's Declaration.

OMB Number: 1651–0021.

Form Number: Form 5129.

Abstract: CBP Form 5129, *Crew Member's Declaration,* is a declaration made by crew members listing all goods acquired abroad which are in his/her possession at the time of arrival in the United States. The data collected on CBP Form 5129 is used for compliance with currency reporting requirements, supplemental immigration documentation, agricultural quarantine matters, and the importation of merchandise by crew members who complete the individual declaration. This form is authorized by 19 U.S.C. 1431 and provided for by 19 CFR 4.7, 4.81, 122.44, 122.46, 122.83, 122.84 and 148.61–148.67. CBP Form 5129 is accessible at *http://www.cbp.gov/sites/default/files/documents/CBP%20Form%205129.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 5129.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 6,000,000.

Estimated Number of Total Annual Responses: 6,000,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 996,000.

Dated: January 27, 2015.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2015–02002 Filed 2–2–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–02]

30-Day Notice of Proposed Information Collection: Community Challenge Planning Grant Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* March 5, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 28, 2014.

A. Overview of Information Collection

Title of Information Collection: Community Challenge Planning Grant Program.

OMB Approval Number: 2501–0025.

Type of Request: Extension of a currently approved collection.

Form Number: HUD–424–CBW.

Description of the need for the information and proposed use: HUD is seeking approval from OMB for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

The Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112–10, approved April 15, 2011) (Appropriations Act), provided a total of $100,000,000 to HUD for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning. Of that total, $70,000,000 is available for the Sustainable Communities Regional Planning Grant Program, and $30,000,000 is available for the Community Challenge Planning Grant Program.

The Consolidated Appropriations Act, 2010 (Pub. L. 111–117, December 16, 2009), provided a total of $150 million in fiscal year 2010 to HUD for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning.

HUD is seeking renewal of its Community Challenge Planning Grant Program. The changes of this renewal from its original approval will be a reduction in burden hours. This reduction is due to no new award funds for the program; thus, form HUD–96011 and form HUD–2880 are no longer needed. Those two forms were utilized during the awarding process of the program. With no new award funds expected, these forms will be no longer needed for this program. Only form HUD–424–CBW will continue to be needed as this form is used to record and manage detailed budgetary expenditures and projections of HUD award funds and match funds spent toward grant activities.

Respondents: Community Challenge Planning Grant Program recipients (grantees).

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total	56	1	56	0.5 hours	28	$40.00	$1,120.00

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 23, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–01959 Filed 2–2–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[155D0102DR DL1000000.000000 DS62400000 DR.62402.15NPS100]

Proposed New Information Collection: OMB Control Number 1084–XXXX—Documenting, Managing and Preserving Department of the Interior Museum Collections Housed in Non-Federal Repositories

AGENCY: Office of the Secretary, Office of Acquisition and Property Management.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Acquisition and Property Management, Office of the Secretary, Department of the Interior announces a proposed programmatic public information collection and seeks public comments on the provisions thereof.

DATES: OMB has up to 60 days to approve or disapprove the information collection request, but may respond after 30 days; therefore, public comments should be submitted to OMB by March 5, 2015, in order to be assured of consideration.

ADDRESSES: Send your written comments by facsimile (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of the Interior Desk Officer (1085–XXXX). Also, please send a copy of your comments to Steven Floray, Office of Acquisition and Property Management, U.S. Department of the Interior, 1849 C Street NW., MS 4262–MIB, Washington, DC 20240, fax 202–513–7634, or by electronic mail to *Steven_Floray@ios.doi.gov*.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, any explanatory information and related forms, contact Steven Floray via the information provided in the **ADDRESSES** section above. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This notice is for a new information collection.

The Department of the Interior (DOI) owns and manages over 185 million artifacts, scientific specimens, and documents in trust for the American public—a collection size that rivals the Smithsonian Institution. This diverse collection consists of archaeological artifacts, archives, art, biological specimens, ethnographic objects, geological specimens, historic objects, and paleontological specimens that are held by ten of DOI's bureaus and offices. The majority of DOI's collections are housed in bureau facilities; however, over ten percent (more than 19 million objects and 11,000 cubic feet of objects) are housed by at least 839 non-Federal repositories, the majority of which are museums associated with, or departments of, U.S. colleges and universities. Most are scientific collections from the disciplines of archaeology, biology, geology, and paleontology and include associated archival records.

DOI museum collections, regardless of where they are housed, must be managed according to preservation, documentation, educational, and other requirements in the public interest. These requirements are mandated by a number of Federal laws, regulations, and policies, notably: Act for the Preservation of American Antiquities of 1906 (Antiquities Act) (16 U.S.C. 431–433); Historic Sites Act of 1935 (16 U.S.C. 461–467); Management of Museum Properties Act of 1955, as amended (16 U.S.C. 18f); National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); Archeological and Historic Preservation Act of 1974, as amended (16 U.S.C. 469–469l-2); Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa–mm); Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001–3013); Paleontological Resources Preservation Act (PRPA); Curation of Federally-Owned and Administered Archaeological Collections (36 CFR part 79); and the Department of the Interior Departmental Manual, Part 411: Identifying and Managing Museum Property (411 DM).

411 DM, which implements the Federal laws and regulations noted above, requires the following information be collected, used, and retained by all bureaus that hold ownership of museum collections: Facility Checklist for Spaces Housing DOI Museum Property; catalog records; accession records; and inventories of museum collections. These requirements apply to all DOI museum collections regardless of each collection's location (DOI facility or non-DOI facility) or the personnel that accomplished the work (DOI staff, contractors, partners, cooperators, agencies, institutions, or similar organizations associated with the Department).

II. Data

(1) *Title:* Documenting, Managing and Preserving Department of the Interior Museum Collections Housed in Non-Federal Repositories

OMB Control Number: 1084–XXXX.

Current Expiration Date: To be Determined.

Type of Review: This notice is for a new information collection.

Affected Entities: Museums; academic, cultural, and research institutions; and, state or local agencies and institutions.

Estimated annual number of respondents: 900.

Frequency of response: Maximum of once per year per collection instrument, and likely less frequently.

(2) Annual reporting and record keeping burden.

Total Annual Reporting per Respondent: 2 hours 20 minutes.

Total Annual Burden Hours: 2,100 hours.

(3) *Description of the need and use of the information:* The purpose of this information collection is to ensure compliance with all Federal laws, regulations and Departmental policy pertaining to the documentation, management, and preservation of DOI museum collections housed in non-Federal repositories, and to meet the DOI's associated stewardship responsibilities to the American public. This information collection consists of five separate instruments:

(a) Facility Checklist for Spaces Housing DOI Museum Property. The Facility Checklist for Spaces Housing DOI Museum Property (Checklist) is used to assess and evaluate exhibit, storage, and administrative office spaces that house DOI museum collections to ensure compliance with the requirements of DOI policy.

(b) Catalog records of DOI museum objects, including certain DOI required data: accession number; catalog number; discipline and classification; object or scientific name; unit acronym and/or identifier; controlled property status; item count or quantity; current location; description; condition; date cataloged; cataloger; and, other required discipline-specific information related to scientific collections and archives, such as provenience, collector, collection site, date and number, and archival scope, content, organization or arrangement.

(c) Accession records of DOI museum objects and collections, including certain DOI required data: Accession number; source and contact

information; date received; date accessioned; accession type; description; project name; item total by discipline; catalog status; and, any catalog numbers in the accession.

(d) Inventories of DOI museum collections, including certain DOI required data: object found; item count; location; condition; date of inventory; and inventory method.

(e) Input on U.S. Department of the Interior Collections Housed at Non-Federal Facilities, which includes: the estimated number of DOI collections at the facility, if applicable; accession numbers of DOI collections; number of catalog records for DOI collections; type of museum catalog database used, if applicable; existence of DOI NAGPRA collections; inventory status; and research use. The information will be used by DOI to determine if DOI collections are located at the respondents' facilities, the nature of the collections, quantities, issues of complexity, and any other related factors.

(4) As required under 5 CFR 1320.8(d), a **Federal Register** notice soliciting comments on the information collection was published on March 14, 2014 (79 FR 14525). No comments were received. This notice provides the public with an additional 30 days in which to comment on the proposed information collection activity.

III. Request for Comments

The Department of the Interior invites comments on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the collection and the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other collection techniques or other forms of information technology.

''Burden'' means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments, with names and addresses, will be available for public inspection. If you wish us to withhold your personal information, you must prominently state at the beginning of your comment what personal information you want us to withhold. We will honor your request to the extent allowable by law. If you wish to view any comments received, you may do so by scheduling an appointment with Property & Acquisition Management at the contact information provided in the **ADDRESSES** section. Valid picture identification is required for entry into the Department of the Interior, 1849 C Street NW., Washington, DC 20240.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: January 27, 2015.

James G. McCaffery, III,

Acting Director, Office of Acquisition and Property Management.

[FR Doc. 2015–01880 Filed 2–2–15; 8:45 am]

BILLING CODE 4334–12–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2014–N256; FXES11130800000–156–FF08EVEN00]

Proposed Safe Harbor Agreement for Smith's Blue Butterfly and California Red-Legged Frog at Garrapata State Park, Monterey County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of permit application.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received, from the California Department of Parks and Recreation, Monterey District (applicant), an application for an enhancement of survival permit for the federally endangered Smith's blue butterfly and threatened California red-legged frog under the Endangered Species Act of 1973, as amended (Act). This permit application includes a proposed safe harbor agreement (agreement) between the applicant and the Service. The agreement and permit application are available for public comment.

DATES: To ensure we are able to consider your comments, please send them to us by March 5, 2015.

ADDRESSES: The documents are available on our Web site: *http://www.fws.gov/ventura.* A limited number of printed copies are available by request. You may request documents or submit comments by any of the following methods.

- *Email: fw8SHA_garrapata@fws.gov.* Include ''Garrapata State Park SHA'' in the subject line of the message.
- *U.S. Mail:* Field Supervisor; U.S. Fish and Wildlife Service; Ventura Fish and Wildlife Office; 2493 Portola Road, Suite B; Ventura, CA 93003.
- *Fax:* Attn: Field Supervisor, (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Eric Morrissette, Senior Biologist, Ventura Fish and Wildlife Office at the address above or by telephone at (805) 644–1766.

SUPPLEMENTARY INFORMATION: We have received an application for an enhancement of survival permit for the federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*) and threatened California red-legged frog (*Rana draytonii*) under the Act. This permit application includes a proposed safe harbor agreement (agreement) between the applicant and the Service. The agreement and permit application are available for public comment.

Availability of Documents

You may obtain copies of the documents for review by using one of the methods in **ADDRESSES**, or by contacting the individual named in the **FOR FURTHER INFORMATION CONTACT** section. You also may make an appointment to view the documents at the Ventura Fish and Wildlife Office (see **ADDRESSES**) during normal business hours.

Background

Under a safe harbor agreement, participating landowners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting species listed under the Act (16 U.S.C. 1531 *et seq.*). Safe harbor agreements, and the subsequent permits that are issued under section 10(a)(1)(A) of the Act, encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners that they will not be subjected to increased land use

restrictions as a result of efforts to attract or increase the numbers or distribution of a listed species on their property. Application requirements and issuance criteria for permits through safe harbor agreements are found in 50 CFR 17.22(c) and 50 CFR 17.32(c).

We have worked with the applicant to develop the proposed agreement for the conservation of the Smith's blue butterfly and California red-legged frog on the property subject to the agreement (enrolled property), which is owned and managed by the applicant. The enrolled property is Garrapata State Park in Monterey County, California. Within the 2,902 acres of land within the enrolled property, habitat for the Smith's blue butterfly and California red-legged frog will be restored, enhanced, and managed under a written agreement between the applicant and Service. We expect that the activities proposed in the agreement will result in an increase in suitable habitat for these species and provide for their increase in number and their expansion into additional areas that are currently not occupied, thus resulting in a net conservation benefit for these species.

The agreement provides for the restoration, enhancement, and management of habitat suitable for the Smith's blue butterfly and California red-legged frog at the enrolled property. The proposed duration of the agreement is 15 years, and the proposed term of the enhancement of survival permit is 15 years. The agreement fully describes the proposed management activities to be undertaken by the applicant and the net conservation benefits expected to be gained for the Smith's blue butterfly and California red-legged frog.

Upon approval of the agreement and satisfactory completion of all other applicable legal requirements, and consistent with the Service's Safe Harbor Policy published in the **Federal Register** on June 17, 1999 (64 FR 32717), the Service would issue a permit to the applicant authorizing take of the Smith's blue butterfly and California red-legged frog incidental to the implementation of the management activities specified in the agreement; incidental to surveys and monitoring; and incidental to the return to pre-agreement conditions (baseline).

Management activities included in the agreement will provide for the restoration, enhancement, and management of native habitats within the enrolled property. The objective of such activities is to enhance the populations of Smith's blue butterflies and California red-legged frogs by increasing the quality and quantity of suitable habitat on the enrolled property. Take of Smith's blue butterflies and California red-legged frogs incidental to the aforementioned activities is unlikely; however, it is possible that in the course of such activities or other lawful activities on the enrolled property, the applicant could incidentally take Smith's blue butterflies or California red-legged frogs thereby necessitating take authority under the permit.

Baseline conditions have been determined for the enrolled property based on the occurrence of the Smith's blue butterfly and California red-legged frog and the extent of suitable habitat for the respective species as provided in the agreement. The applicant must maintain baseline conditions on the enrolled property in order to receive coverage regarding incidental take of Smith's blue butterflies and California red-legged frogs. The agreement and requested permit would allow the applicant to return to baseline conditions after the end of the term of the agreement and prior to the expiration of the 15-year permit, if so desired by the applicant.

Public Review and Comments

The Service has made a preliminary determination that the proposed agreement and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). We explain the basis for this determination in an Environmental Action Statement, which also is available for public review.

Individuals wishing copies of the permit application, copies of our draft Environmental Action Statement, and copies of the agreement, including a map of the proposed permit area, should contact the Ventura Fish and Wildlife Office (see **ADDRESSES**).

If you wish to comment on the permit application or the agreement, you may submit your comments to one of the addresses listed in the **ADDRESSES** section of this document. Comments and materials received, including names and addresses of respondents, will be available for public review, by appointment, during normal business hours at the address in the **ADDRESSES** section above and will become part of the public record, under section 10(c) of the Act.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

We will evaluate this permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of section 10(a) of the Act and NEPA regulations. If we determine that the requirements are met, we will sign the proposed agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Act to the applicant for take of the Smith's blue butterfly and California red-legged frog incidental to otherwise lawful activities in accordance with the terms of the agreement. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments we receive during the comment period.

The Service provides this notice under section 10(c) of the Act and under implementing regulations for NEPA (40 CFR 1506.6).

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office.

[FR Doc. 2015–01969 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX15RN00FUJA300]

Agency Information Collection Activities: Request for Comments

AGENCY: U.S. Geological Survey (USGS), Interior.

ACTION: Notice of a revision of a currently approved information collection, 1028–0048, Did You Feel It? Earthquake.

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on May 31, 2015.

DATES: To ensure that your comments are considered, we must receive them on or before April 6, 2015.

ADDRESSES: You may submit comments on this information collection to the Information Collection Clearance

Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'Information Collection 1028–0048, USGS Earthquake Data Report' in all correspondence.

FOR FURTHER INFORMATION CONTACT: David Wald, (303) 273–8441, *wald@usgs.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Geological Survey is required to collect, evaluate, publish and distribute information concerning earthquakes. Respondents have an opportunity to voluntarily supply information concerning the effects of shaking from an earthquake—on themselves, buildings, other man-made structures, and ground effects such as faulting or landslides. Respondents' observations are interpreted in terms of numbers that measure the strength of shaking, and the resulting numbers are displayed on maps that are viewable from USGS earthquake Web sites. Observations are submitted via the Felt Report questionnaire accessed from the USGS Did You Feel It? Earthquake Web pages, and may be submitted via computer or mobile phone. Respondents are asked to provide information on the location to which the report pertains. The locations may, at the respondent's option, be given imprecisely (city-name or postal Zip Code) or precisely (street address, geographic coordinates, or current location determined by the user's mobile phone). Low resolution maps of shaking based on both precise and imprecise observations are published for all earthquakes for which observations are submitted. For earthquakes felt by many respondents, the observations that are associated with more precise locations are used in the preparation of higher resolution maps of earthquake shaking.

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and implementing regulations (43 CFR part 2), and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited inspection.'' Responses are voluntary. No questions of a ''sensitive'' nature are asked. We will release data collected on these forms only in formats that do not include proprietary information volunteered by respondents.

II. Data

OMB Control Number: 1028–0048.
Form Number: 1028–0048.
Title: Earthquake Report (Did You Feel It? Earthquake).
Type of Request: Revision of a currently approved collection.
Affected Public: General Public.
Respondent's Obligation: None. Participation is voluntary.
Frequency of Collection: On occasion, after each earthquake.
Estimated Total Number of Annual Responses: Approximately 300,000 individuals, based on past experience, but strongly dependent on the number of moderate or large earthquakes occurring near population centers, which cannot be known in advance.
Estimated Time per Response: Six minutes, on average.
Estimated Annual Burden Hours: 30,000 hours.
Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this IC.
Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Linda Pratt,

Geologic Hazards Science Center, Associate Director.

[FR Doc. 2015–02073 Filed 2–2–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A2100DD AAK4000000 A0R9B0000.999900]

Renewal of Agency Information Collection for Tribal Probate Codes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Bureau of Indian Affairs (BIA) is submitting to the Office of Management and Budget (OMB) a request for renewal for the collection of information titled ''Tribal Probate Codes.'' The information collection is currently authorized by OMB Control Number 1076–0168, which expires February 28, 2015.

DATES: Interested persons are invited to submit comments on or before March 5, 2015.

ADDRESSES: You may submit comments on the information collection to the Desk Officer for the Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an email to: *OIRA_Submission@omb.eop.gov.* Please send a copy of your comments to Charlene Toledo, Bureau of Indian Affairs, Office of Trust Services, Division of Probate Services 2600 N Central Ave STE MS 102, Phoenix, AZ 85004: *Charlene.Toledo@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Charlene Toledo, (505) 563.3371. You may review the information collection request online at *http://www.reginfo.gov.* Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

I. Abstract

As sovereignties, federally recognized tribes have the right to establish their own probate codes. When those probate codes govern the descent and distribution of trust or restricted property, they must be approved by the Secretary of the Department of the Interior. The American Indian Probate Reform Act of 2004 (AIPRA) amendments to the Indian Land Consolidation Act, 25 U.S.C. 2201 *et seq.,* provides that any tribal probate code, any amendment to a tribal probate code, and any free-standing single heir rule are subject to the approval of the Secretary if they contain provisions governing trust lands. This statute also

establishes the basic review and approval of tribal probate codes. This information collection covers tribes' submission of tribal probate codes, amendments, and free-standing single heir rules containing provisions regarding trust lands to the Secretary for approval. There are no changes being made to this information collection.

II. Request for Comments

On October 28, 2014, the BIA published a notice announcing the renewal of this information collection and provided a 60-day comment period in the **Federal Register** (79 FR 64210). There were no comments received in response to this notice.

The BIA requests your comments on this collection concerning: (a) The necessity of this information collection for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) The accuracy of the agency's estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) Ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) Ways we could minimize the burden of the collection of the information on the respondents.

Please note that an agency may not conduct or sponsor, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

It is our policy to make all comments available to the public for review at the location listed in the **ADDRESSES** section. Before including your address, phone number, email address or other personally identifiable information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

III. Data

OMB Control Number: 1076–0168.

Title: Tribal Probate Codes.

Brief Description of Collection: Submission of information is required to comply with ILCA, as amended by AIPRA, 25 U.S.C. 2201 *et seq.,* which provides that Indian tribes must obtain Secretarial approval for all tribal probate codes, amendments, and free-standing single heir rules that govern the descent and distribution of trust or restricted lands.

Type of Review: Extension without change of currently approved collection.

Respondents: Indian tribes.

Number of Respondents: 10 per year, on average.

Frequency of Response: One per respondent, on occasion.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Hour Burden: 5 hours.

Estimated Total Annual Non-Hour Dollar Cost: $0.

Dated: January 28, 2015.

Elizabeth K. Appel,

Director, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2015–02000 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145A21000DDAAK3000000/ A0T00000.00000]

Pueblo of Acoma—Title 19—Alcoholic Beverage Sales Law of the Pueblo of Acoma

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the Alcoholic Beverage Sales Law of the Pueblo of Acoma. The Law regulates and controls the possession, sale and consumption of liquor within the Pueblo of Acoma. The Law will increase the ability of the Pueblo of Acoma to control the distribution and possession of liquor within their Reservation and Indian country, provide an important source of revenue, and improve the tribal government's capacity to deliver tribal services.

DATES: *Effective Date:* This law is effective February 3, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Riley, Acting Tribal Government Officer, Southwest Regional Office, Bureau of Indian Affairs, 1011 Indian School Road NW., Suite 254, Albuquerque NM 87104; Telephone: (505) 563–3114; Fax: (505) 563–3101, or Ms. Laurel Iron Cloud, Bureau of Indian Affairs, Office of Indian Services, 1849 C Street NW., MS–4513–MIB, Washington, DC 20240; Telephone: (202) 513–7641.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Pueblo of Acoma Tribal Council duly adopted this law by Resolution No. TC–JUL–22–14 VIa on July 22, 2014.

The Indian Civil Rights Act (ICRA) provides that no Indian tribe in exercising powers of self-government shall deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law. 25 U.S.C. 1302(8). The U.S. Supreme Court and 10th Circuit have determined that a license, such as a liquor license or a server permit, is a property interest and that the process by which a government revokes a license must provide the licensee notice and an opportunity to be heard prior to revocation. *Bell* v. *Burson,* 402 U.S. 535, 539 (1971); *Stidham* v. *Peace Officer Stds. & Training,* 265 F.3d 1144, 1150 (10th Cir. 2001).

The Acoma Beverage Sales Law published herein states that, ''Notwithstanding any other provision of this Law, a License or Permit issued hereunder shall not be deemed a property right or vested right of any kind.'' 19–7–6. This statement is contrary to the weight of Federal law, but does not have substantive effect on the rights of licensees and permittees. The substantive provision at 19–7–4 expressly provides that ''Revocation of a License or Server Permit will occur only following an opportunity for a hearing before the Tribal Court.'' I certify the Law even though it says that licenses and permits shall not be considered property rights, because the due process rights of licensees and permittees are protected under 19–7–4 and in light of the severability provision at 19–14–1.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs. I certify that the Pueblo of Acoma Tribal Council duly adopted the Alcoholic Beverage Sales Law of the Pueblo of Acoma by Resolution No. TC–JUL–22–14 VIa on July 22, 2014.

Dated: January 22, 2015.

Kevin Washburn,

Assistant Secretary—Indian Affairs.

The Pueblo of Acoma Alcoholic Beverage Sales Law follows:

Chapter 1. Introduction

19–1–1 Title. The title of this law shall be the Alcoholic Beverage Sales Law of the Pueblo of Acoma.

19–1–2 Authority. This law is being passed and enacted in accordance with

the inherent governmental powers of the Pueblo of Acoma, a federally recognized tribe of Native Americans, which has no written Constitution, and in conformance with the laws of the State of New Mexico, as required by 18 United States Code Section 1161. That federal law allows sale of liquor/alcoholic beverages on Indian land in conformity with State and tribal law. State Law, Section 60–3A–5.D. NMSA 1978, exempts the Pueblo from application of the New Mexico Liquor Control Act provided alcoholic beverages are purchased from New Mexico wholesalers, and sales, service, possession or consumption are in accordance with a law approved by the Pueblo and the United States.

19–1–3 Purpose. The purpose of this law is to regulate the sale of Alcoholic Beverages (as herein defined) within the exterior boundaries of the Pueblo of Acoma.

19–1–4 Limited Change to Existing Law. Alcoholic beverages may be sold in compliance with this law, which creates an exception to section 6–20–17 of Pueblo of Acoma written laws (2003). Alcoholic beverages remain illegal within the Pueblo, except as allowed by this Law.

Chapter 2. Definitions

19–2–1 Definitions. The definitions below apply to this Law Only.

A. Alcoholic Beverage. The term ''Alcoholic Beverage'' includes the four varieties of liquor commonly referred to as alcohol, spirits, wine and beer, and all fermented spirituous, vinous or malt liquor or combinations thereof and mixed liquor a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating and every liquid or solid or semisolid or other substances patented or not, containing alcohol, spirits, wine or beer excluding any prescription or over-the-counter medicine, any product not fit for human consumption and wine used for sacramental purposes.

B. Enterprise. The term ''Enterprise'' means a person engaged in or desiring to engage in the business of selling Alcoholic Beverages.

C. Intoxicated Person. The term ''Intoxicated Person'' means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.

D. License. The term ''License'' means a license or authorization by the Tribal Council for an Enterprise to sell Alcoholic Beverages at a designated location.

E. Licensed Establishment. The term ''Licensed Establishment'' means:

1. A designated location within the physical area of Pueblo of Acoma tribal land, excluding lands which have been assigned to an individual tribal member, or;

2. A certain space or area within a building on Pueblo of Acoma tribal lands (which have not been assigned to an individual tribal member), designated by the Pueblo of Acoma Tribal Council as a place where Alcoholic Beverages can be sold. A Licensed Establishment may be a designated area, such as an amphitheater.

F. Licensee. The term ''Licensee'' means an Enterprise which holds a Pueblo of Acoma Liquor License and is authorized by the Tribal Council to sell and serve Alcoholic Beverages in a Licensed Establishment.

G. Minor. The term ''Minor'' means any person under the age of twenty-one (21) years.

H. Permitted Server. The term ''Permitted Server'' means any individual who is an owner or employee of a Licensee and who is authorized to sell, serve, or dispense Alcoholic Beverages under such rules and regulations as the Pueblo may adopt. A Permitted Server may not be a Minor.

I. Person. The term ''Person'' means an individual, corporation, limited liability company, partnership, joint venture, association, trust unincorporated organization or business, government, Native American Tribe (including the Pueblo and its Enterprises), or any agency, instrumentality, or subdivision thereof.

J. Pueblo. The term ''Pueblo'' means the Pueblo of Acoma, a federally-recognized tribe of Native Americans located within the exterior boundaries of the State of New Mexico.

K. Server Permit. The term ''Server Permit'' means a permit to serve Alcoholic Beverages issued by this Pueblo to a Permitted Server.

L. Tribal Council. The term ''Tribal Council'' means the Pueblo of Acoma Tribal Council.

M. Wholesaler. The term ''Wholesaler'' means a person whose place of business is located in New Mexico and who sells, offer for sale or possesses for the purpose of sale any Alcoholic Beverages for resale by a purchaser which is a Licensee.

Chapter 3. General

19–3–1 [Jurisdiction]. The sales of Alcoholic Beverages shall be lawful within the exterior boundaries of the Pueblo of Acoma and on all other lands of the Pueblo over which the Pueblo has jurisdiction, provided that such sale is made in conformance with federal law, and is authorized by this Law.

Chapter 4. Sales Allowed

19–4–1 [Sales on Pueblo Lands]. Sales of Alcoholic Beverages on Pueblo lands are authorized only if the sale occurs in a Licensed Establishment owned or operated by a Licensee.

19–4–2 [Sales at Licensed Establishment]. Sales of Alcoholic Beverages at a Licensed Establishment may be made only by a Permitted Server.

19–4–3 [Sales to Individuals]. No sale of Alcoholic Beverages shall be made to a person under the age of twenty-one (21), or to an Intoxicated Person.

Chapter 5. Licenses and Permits

19–5–1 Licensees.

A. Licensed Seller. Acoma Business Enterprises (ABE) directed by the Acoma Business Board is expressly recognized as a Licensee. Sale of Alcoholic Beverages may occur only in a Licensed Establishment owned or operated by a Licensee.

B. Licensed Establishments. Licensed Establishments are places which meet the requirements of Chapter 6 of this Alcoholic Beverage Sales Law.

C. Term and Renewal. Licenses shall be issued for a period not to exceed five (5) years, and may be renewable at the discretion of the Pueblo upon the submission of a properly completed renewal application, accompanied by the applicable license renewal fee, as established from time to time by the Pueblo.

19–5–2 Permitted Servers.

A. Any individual, including an individual employed by the Pueblo, who become a Permitted Server, shall apply for a Server Permit on such form and pursuant to such rules and regulations as the Pueblo may adopt. The application shall be submitted to the Acoma Office of Taxation and Assessment and must contain, among other document(s) showing that the individual has taken the requisite alcohol server training program as may be required of individuals selling Alcoholic Beverages under the laws of the State of New Mexico.

B. Server Permits, unless sooner revoked, shall be issued for a period of up to five (5) years from the date that the Permitted Server has completed an alcohol server training program.

C. Each Manager of each Licensed Establishment shall be a Permitted Server.

19–5–3 Fingerprint Procedures.

A. The Pueblo may require two sets of fingerprints from any or all of the

individuals identified in section 19–5–2 above.

B. All applicants to become a Permitted Server and any other individual required to submit fingerprints hereunder must consent that the fingerprints may be processed by local and National law enforcement agencies and all other available agencies. If the search, by virtue of the fingerprint submission, reveals any adverse information which was not shown on the application, the individual concerned will be given an opportunity to explain the circumstance of such omission or challenge the authenticity of the revealed information.

C. Any cost associated with supplying the complete sets of fingerprints and the investigation thereafter will be borne exclusively by the Permitted Server applicant.

Chapter 6. Licensed Establishments

19–6–1 [Sales and Serving]. Sales and serving of Alcoholic Beverages may occur only in a Licensed Establishment.

19–6–2 [Identification of Licensed Establishment]. Each Licensed Establishment shall be identified by a map showing its designated location and the perimeters of the land and/or building, or portion thereof, together with a general description of the premises, which map and description shall be filed with the Pueblo together with a documented approval by the Acoma Business Board requesting the Acoma Tribal Council for a License to operate a Licensed Establishment. A parcel of land not containing a building, so long as the perimeters thereof are defined, may be a Licensed Establishment including, but not limited to, an amphitheater, or an area(s) adjacent to the Acoma Casino & Hotel, conference center, restaurant and coffee shop complex (such as outdoor cafes and special event tents).

19–6–3 [Designated Location]. A designated location authorized by the Tribal Council to sell Alcoholic Beverages shall be deemed to be a Licensed Establishment upon filing the map and description required under section 19–6–2 and approval by Resolution of the Tribal Council.

19–6–4 [Location of Licensed Establishment]. No Licensed Establishment shall be located closer than 500 feet from any church, school, or military installation. A Licensed Establishment shall be specifically designated as to whether it is permitted to sell Alcoholic Beverages by the package and/or by the drink.

19–6–5 [Limits on Types of Sales]. Tribal Council can restrict or limit the scope or types of sales of alcoholic beverages allowed at each Licensed Establishment.

19–6–6 [Purchase of Alcohol from NM Wholesalers]. A Licensed Establishment shall only purchase alcoholic beverages for resale from New Mexico wholesalers.

Chapter 7. License and Server Permit Approvals and Denials

19–7–1 [Grant, Denial or Renewal of License]. The granting, denial or renewal of a License shall be within the discretion of the Pueblo of Acoma Tribal Council.

19–7–2 [Grant, Denial or Renewal of Server Permit]. The granting, denial or renewal of a Server Permit shall be within the discretion of the Pueblo of Acoma Office of Taxation and Assessment.

19–7–3 [Termination or Revocation of License or Server Permit; For Cause]. A License or a Server Permit may be terminated or revoked for cause. Cause shall include:

A. A violation of this Law;

B. A violation of the Gaming Compact between the Pueblo and the State of New Mexico;

C. A violation of any rules and regulations adopted by the Pueblo to implement this Law;

D. A sale of Alcoholic Beverages outside a Licensed Establishment or in violation of its License;

E. The conviction of a Licensee or a Permitted Server of a felony or of a misdemeanor involving a violation of any alcoholic beverage law;

F. A material misstatement in the application for a License or Server Permit;

G. Allowing illegal activities within the Licensed Establishment.

19–7–4 [Revocation of License or Server Permit; Hearing]. Revocation of a License or Server Permit will occur only following an opportunity for a hearing before the Tribal Court. Decisions of the Tribal Court shall be final and not subject to further review. Revocation proceedings can be initiated by the Administrator of this Law (see Section 19–10–2).

19–7–5 [Non-Transferable or Assignable]. No transfer or assignment of a License shall be made without the approval in writing of the Tribal Council.

19–7–6 [No Property or Vested Right]. Notwithstanding any other provision of this Law, a License or Permit issued hereunder shall not be deemed a property right or vested right of any kind. Nor shall the granting of any License or Permit give rise to a presumption or legal entitlement to the renewal of such License or Permit.

Chapter 8. Prohibited Sales and Practices

19–8–1 [Licensee and Permitted Servers]. No Licensee or Permitted Server shall:

A. Sell, serve or dispense Alcoholic Beverages to any person who is obviously intoxicated;

B. Award Alcoholic Beverages as prizes;

C. Sell Alcoholic Beverages to a Minor;

D. Knowingly sell Alcoholic Beverages to an adult purchasing such liquor on behalf of a Minor or an Intoxicated Person; or

E. Allow a person to bring Alcoholic Beverages onto the premises of a Licensed Establishment.

Chapter 9. Enforcement

19–9–1 Criminal Penalties.

A. A Permitted Server who is subject to the criminal jurisdiction of the Pueblo and is found guilty of violating any portion of this Law, or is found guilty of having made any materially false statement or concealed any material facts in his/her application for a Server Permit granted pursuant to the provisions of this Law, shall have his/her/its Server Permit immediately revoked subject to reinstatement after a hearing pursuant to 19–7–4, and such individual shall be subject to a fine not to exceed $500.00 for each violation.

B. Any person subject to the jurisdiction of the Pueblo who is found guilty of purchasing Alcoholic Beverages on behalf of a minor or an intoxicated person shall be subject to a fine not to exceed $500.00 for each violation or not to exceed one (1) month in jail, or both.

C. Any Minor subject to the jurisdiction of the Pueblo purchasing, attempting to purchase, or found in possession of Alcoholic Beverages shall be subject to a fine not to exceed $500.00 for each violation.

19–9–2 Civil Penalties.

A. Any Permitted Server who violates any provision of this Law or regulations promulgated hereunder may be subject to revocation of his/her Server Permit as well as immediate termination of his/her employment, and to such other civil sanctions as are provided in this Law or rules and regulations implementing it.

B. Any non-member of the Pueblo who purchases Alcoholic Beverages on behalf of a Minor or an Intoxicated Person shall be subject to exclusion from Pueblo lands.

Chapter 10. Rules and Regulations; Administration

19–10–1 Rules and Regulations. The Tribal Council may adopt and enforce

rules and regulations to implement this Law. The rules and regulations will be in conformance with New Mexico State law, if applicable, and with this Law.

19–10–2 Administration. The Pueblo of Acoma Office of Taxation and Assessment shall be responsible for implementation of this Law.

19–10–3 Training. Each person empowered to issue Server Permits shall satisfy all education and training requirements for issuance of a Server Permit.

Chapter 11. Liability Insurance

19–11–1 [Liquor Liability Insurance]. Any Licensee authorized by this Law shall obtain the requisite Liquor Liability Insurance in an amount not less than two million dollars ($2,000,000) per occurrence, or such higher amount set by Resolution of Tribal Council or terms of the Gaming Compact between the Pueblo and the State of New Mexico.

Chapter 12. Wholesaler Licensing

19–12–1 [Exemptions for Licensing Fees and Background Checks]. All Wholesalers supplying alcoholic beverages to the Sky City Food & Beverage Department will be exempt from any licensing fees and background checks.

Chapter 13. Amendment

19–13–1 [Effective Date]. This Law is the Alcoholic Beverage Sales Law of the Pueblo of Acoma. This Law shall be effective upon the final approval of this Law by the Secretary of the Interior or his designated representative.

19–13–2 [Amendment]. This law may be amended by the Tribal Council, to become effective after federal approval and publication of notice in the **Federal Register**.

Chapter 14. Severability

19–14–1 [Valid Provisions Continue in Effect]. In the event any provision of this Law is declared invalid or unconstitutional by a court of competent jurisdiction, all other provisions shall not be affected and shall remain in full force and effect.

Chapter 15. Sovereign Immunity

19–15–1 [Pueblo's Sovereign Immunity Not Waived]. The sovereign immunity of the Pueblo of Acoma is not waived by this Law.

[FR Doc. 2015–01989 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–4J–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000815]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of extension of Tribal-State Class III Gaming Compact.

SUMMARY: This publishes notice of the extension of the Class III gaming compact between the Crow Creek Sioux Tribe and the State of South Dakota.

DATES: *Effective Date:* February 3, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Pursuant to 25 CFR § 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not include any amendment to the terms of the compact. The Crow Creek Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact to June 29, 2015. This publishes notice of the new expiration date of the compact.

Dated: January 22, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–01973 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000815]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of the compact between the Oglala Sioux Tribe and the State of South Dakota governing Class III gaming (Compact).

DATES: *Effective Date:* February 3, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR § 293.4, all compacts are subject to review and approval by the Secretary. The Compact expands the type of gaming permitted, increases the number of gaming devices, and raises the limits on wagers. The term of the Compact is 10 years, and may be extended for additional 10-year periods.

Dated: January 22, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–01982 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[15X; LLWO120920.L16300000.NU0000.241A; MO 4500075770]

Proposed Idaho Statewide Supplementary Rules

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed supplementary rules.

SUMMARY: The Bureau of Land Management (BLM) proposes to establish statewide supplementary rules for lands managed by the BLM in Idaho. These rules are necessary to protect natural resources and the health and safety of public land users within Idaho. These supplementary rules would allow BLM law enforcement personnel and partner agencies to address gaps in current regulations, to continue enforcing existing public land regulations in a manner consistent with current State of Idaho statutes, and provide more clarity for public land users.

DATES: Interested parties may submit written comments regarding the proposed supplementary rules until April 6, 2015. The BLM is not obligated to consider comments postmarked or received in person or by electronic mail after this date.

ADDRESSES: Please mail or hand-deliver comments to Keith McGrath, State Chief Law Enforcement Ranger, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709; or email comments to *BLM_ID_LE_SUPPRULES@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Keith McGrath, Bureau of Land Management, (208) 373–4046, *KMcGrath@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–(800)–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION:

I. Background

Visitors to public lands administered by the BLM in Idaho encounter inconsistent rules among public management agencies, both Federal and State, regarding appropriate conduct in recreation areas. These inconsistencies hamper the BLM's ability to provide a safe recreational experience and minimize conflicts among users, and also detract from the quality of the user-experience. There are gaps in the regulations as they pertain to certain activities that typically occur on BLM-administered lands. The BLM proposes these supplementary rules to improve consistency and to enhance public safety and resource protection on public lands within Idaho. BLM-Idaho law enforcement staff (State Chief Ranger and Supervisory Ranger) have consulted with the Idaho Department of Fish and Game (IDFG) on these proposed supplementary rules. The IDFG has indicated that it supports this effort.

The BLM is proposing the following rules under the authority of 43 CFR 8365.1–6, which allows BLM State Directors to establish supplementary rules for the protection of persons, property, and public lands and resources by more clearly and effectively coordinating partnership arrangements with State and local law enforcement officials on BLM-managed lands.

Hunting blinds: Big game such as mule deer and pronghorn antelope are abundant on Idaho's rangelands. The wide-open landscape provides little or no concealment for hunters on these lands, and blinds have become a key component of hunting in portions of Idaho. However, their increased use has often resulted in resource damage, additional litter, conflicts among hunters, and hazards for other land users. The BLM fully supports hunters having the option to utilize blinds while hunting on public lands; however, the BLM does not currently have regulations to govern their use. The BLM proposes a supplementary rule that mirrors IDFG best practices, as presented in the BLM/IDFG brochure, ''Using Big Game Hunting Blinds on BLM-Managed Lands in Idaho.''

The proposed supplementary rule would:

- Require hunting blinds to be constructed of removable materials;
- Prohibit the permanent placement of materials;
- Require the hunter's full name and zip code to be permanently attached, etched, engraved or painted on the blind;
- Allow blinds to be placed no earlier than 10 days before the beginning of the hunting season for which the hunter has a valid tag and require blinds to be removed within 7 days after the close of that hunting season; and
- Inform users that the placement of a blind on public lands does not create an exclusive right of use.

Litter: Recreational shooting is a common and accepted activity on BLM-administered lands. However, many areas where recreational shooting takes place are covered with broken glass and other materials that shatter or are dispersed when used as targets. The BLM proposes two supplementary rules pertaining to recreational shooting targets with the goal of reducing litter on public lands.

The first proposal in this category would prohibit shooting of any object that contains glass or other material that can shatter, with the exception of clay pigeons commonly used as shotgun targets. Targets that would be prohibited under this rule would include, but not be limited to, televisions, computer monitors, and glass bottles. This rule would help reduce the likelihood that contaminants associated with some of these items (such as lead, cadmium, beryllium, or brominated flame retardant—components of televisions and monitors) will be released into soils and water. In addition, it is very difficult to clean up and remove glass or other materials that shatter. Broken glass is also a safety hazard to public lands users. This supplementary rule would not preclude the use/shooting of clay pigeons commonly used as targets for skeet or trap shooting because those items are typically made from biodegradable materials and are unlikely to cause harm.

The second proposed rule in this category would require users engaged in recreational shooting to remove all target material and shooting-related debris from the target area. In addition to shatterable objects, recreational shooters sometimes use materials dumped illegally on public lands as targets. This proposal would help reduce the dispersal of trash on public lands and decrease the risk that potentially harmful material would be reduced to a size ingestible by livestock and wildlife. This requirement would not apply to shards from clay pigeons.

Use and disposal of construction materials: The BLM proposes to prohibit the possession and/or burning of firewood, wood pallets, or construction debris containing nails, screws, or other metal hardware, including, but not limited to, wood pallets and/or construction materials, on public lands for other than their originally intended use. The BLM also proposes to prohibit the use and possession of wood byproduct pallets that contain metal fasteners for other than their intended use. These materials are frequently carried onto public lands for purposes other than those for which they were originally designed. Examples of such uses include burning, disposal, and use as targets. Typically, users do not remove the metal hardware before or after carrying the materials onto public lands. It is not practical or cost effective for the BLM to determine whether nails are in each fire pit, to remove the nails from litter piles, or to collect dispersed sharp metal objects. A vehicle driven over areas previously used as fire pits or dumpsites is likely to experience tire damage from nails and other metal objects. There is also significant danger of damage and/or injury to personal property, livestock, and other animals in the area. For these reasons, the BLM proposes to prohibit the possession, disposal, and burning of any type of firewood, wood pallets, or construction debris containing nails, screws, or other metal hardware.

Public nudity: The BLM recognizes that some individuals and groups desire clothing-optional recreation. However, in areas where recreational opportunities and/or facilities draw large numbers of visitors, public nudity can create controversy and conflicts among users, and cause law enforcement concerns. The intent of the proposed supplementary rule is to prohibit public nudity at all developed sites, hot springs, and other high visitation areas. This would still allow lands with a lower concentration of visitors, such as wilderness areas, to be clothing-optional.

Motor vehicle use: To be more consistent with Idaho law, the BLM proposes a supplementary rule requiring operators of motor vehicles and off highway vehicles to obey all traffic control devices on public land. Frequently, the BLM, State or counties post traffic-control devices on public lands for the safety of visitors and the

motoring public. In many places, State and county law enforcement do not have the resources to adequately patrol BLM-managed lands and enforce traffic controls on these lands. This proposed supplementary rule would bring consistency to all BLM-administered land throughout the State and promote consistency among the BLM and other agencies, including the State of Idaho, County Sheriff's Offices, Idaho State Police, and various Federal agencies where working relationships and partnerships in public land management exist.

II. Public Comment Procedures

Please mail or hand-deliver comments to Keith McGrath, State Chief Law Enforcement Ranger, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, ID 83709; or email comments to *BLM_ID_LE_SUPPRULES@blm.gov.* Written comments on the proposed supplementary rules should be specific and confined to issues pertinent to the proposed rule and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal the commenter is addressing. The BLM is not obligated to consider, or include in the Administrative Record for the final supplementary rules, comments delivered to an address other than those listed above (See **ADDRESSES** section) or comments that the BLM receives after the close of the comment period (See **DATES** section), unless they are postmarked or electronically dated before the deadline.

Comments, including names, street addresses, and other contact information for respondents, will be available for public review at the BLM Idaho State Office address listed in the **ADDRESSES** section during regular business hours (7:45 a.m. to 3:45 p.m., Monday through Friday, except Federal holidays). Before including your address, phone number, email address, or other personal identifying information, be aware that your comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee we will be able to do so.

III. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

The proposed supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. The proposed supplementary rules will not have an effect of $100 million or more on the economy. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The proposed supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The proposed supplementary rules do not materially alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of their recipients; nor do they raise novel legal or policy issues. The rules merely contain rules of conduct for public use of a limited selection of public lands and provide greater consistency with the Idaho State Code to protect public health and safety.

Clarity of the Supplementary Rules

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. The BLM invites your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following:

(1) Are the requirements in the proposed supplementary rules clearly stated?

(2) Do the proposed supplementary rules contain technical language or jargon interfering with their clarity?

(3) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?

(4) Would the proposed supplementary rules be easier to understand if they were divided into more (but shorter) sections?

(5) Is the description of the proposed supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful to your understanding of the proposed supplementary rules? How could this description be more helpful in making the proposed supplementary rules easier to understand?

Please send any comments you have on the clarity of the proposed supplementary rules to the address specified in the **ADDRESSES** section.

National Environmental Policy Act (NEPA)

The BLM has determined that these proposed supplementary rules are administrative in nature, and are therefore categorically excluded from environmental review under Section 102(2)(C) of NEPA, 43 CFR 46.205, and 43 CFR 46.210(c) and (i). These proposed supplementary rules do not meet any of the 12 criteria for exceptions to categorical exclusions listed at 43 CFR 46.215. Pursuant to the Council on Environmental Quality regulations (40 CFR 1508.4) and the environmental regulations, policies, and procedures of the Department of the Interior, the term ''categorical exclusions'' means a category of actions which do not individually or cumulatively have a significant effect on the human environment and that have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required.

Regulatory Flexibility Act (RFA)

Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. These proposed supplementary rules merely establish rules of conduct for public use of a limited area of public lands and should have no effect on business entities of any size. Therefore, the BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

These proposed supplementary rules do not constitute a ''major rule'' as defined at 5 U.S.C. 804(2). They would not result in an effect on the economy of $100 million or more, an increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. These rules merely establish rules of conduct for public use of a limited area of public lands and do not affect commercial or business activities of any kind.

Unfunded Mandates Reform Act

These proposed supplementary rules do not impose an unfunded mandate on State, local, or tribal governments or the

private sector of more than $100 million per year; nor do these proposed supplementary rules have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, the BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)

These proposed supplementary rules do not have significant takings implications, nor are they capable of interfering with constitutionally protected property rights. Therefore, the BLM has determined that these rules will not cause a taking of private property or require preparation of a takings assessment.

Executive Order 13132, Federalism

The proposed supplementary rules will not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. The proposed supplementary rules do not conflict with any Idaho state law or regulation. Therefore, in accordance with Executive Order 13132, the BLM has determined that these proposed supplementary rules do not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

The BLM has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Executive Order 12988.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

The BLM has found that these supplementary rules do not include policies that have tribal implications, as defined by Executive Order 13175, and therefore advance consultation with Indian tribal governments is not required.

Information Quality Act

In developing these proposed supplementary rules, the BLM did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Section 515 of Pub. L. 106–554).

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

These proposed supplementary rules do not constitute a significant energy action. The proposed supplementary rules will not have an adverse effect on energy supplies, production, or consumption, and have no connection with energy policy.

Paperwork Reduction Act

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Author

The principal author of this supplementary rule is Keith McGrath, Idaho State Chief Ranger, Bureau of Land Management.

For the reasons stated in the Preamble, and under the authority of 43 CFR 8365.1–6, the Idaho State Director, Bureau of Land Management, proposes supplementary rules for public lands in Idaho, to read as follows:

Supplementary Rules for the State of Idaho

Definitions

Developed recreational area or site means any site or area that contains structures or capital improvement primarily used by the public for recreational purposes. Such areas or sites include delineated spaces or areas for parking, camping or boat launching; sanitation facilities; potable water; grills or fire rings; tables; or controlled access.

Motor vehicle means any motorized transportation conveyance designed and licensed for use on roadways, such as an automobile, bus, or truck and any motorized conveyance originally equipped with safety belts.

Off-highway vehicle (OHV) means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) Any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (2) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (3) vehicles in official use; and (4) any combat or combat-support vehicle when used in times of national defense emergencies.

Public nudity means nudity in an open place.

Traffic control device means any sign, painted roadway marking, or other device or means for controlling or directing vehicle traffic.

On public land administered by the BLM within the State of Idaho:

1. Hunters must comply with the following hunting blind regulations:

a. All construction materials must be removable;

b. The hunter's full name and zip code must be permanently attached, etched, engraved or painted on the blind;

c. Blinds may be placed no earlier than 10 days before the beginning of the hunting season and must be removed within 7 days after the closing of the hunting season; and

d. No hunter has exclusive right of use of a hunting blind placed on public lands.

2. Persons engaged in shooting activities must not use as targets any objects containing glass or other material that can shatter. Clay pigeons are acceptable targets.

3. Persons engaged in shooting activities on public lands must remove and properly dispose of shooting materials, including spent brass or shells, their containers, and any items used as targets, excluding clay pigeon fragments.

4. No person shall dispose of, burn or possess, for other than its intended purpose, any type of firewood, wood pallets, pallets made of wood by-products, or construction debris containing nails, screws or other metal hardware.

5. Public nudity is prohibited in all developed recreation areas or sites, visitor centers, hot springs and other high visitation areas located on public lands.

6. Drivers of motorized vehicles and OHVs on public lands must comply with the directions of a traffic control device unless directed otherwise by an authorized person.

EXEMPTIONS: The following persons are exempt from these supplementary rules:

A. Any Federal, State, local and/or military personnel acting within the scope of their duties;

B. Members of any organized rescue or fire-fighting force in performance of an official duty;

C. Persons, agencies, municipalities, or companies holding an existing special-use permit and operating within the scope of their permit.

PENALTIES: On public lands under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a) and 43 CFR 8360.0–7, any person who violates any of these

supplementary rules may be tried before a United States Magistrate and fined no more than $1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to enhanced fines provided for by 18 U.S.C. 3571.

Timothy M. Murphy,

BLM Idaho State Director.

[FR Doc. 2015–02068 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV912000 L12100000.PH0000 LXSS006F0000; MO#4500076289]

Notice of Public Meeting: Bureau of Land Management Nevada Resource Advisory Councils and Recreation Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), the Department of the Interior, Bureau of Land Management (BLM) Nevada will hold a joint meeting of its three Resource Advisory Councils (RACs), the Sierra Front-Northwestern Great Basin RAC, the Northeastern Great Basin RAC, and the Mojave-Southern Great Basin RAC in Elko, Nevada. The meeting is open to the public and a public comment period is scheduled for Feb. 26.

Dates and Times: The three RACs will meet on Thursday, February 26, 2015, from 7:30 a.m. to 5 p.m. and Friday, February 27, 2015, from 7:45 a.m. to 1:00 p.m. A public comment period will be held on Feb. 26. The agenda and additional information and information about viewing the meeting on the web will be posted at *http://on.doi.gov/1bkJm1g.*

FOR FURTHER INFORMATION CONTACT: Chris Rose, telephone: (775) 861–6480, email: *crose@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The three 15-member Nevada RACs advise the Secretary of the Interior, through the BLM Nevada State Director, on a variety of planning and management issues associated with public land management in Nevada. The meeting will be held at The Nugget, 1100 Nugget Ave., Sparks, Nevada. Agenda topics include an update on drought impacts, Sage grouse and wild horses and burros; updates on land transfers; presentations on lands with wilderness characteristics and Section 368 utility corridors; closeout reports of the three RACs; breakout meetings of the three RACs; and scheduling meetings of the individual RACs for the upcoming year. There will also be a recreation fee proposal by the U.S. Forest Service for picnic areas in the Spring Mountains National Recreation Area during the Mojave-Southern Great Basin RAC breakout session on Feb. 27. Additional information about the fee proposal can be found at *http://on.doi.gov/1ylYuWn.* The public may provide written comments to the three RAC groups or to an individual RAC. Comments may also be submitted by email to *blm_nv_communications@blm.gov* with the subject 2015 Tri-RAC Comment or by mail at the address provided below. Written comments should be received no later than Feb. 25 to allow for entry into the record: BLM Nevada Tri-RAC Comments, c/o Chris Rose, 1340 Financial Blvd., Reno, NV 89502.

Individuals who plan to attend and need further information about the meeting or need special assistance such as sign language interpretation or other reasonable accommodations may contact Chris Rose at the phone number or email address above.

Paul McGuire,

Acting Chief, Office of Communications.

[FR Doc. 2015–02033 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO600000.L18200000.XH0000]

2015 National Call for Nominations for Resource Advisory Councils

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations for the Bureau of Land Management (BLM) Resource Advisory Councils (RAC) that have member terms expiring this year. The RACs provide advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within their geographic areas. The BLM will accept public nominations for 45 days after the publication of this notice.

DATES: All nominations must be received no later than March 20, 2015.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for the address of BLM State Offices accepting nominations.

FOR FURTHER INFORMATION CONTACT: Chandra Little, U.S. Department of the Interior, Bureau of Land Management, WO–630, Division of Regulatory Affairs, 20 M Street SE., Washington, DC 20003–3503; 202–912–7403.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

Category Three—Representatives of State, county, or local elected office, employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be residents of the State in which the RAC has jurisdiction. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource

decision-making. The Obama Administration prohibits individuals who are currently federally registered lobbyists from being appointed or re-appointed to FACA and non-FACA boards, committees, or councils.

The following must accompany all nominations:

—Letters of reference from represented interests or organizations;

—A completed Resource Advisory Council application; and

—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM State Offices will issue press releases providing additional information for submitting nominations, with specifics about the number and categories of member positions available for each RAC in the State. Nominations and completed applications for RACs should be sent to the appropriate BLM offices listed below:

Alaska

Alaska RAC

Thom Jennings, Alaska State Office, BLM, 222 West 7th Avenue, #13, Anchorage, AK 99513, (907) 271–3335.

Arizona

Arizona RAC

Dorothea Boothe, Arizona State Office, BLM, One North Central Avenue, Suite 800, Phoenix, AZ 85004, (602) 417–9219.

California

Central California RAC; California Desert District Advisory Council; Carrizo Plain National Monument Advisory Committee

David Christy, Mother Lode Field Office, BLM, 5152 Hillsdale Circle, El Dorado Hills, CA 95762, (916) 941–3146.

Colorado

Front Range RAC

Kyle Sullivan, Royal Gorge Field Office, BLM, 3028 East Main Street, Cañon City, CO 81212, (719) 269–8553.

Northwest RAC

David Boyd, Colorado River Valley Field Office, BLM, 2300 River Frontage Road, Silt, CO 81652, (970) 876–9008.

Southwest RAC

Shannon Borders, Southwest District Office, BLM, 2465 South Townsend Avenue, Montrose, CO 81401, (970) 240–5399.

Idaho

Boise District RAC

Marsh Buchanan, Boise District Office, BLM, 3948 Development Avenue, Boise, ID 83705, (208) 384–3393.

Coeur d'Alene District RAC

Suzanne Endsley, Coeur d'Alene District Office, BLM, 3815 Schreiber Way, Coeur d'Alene, ID 83815, (208) 769–5004.

Idaho Falls District RAC

Sarah Wheeler, Idaho Falls District Office, BLM, 1405 Hollipark Drive, Idaho Falls, ID 83401, (208) 524–7613.

Twin Falls District RAC

Heather Tiel-Nelson, Twin Falls District Office, BLM, 2536 Kimberly Road, Twin Falls, ID 83301, (208) 736–2352.

Montana and Dakotas

Central Montana RAC

Jonathan Moor, Lewistown Field Office, BLM, 920 Northeast Main Street, Lewistown, MT 59457, (406) 538–1943.

Dakotas RAC

Mark Jacobsen, Miles City Field Office, BLM, 111 Garryowen Road, Miles City, MT 59301, (406) 233–2800.

Eastern Montana RAC

Mark Jacobsen, Miles City Field Office, BLM, 111 Garryowen Road, Miles City, MT 59301, (406) 233–2800.

Western Montana RAC

David Abrams, Butte Field Office, BLM, 106 North Parkmont, Butte, MT 59701, (406) 533–7617.

Nevada

Mojave-Southern Great Basin RAC; Northeastern Great Basin RAC; Sierra Front Northwestern Great Basin RAC

Chris Rose, Nevada State Office, BLM, 1340 Financial Boulevard, Reno, NV 89502, (775) 861–6480.

New Mexico

Albuquerque District RAC

Chip Kimball, Albuquerque District Office, BLM, 435 Montano NE., Albuquerque, NM 87107, (505) 761–8734.

Farmington District RAC

Christine Horton, Farmington District Office, BLM, 6251 College Boulevard, Farmington, NM 87402, (505) 564–7633.

Las Cruces District RAC

Rena Gutierrez, Las Cruces District Office, BLM, 1800 Marquess St., Las Cruces, NM 88005, (575) 525–4338.

Pecos District RAC

Howard Parman, Pecos District Office, BLM, 2909 West Second Street, Roswell, NM 88201, (575) 627–0212.

Oregon/Washington

Eastern Washington RAC; John Day-Snake RAC; Southeast Oregon RAC; Steens Mountain Advisory Council; San Juan Islands National Monument Advisory Council; Coastal Oregon RAC; Southwest Oregon RAC; Northwest Oregon RAC

Stephen Baker, Oregon State Office, BLM, 333 SW First Avenue, P.O. Box 2965, Portland, OR 97204, (503) 808–6306.

Utah

Utah RAC

Sherry Foot, Utah State Office, BLM, 440 West 200 South, Suite 500, P.O. Box 45155, Salt Lake City, UT 84101, (801) 539–4195.

Grand Staircase Escalante National Monument Advisory Committee

Larry Crutchfield, 669 South Highway 89A, Kanah, UT 84741, (435) 644–1209.

Authority: 43 CFR 1784.4–1.

Steve Ellis,

Deputy Director, Operations.

[FR Doc. 2015–02034 Filed 2–2–15; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR03042000, 15XR0680A1, RX.18786000.1501100]

Agency Information Collection; Proposed Renewal of a Currently Approved Information Collection (OMB Control Number 1006–0014)

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice and request for comments.

SUMMARY: We, the Bureau of Reclamation, intend to submit a request for renewal of an existing approved information collection to the Office of Management and Budget (OMB) titled, Lower Colorado River Well Inventory, OMB Control Number 1006–0014. The current OMB approval expires on August 31, 2015.

DATES: Submit written comments on this information collection request on or before April 6, 2015.

ADDRESSES: Send written comments or requests for copies of the forms to Paul Matuska, Water Accounting and Verification Group Manager, LC–4200, Bureau of Reclamation, Lower Colorado Regional Office, P.O. Box 61470, Boulder City, NV 89006–1470; or by email to *pmatuska@usbr.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Matuska at (702) 293–8164.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Bureau of Reclamation is requesting approval for the collection of data from well and river-pump owners and operators along the lower Colorado River in Arizona, California, and Nevada.

I. Abstract

Pursuant to the Boulder Canyon Project Act (Pub. L. 70–642, 45 Stat. 1057), all diversions of mainstream Colorado River water must be in accordance with a Colorado River water entitlement. The Consolidated Decree of the United States Supreme Court in *Arizona* v. *California,* 547 U.S. 150 (2006) requires the Secretary of the Interior to account for all diversions of mainstream Colorado River water along the lower Colorado River, including water drawn from the mainstream by underground pumping. To meet the water entitlement and accounting obligations, an inventory of wells and river pumps is required along the lower Colorado River, and the gathering of specific information concerning these wells.

II. Data

OMB Control Number: 1006–0014.

Title: Lower Colorado River Well Inventory.

Form Number: LC–25.

Frequency: These data are collected only once for each well or river-pump owner or operator as long as changes in water use, or other changes that would impact contractual or administrative requirements, are not made. A respondent may request that the data for its well or river pump be updated after the initial inventory.

Respondents: Well and river-pump owners and operators along the lower Colorado River in Arizona, California, and Nevada. Each diverter (including well pumpers) must be identified and their diversion locations and water use determined.

Estimated Completion Time: An average of 20 minutes is required to interview individual well and river-pump owners or operators.

Estimated Annual Total Number of Respondents: 1,500.

Estimated Number of Responses per Respondent: 1.0.

Estimated Total Number of Annual Responses: 1,500.

Estimated Total Annual Burden on Respondents: 500 hours.

IV. Request for Comments

We invite your comments on:

(a) whether the collection of information is necessary for the proper performance of our functions, including whether the information will have practical use;

(b) the accuracy of our estimated time and cost burden of the collection of information, including the validity of the methodology and assumptions used;

(c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and

(d) ways to minimize the burden of the collection of information on respondents, including increased use of automated collection techniques or other forms of information technology.

We will summarize all comments received regarding this notice. We will publish that summary in the **Federal Register** when the information collection request is submitted to OMB for review and approval.

V. Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: December 17, 2014.

Terrance J. Fulp,

Regional Director, Lower Colorado Region.

[FR Doc. 2015–02031 Filed 2–2–15; 8:45 am]

BILLING CODE 4332–90–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–986–987 (Second Review)]

Ferrovanadium From China and South Africa; Determinations

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (''Commission'') determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty orders on ferrovanadium from China and South Africa would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on November 1, 2013 (78 FR 65706) and determined on February 4, 2014 that it would conduct full reviews (79 FR 9000, February 14, 2014). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on July 10, 2014 (79 FR 39411). The hearing was held in Washington, DC, on November 20, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determinations in these reviews on January 28, 2015. The views of the Commission are contained in USITC Publication 4517 (January 2015), entitled *Ferrovanadium from China and South Africa: Investigation Nos. 731–TA–986–987 (Second Review).*

By order of the Commission.

Issued: January 28, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–02004 Filed 2–2–15; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–456 and 731–TA–1151–1152 (Review)]

Citric Acid and Certain Citrate Salts From Canada and China; Revised Schedule for Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: Effective Date: January 26, 2015.

FOR FURTHER INFORMATION CONTACT: Joanna Lo, 202–205–1888, Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: On November 5, 2014, the Commission established a schedule for the conduct of these five-year reviews (79 FR 68299, November 14, 2014). The Commission is revising its schedule.

The Commission's new schedule for these reviews is as follows: The hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on March 26, 2015; the Commission will make its final release of information on May 7, 2015; and final party comments are due on May 11, 2015.

For further information concerning these reviews, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 29, 2015

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–02077 Filed 2–2–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0010]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Application To Transport Interstate or Temporarily Export Certain National Firearms Act (NFA) Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 230, page 71127 on December 1, 2014, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until March 5, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Andrew Ashton at *nfaombcomments@atf.gov*. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or send email to *OIRA_submission@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0010

(1) *Type of Information Collection:* Extension without change of an existing collection.

(2) *Title of the Form/Collection:* Application to Transport Interstate or Temporarily Export Certain National Firearms Act (NFA) Firearms.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5320.20.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individual or households.

Other: None.

Abstract: The information is used by ATF to determine the lawful transportation of an NFA firearm and/or to pursue the criminal investigation into an unregistered NFA firearm.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 7200 respondents will take 20 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

The estimated annual public burden associated with this collection is 2400 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: January 29, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–02051 Filed 2–2–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–NEW]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Federal Firearms License Responsible Person Questionnaire

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 227, page 70204 on November 25, 2014, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until March 5, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tracey Robertson, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140—NEW

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* Federal Firearms License Responsible Person Questionnaire.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5300.34.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individual or households.

Other: None.

Abstract: The form will be used by the public when applying for Federal firearms license and collector of curios and relics license to facilitate a personal collection in interstate and foreign commerce. The information requested on the form will be used by ATF to determine whether the individual is qualified to be a responsible person in a firearms business or as a collector. The form will also be used to add responsible persons to existing Federal firearms licenses.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 30,000 respondents will take 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 15,000 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: January 28, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–01929 Filed 2–2–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0008]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Application and Permit for Permanent Exportation of Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 230, page 71125 on December 1, 2014, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until March 5, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gary Schaible at *nfaombcomments@atf.gov* . Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0008

(1) *Type of Information Collection:* Revision of an existing collection.

(2) *Title of the Form/Collection:* Application and Permit for Permanent Exportation of Firearms.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 9 (5320.9).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individual or households.

Abstract: The form is used to obtain permission to export firearms and serves as a vehicle to allow either the removal of the firearm from registration in the National Firearms Registration and Transfer Record or collection of an excise tax. It is used by Federal firearms licensees and others to obtain a benefit. The change to this form is to reflect the Department of State and the Department of Commerce share responsibility for issuance of export licenses.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 930 respondents will take 18 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:*

The estimated annual public burden associated with this collection is 279 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: January 29, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–02050 Filed 2–2–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0018]

Agency Information Collection Activities: Proposed eCollection eComments Requested; Application for Federal Firearms License

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 79, Number 227, page 70203 on November 25, 2014, allowing for a 60 day comment period.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment until March 5, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tracey Robertson, Bureau of Alcohol, Tobacco, Firearms and Explosives, 244 Needy Road, Martinsburg, WV 25405. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or send email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection 1140–0018

(1) *Type of Information Collection:* Revision of an existing collection.

(2) *Title of the Form/Collection:* Application for Federal Firearms License.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 7 (5310.12)/ 7CR (5310.16).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: Individual or households.

Abstract: In accordance with 18 U.S.C. 923(a)(1) each person intending to engage in business as a firearms or ammunition importer or manufacturer, or dealer in firearms shall file an application, pay the required fee with ATF and obtain a license before engaging in business. The information requested on the form will be used to determine eligibility for the license as required by 18 U.S.C. Section 923. Additionally, this form will be used by the public when applying for a Federal firearms license to collect curios and relics to facilitate a personal collection in interstate and foreign commerce. The change to this collection is to combine information from the Application for Federal Firearms License (ATF Form 7(5310.12)) and the Application for Federal Firearms License (Collector of Curios and Relics) (ATF Form 7CR(5310.16)) into one form. The information requested on the form covers all firearms license types.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 23,000 respondents will take 30 minutes to complete the form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 11,500 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E–405B, Washington, DC 20530.

Dated: January 28, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–01930 Filed 2–2–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJJDP) Docket No. 1686]

Webinar Meeting of the Federal Advisory Committee on Juvenile Justice

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of webinar meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has scheduled a webinar meeting of the Federal Advisory Committee on Juvenile Justice (FACJJ).

DATES: The webinar meeting will take place online on Friday, February 20, 2015 from 1 p.m. to 4 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Kathi Grasso, Designated Federal Official, OJJDP, *Kathi.Grasso@usdoj.gov,* or (202) 616–7567. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The Federal Advisory Committee on Juvenile Justice (FACJJ), established pursuant to Section 3(2)A of the Federal Advisory Committee Act (5 U.S.C. App.2), will meet to carry out its advisory functions under Section 223(f)(2)(C–E) of the Juvenile Justice and Delinquency Prevention Act of 2002. The FACJJ is composed of representatives from the states and territories. FACJJ member duties include: reviewing Federal policies regarding juvenile justice and delinquency prevention; advising the OJJDP Administrator with respect to particular functions and aspects of OJJDP; and advising the President and Congress with regard to State perspectives on the operation of OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. More information on the FACJJ may be found at *www.facjj.org.*

Meeting Agenda: The proposed agenda includes: (a) Opening Remarks, Introductions, Webinar Logistics; (b) Remarks of Robert L. Listenbee, Administrator, OJJDP; (c) FACJJ Subcommittee Reports (Legislation; Expungement/Sealing of Juvenile Court Records; Research/Publications) and Discussion/Vote on proposed FACJJ Recommendations; (d) Discussion of Reauthorization of Juvenile Justice and Delinquency Prevention Act (JJDPA); e) FACJJ Administrative Business; and f) Summary, Next Steps, and Meeting Adjournment.

To participate in or view the webinar meeting, FACJJ members and the public must pre-register online. Members and interested persons must link to the webinar registration portal through *www.facjj.org,* no later than Wednesday, February 18, 2015. Upon registration, information will be sent to you at the email address you provide to enable you to connect to the webinar. Should problems arise with webinar registration, please call Michelle Duhart-Tonge at 703–225–2103. [This is not a toll-free telephone number.] Note: Members of the public will be able to listen to and view the webinar as observers, but will not be able to participate actively in the webinar.

An on-site room is available for members of the public interested in viewing the webinar in person. If members of the public wish to view the webinar in person, they must notify Marshall Edwards by email message at *Marshall.Edwards@usdoj.gov,* no later than Wednesday, February 18, 2015.

With the exception of the FACJJ Chair, FACJJ members will not be physically present in Washington, DC for the webinar. They will participate in the webinar from their respective home jurisdictions.

Written Comments: Interested parties may submit written comments by email message in advance of the webinar to Kathi Grasso, Designated Federal Official, at *Kathi.Grasso@usdoj.gov,* no later than Wednesday, February 18, 2015. In the alternative, interested parties may fax comments to 202–307–2819 and contact Joyce Mosso Stokes at 202–305–4445 to ensure that they are received. [These are not toll-free numbers.]

Dated: January 29, 2015.

Robert L. Listenbee,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 2015–02075 Filed 2–2–15; 8:45 am]

BILLING CODE 4410–18–P

LEGAL SERVICES CORPORATION

Request for Comments—Agricultural Worker Population Data for Basic Field—Migrant Grants

AGENCY: Legal Services Corporation

ACTION: Request for comments.

SUMMARY: The Legal Services Corporation (LSC) provides special population grants to effectively and efficiently fund civil legal aid services to address the legal needs of agricultural workers and their dependents through grants entitled ''Basic Field—Migrant.'' The funding for these grants is based on data regarding the eligible client population to be served. LSC has obtained from the U.S. Department of Labor new data regarding this population that are more current than the data LSC has been using and that better reflect the population to be served. LSC seeks comments on a proposal to (1) use the new data for grants beginning in January 2016, (2) phase in the funding changes to provide intermediate funding halfway between the old and new levels for 2016 and to fully implement the new levels for 2017, and (3) update the data every three years on the same cycle as LSC updates poverty population data from the U.S. Census Bureau for the distribution of LSC's Basic Field—General grants.

DATES: Comments must be submitted by March 20, 2015.

ADDRESSES: Written comments must be submitted to Mark Freedman, Senior Assistant General Counsel, Legal Services Corporation, 3333 K St. NW., Washington, DC 20007; 202–295–1623 (phone); 202–337–6519 (fax); *mfreedman@lsc.gov.* Electronic submissions are preferred via email with attachments in Acrobat PDF format. Written comments sent to any other address or received after the end of the comment period may not be considered by LSC.

FOR FURTHER INFORMATION CONTACT: Mark Freedman, Senior Assistant General Counsel, Legal Services Corporation, 3333 K St. NW., Washington, DC 20007; 202–295–1623 (phone); 202–337–6519 (fax); *mfreedman@lsc.gov.*

SUPPLEMENTARY INFORMATION: The Legal Services Corporation (''LSC'' or

''Corporation'') was established through the LSC Act ''for the purpose of providing financial support for legal assistance in noncriminal matters or proceedings to persons financially unable to afford such assistance.'' 42 U.S.C. 2996b(a). LSC performs this function primarily through distributing funding appropriated by Congress to independent civil legal aid programs providing legal services to low-income persons throughout the United States and its possessions and territories. 42 U.S.C. 2996e(a)(1)(A). LSC designates geographic service areas and structures grants to support services to the entire eligible population in a service area or to a specified subpopulation of eligible clients. 45 CFR 1634.2(c) & (d), 1634.3(b). LSC awards these grants through a competitive process. 45 CFR part 1634. Congress has mandated that LSC ''insure that grants and contracts are made so as to provide the most economical and effective delivery of legal assistance to persons in both urban and rural areas.'' 42 U.S.C. 2996f(a)(3).

Throughout the United States and U.S. territories, LSC provides Basic Field—General grants to support legal services for eligible clients. LSC provides funding for those grants on a per-capita basis using the poverty population as determined by the U.S. Census Bureau every three years. Pub. L. 104–134, tit. V, 501(a), 110 Stat. 1321, 1321–50 (1996), as amended by Pub. L. 113–6, div. B, tit. IV, 127 Stat. 198, 268 (2013) (LSC funding formula adopted in 1996, incorporated by reference in LSC's appropriations thereafter, and amended in 2013). Since its establishment in 1974, LSC has also provided subpopulation grants to support legal services for the needs of agricultural workers through Basic Field—Migrant grants under the authority of the LSC Act to structure grants for the most economic and effective delivery of legal assistance. 42 U.S.C. 2996f(a)(3). Congress amended the LSC Act in 1977 to require that LSC conduct a study of the special legal needs of various subpopulations, including migrant or seasonal farm workers, and develop and implement appropriate means of addressing those needs. 42 U.S.C. 2996f(h). LSC's study, issued in 1979, concluded that specialized legal expertise and knowledge were needed to address the distinctive ''unmet special legal problems'' that migrant and seasonal farmworkers shared because of their status as farmworkers. Legal Services Corporation, *Special Legal Problems and Problems of Access to Legal Services of Veterans, Migrant and Seasonal Farm Workers, Native Americans, People, with Limited English-Speaking Ability, and Individuals in Sparsely Populated Areas,* 1979.

LSC provides funding for Basic Field—Migrant grants on a per-capita basis by determining the size of the subpopulation and separating that population from the overall poverty population for the applicable geographic area or areas. LSC expects programs receiving these grants to serve the legal needs of a broad range of eligible agricultural workers and their dependents who have specialized legal needs that are most effectively and efficiently served through a dedicated grant program. LSC currently uses data regarding migrant and seasonal farmworkers, and their families, from the early 1990s, with some adjustments based on changes in the general poverty population. These data are no longer current and do not reflect the entire population served by these grants.

The United States Department of Labor, Employment and Training Administration (ETA) collects data regarding agricultural workers for federal grants serving the needs of the American agricultural worker population. The U.S. Census Bureau does not maintain data regarding agricultural workers. LSC has contracted with ETA for more current data regarding the agricultural worker population served by these grants. ETA has provided LSC with these data, including state-by-state breakdowns. The changes in data will result in changes in funding levels for these grants. A description of these data and their development is available at: *http://www.lsc.gov/about/mattersforcomment.php.*

LSC management has proposed to the LSC Board of Directors (Board) that LSC use the new data for these grants as follows:

(1) Implement the new data for calculation of these grants beginning in January 2016;

(2) phase in the funding changes to provide intermediate funding halfway between the old and new levels for 2016 and to fully implement the new levels for 2017;

(3) update the data every three years on the same cycle as LSC updates poverty population data from the U.S. Census Bureau for the distribution of LSC's Basic Field—General grants.

LSC Management presented this proposal to the Board's Operations and Regulations Committee (Committee) on January 22, 2015. The Committee then recommended Management's proposal to the full board on January 24, 2015. The Board adopted the recommendation of Management and the Committee that LSC publish this notice of Management's proposal in the **Federal Register** for comment. The Committee will meet to consider all comments received and make a recommendation to the Board for a final decision.

LSC management's proposal and related documents are available at: *http://www.lsc.gov/about/mattersforcomment.php.*

LSC invites public comment on this issue. Interested parties may submit comments to LSC before the deadline stated above.

Dated: January 29, 2015.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2015–02029 Filed 2–2–15; 8:45 am]

BILLING CODE 7050–01–P

NUCLEAR REGULATORY COMMISSION

[Project No. 0782; NRC–2015–0021]

Korea Hydro and Nuclear Power Co., Ltd., and Korea Electric Power Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for standard design certification; receipt.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) acknowledges receipt of the application for a standard design certification of the APR1400 Standard Plant Design submitted by Korea Hydro and Nuclear Power Co., Ltd. (KHNP) and Korea Electric Power Corporation (KEPCO).

DATES: February 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0021 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0021. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC'S Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/*

adams.html. To begin the search, select *''ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that the document is referenced. The application is available in ADAMS under Accession No. ML13281A699.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jeffrey Ciocco, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6391; email: *Jeff.Ciocco@nrc.gov.*

SUPPLEMENTARY INFORMATION: By letter dated December 23, 2014, KHNP and KEPCO filed with the NRC, pursuant to Section 103 of the Atomic Energy Act and Part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR), an application for standard design certification of the APR1400 Standard Plant Design.

The APR1400 stands for Advanced Power Reactor with a 1,400 megawatts electrical power and two-loop pressurized water reactor, developed in the Republic of Korea. Based on the self-reliant technologies and experiences from the design, construction, operation and maintenance of the Optimized Power Reactor 1000 (OPR1000), the APR1400 adopts advanced design features to enhance plant safety, economical efficiency, and convenience of operation and maintenance. The APR1400 application includes the entire power generation complex, except those elements and features considered site-specific. The acceptability of the tendered application for docketing and other matters relating to the requested rulemaking pursuant to 10 CFR 52.51 for design certification, including provisions for participation of the public and other parties, will be the subject of subsequent **Federal Register** notices.

Dated at Rockville, Maryland, this 27th day of January, 2015.

For the Nuclear Regulatory Commission.

Jeffrey A. Ciocco,

Senior Project Manager, Licensing Branch 2, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–02069 Filed 2–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–373 and 50–374; NRC–2014–0268]

LaSalle County Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Intent to prepare an environmental impact statement and conduct the scoping process; public meetings and request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will prepare an environmental impact statement (EIS) related to the review of the license renewal application submitted by Exelon Generation Company, LLC (Exelon) for the renewal of Facility Operating Licenses NPF–11 and NPF–18 for an additional 20 years of operation at LaSalle County Station (LSCS). The current operating licenses for LSCS, Units 1 and 2, expire on April 17, 2022, and December 16, 2023, respectively. LSCS is located in LaSalle County, Illinois. The NRC will also provide the public an opportunity to participate in the environmental scoping process.

DATES: Submit comments by April 6, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0268. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Drucker, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6223; email: *David.Drucker@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0268 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0268.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. Exelon's application for renewal can be found in ADAMS under Accession No. ML14343A849.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0268 in the subject line of your comment submission in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit

comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

The application for license renewal, dated December 9, 2014, was submitted pursuant to part 54 of Title 10 of the *Code of Federal Regulations* (10 CFR), which included an environmental report (ER). A separate notice of receipt and availability of the application was published in the **Federal Register** on December 18, 2014 (79 FR 75598). A notice of acceptance for docketing of the application and opportunity for hearing regarding renewal of the facility operating licenses is also being published in the **Federal Register**. The purpose of this notice is to inform the public that the NRC will be preparing an EIS related to the review of the license renewal application and to provide the public an opportunity to participate in the environmental scoping process, as defined in 10 CFR 51.29.

As outlined in 36 CFR 800.8, ''Coordination with the National Environmental Policy Act,'' the NRC plans to coordinate compliance with Section 106 of the National Historic Preservation Act (NHPA) in meeting the requirements of the National Environmental Policy Act of 1969 (NEPA). Pursuant to 36 CFR 800.8(c), the NRC intends to use its process and documentation for the preparation of the EIS on the proposed action to comply with Section 106 of the NHPA in lieu of the procedures set forth at 36 CFR 800.3 through 800.6.

In accordance with 10 CFR 51.53(c) and 10 CFR 54.23, Exelon submitted the ER as part of the application. The ER was prepared pursuant to 10 CFR part 51 and is publicly available in ADAMS under Accession Nos. ML14343A883 and ML14343A897. The ER may also be viewed on the Internet at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications/lasalle.html.* In addition, paper copies of the ER are available for public review near the site at the Reddick Public Library District, 1010 Canal St., Ottawa, IL 61350, the Marseilles Public Library, 155 East Bluff St., Marseilles, IL 61341 and the Seneca Public Library District, 210 N. Main St., Seneca, IL 61360.

This document advises the public that the NRC intends to gather the information necessary to prepare a plant specific supplement to the NRC's ''Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants'' (NUREG–1437, Revision 1), related to the review of the application for renewal of the LSCS operating licenses for an additional 20 years.

Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. The NRC is required by 10 CFR 51.95 to prepare a supplement to the GEIS in connection with the renewal of an operating license. This notice is being published in accordance with NEPA and the NRC's regulations found at 10 CFR part 51.

The NRC will first conduct a scoping process for the supplement to the GEIS and, as soon as practicable thereafter, will prepare a draft supplement to the GEIS for public comment. Participation in the scoping process by members of the public and local, State, Tribal, and Federal government agencies is encouraged. The scoping process for the supplement to the GEIS will be used to accomplish the following:

a. Define the proposed action, which is to be the subject of the supplement to the GEIS;

b. Determine the scope of the supplement to the GEIS and identify the significant issues to be analyzed in depth;

c. Identify and eliminate from detailed study those issues that are peripheral or that are not significant;

d. Identify any environmental assessments and other ElSs that are being or will be prepared that are related to, but are not part of, the scope of the supplement to the GEIS being considered;

e. Identify other environmental review and consultation requirements related to the proposed action;

f. Indicate the relationship between the timing of the preparation of the environmental analyses and the Commission's tentative planning and decision-making schedule;

g. Identify any cooperating agencies and, as appropriate, allocate assignments for preparation and schedules for completing the supplement to the GEIS to the NRC and any cooperating agencies; and

h. Describe how the supplement to the GEIS will be prepared and include any contractor assistance to be used.

The NRC invites the following entities to participate in scoping:

a. The applicant, Exelon;

b. Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce relevant environmental standards;

c. Affected State and local government agencies, including those authorized to develop and enforce relevant environmental standards;

d. Any affected Indian tribe;

e. Any person who has requested an opportunity to participate in the scoping process; and

f. Any person who has petitioned or intends to petition for leave to intervene in the proceeding or who has been admitted as a party to the proceeding.

III. Public Scoping Meetings

In accordance with 10 CFR 51.26, the scoping process for an EIS may include a public scoping meeting to help identify significant issues related to a proposed activity and to determine the scope of issues to be addressed in an EIS. The NRC has decided to hold public meetings for the LSCS license renewal supplement to the GEIS. The scoping meetings will be held on March 10, 2015, and there will be two sessions to accommodate interested persons. The first session will convene at 2:00 p.m. and will continue until 4:00 p.m., as necessary. The second session will convene at 7:00 p.m. with a repeat of the overview portions of the meeting and will continue until 9:00 p.m., as necessary. Both sessions will be held at the LaSalle County, Emergency Operations Center, 711 East Etna Road, Ottawa, Illinois 61350.

Both meetings will be transcribed and will include: (1) An overview by the NRC staff of the NEPA environmental review process, the proposed scope of the supplement to the GEIS, and the proposed review schedule; and (2) the opportunity for interested government agencies, organizations, and individuals to submit comments or suggestions on the environmental issues or the proposed scope of the supplement to the GEIS. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No formal comments on the proposed scope of the supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed above.

Persons may register to attend or present oral comments at the meetings on the scope of the NEPA review by

contacting the NRC Project Manager, Mr. David Drucker, by telephone at 1–800–368–5642, extension 6223, or by email at *David.Drucker@nrc.gov,* no later than February 27, 2015. Members of the public may also register to speak at the meeting within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. Members of the public who have not registered may also have an opportunity to speak if time permits. Public comments will be considered in the scoping process for the supplement to the GEIS. Mr. Drucker will need to be contacted no later than February 27, 2015, if special equipment or accommodations are needed to attend or present information at the public meeting so that the NRC staff can determine whether the request can be accommodated.

Participation in the scoping process for the supplement to the GEIS does not entitle participants to become parties to the proceeding to which the supplement to the GEIS relates. Matters related to participation in any hearing are outside the scope of matters to be discussed at this public meeting.

At the conclusion of the scoping process, the NRC will prepare a concise summary of the determination and conclusions reached, including the significant issues identified, and will send a copy of the summary to each participant in the scoping process. The summary will also be available for inspection in ADAMS. The NRC staff will then prepare and issue for comment the draft supplement to the GEIS, which will be the subject of a separate notice and separate public meetings. Copies will be available for public inspection at the above-mentioned addresses. After receipt and consideration of the comments, the NRC will prepare a final supplement to the GEIS, which will also be available for public inspection.

Dated at Rockville, Maryland, this 27th day of January 2015.

For the Nuclear Regulatory Commission,

Brian D. Wittick,

Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–02080 Filed 2–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; NRC–2015–0010]

Duke Energy Florida, Inc.; Crystal River Unit 3 Nuclear Generating Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing exemptions in response to a March 28, 2014, request from Duke Energy Florida, Inc. (DEF or the licensee), representing itself and the other owners. The exemptions permit the use of the Crystal River Unit 3 Nuclear Generating Plant (CR–3) decommissioning trust fund (the Trust) for irradiated fuel management and site restoration activities in addition to decommissioning activities and allow the licensee to use withdrawals from the Trust for these purposes without prior notification to the NRC, similar to withdrawals for decommissioning activities. The NRC has reviewed the Trust and determined that, at this time, there is reasonable assurance of sufficient financial resources in the Trust for both irradiated fuel management and site restoration activities as well as to complete decommissioning activities.

ADDRESSES: Please refer to Docket ID NRC–2015–0010 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0010. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the ADAMS public document collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS Accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael Orenak, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3229; email: *Michael.Orenak@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

DEF is the holder of Facility Operating License No. DPR–72, for CR–3. By letter dated February 20, 2013 (ADAMS Accession No. ML13056A005), DEF submitted to the NRC a certification in accordance with Sections 50.82(a)(1)(i) and 50.82(a)(1)(ii) of Title 10 of the *Code of Federal Regulations* (10 CFR) indicating that it had permanently ceased power operations at CR–3 and that the CR–3 reactor vessel had been permanently defueled. CR–3 has not operated since September 2009.

By letter dated December 2, 2013, DEF submitted its Post Shutdown Decommissioning Activities Report (PSDAR) and the Site Specific Decommissioning Cost Estimate (DCE) as required by 10 CFR 50.82(a)(4)(i) and 10 CFR 50.82(a) (8)(iii)(ADAMS Accession No. ML13340A009). By a separate letter dated December 2, 2013, DEF submitted an update to the CR–3 Irradiated Fuel Management Plan (IFMP) as required by 10 CFR 50.54(bb) (ADAMS Accession No. ML13340A008).

The facility consists of a permanently shutdown and defueled pressurized-water reactor located in Citrus County, Florida.

II. Request/Action

Pursuant to 10 CFR 50.12, ''Specific exemptions,'' by letter dated March 28, 2014 (ADAMS Accession No. ML14098A037), DEF submitted a request for exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2). The exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) would permit the withdrawal and use of a portion of the funds in the Trust for financing irradiated fuel management and site restoration activities. The licensee's requested exemption from 10 CFR 50.75(h)(2) would also permit the withdrawals from the Trust for these activities to be made without prior notification of the NRC, in the same manner that withdrawals are made

under 10 CFR 50.82(a)(8) for decommissioning activities.

The requirements of 10 CFR 50.82(a)(8)(i)(A) restrict the use of decommissioning trust fund withdrawals to expenses for legitimate decommissioning activities consistent with the definition of decommissioning in 10 CFR 50.2. The definition of ''decommission'' in 10 CFR 50.2 is to remove a facility or site safely from service and reduce residual radioactivity to a level that permits release of the property for unrestricted use and termination of the license; or release of the property under restricted conditions and termination of the license.

This definition addresses radiological decontamination and does not include other activities, such as irradiated fuel management or site restoration. The requirements of 10 CFR 50.75(h)(2) also restrict the use of decommissioning trust fund disbursements (other than for ordinary administrative costs and incidental expenses) to decommissioning expenses until final radiological decommissioning has been completed. Therefore, exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) are needed to allow DEF to withdraw funds from the Trust for activities other than decommissioning activities prior to completion of all radiological decommissioning activities.

The requirements of 10 CFR 50.75(h)(2) further provide that, except for decommissioning withdrawals being made under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs and other incidental expenses of the Trust, no disbursement may be made from the Trust until written notice of the intention to make a disbursement has been given to the NRC at least 30 working days in advance of the intended disbursement. Therefore, an exemption from 10 CFR 50.75(h)(2) is also needed to allow DEF to withdraw funds from the Trust for activities other than decommissioning activities without prior NRC notification.

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) when any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things, the following: (a) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or (b) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

A. Authorized by Law

The requested exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) would allow DEF to use a portion of the funds from the Trust for irradiated fuel management and site restoration activities without prior notice to the NRC, in the same manner that withdrawals are made under 10 CFR 50.82(a)(8) for decommissioning activities. As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law. The NRC staff has determined, as explained below, that granting the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemptions are authorized by law.

B. No Undue Risk to the Public Health and Safety

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) is to provide reasonable assurance that adequate funds will be available for radiological decommissioning of power reactors. Based on the licensee's site-specific cost estimate and the NRC staff's cash flow analysis, use of a portion of the Trust for irradiated fuel management and site restoration activities will not adversely impact DEF's ability to complete radiological decontamination within 60 years and terminate the CR–3 license. Furthermore, exemption from 10 CFR 50.75(h)(2) to allow the licensee to make withdrawals from the Trust for irradiated fuel management and site restoration activities without prior written notification to the NRC should not affect the sufficiency of funds in the Trust to accomplish radiological decontamination of the site because such withdrawals are still constrained by the provisions of 10 CFR 50.82(a)(8)(i)(B)–(C) and are reviewable under the annual reporting requirements of 10 CFR 50.82(a)(8)(v)–(vii).

Based on the above, no new accident precursors are created by using the Trust in the proposed manner. Thus, the probability of postulated accidents is not increased. Also, based on the above, the consequences of postulated accidents are not increased. No changes are being made in the types or amounts of effluents that may be released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, the requested exemptions will not present an undue risk to the public health and safety.

C. Consistent With the Common Defense and Security

The requested exemptions would allow DEF to use funds from the Trust for irradiated fuel management and site restoration activities. Irradiated fuel management under 10 CFR 50.54(bb) is an integral part of the planned DEF decommissioning and final license termination process and will not adversely affect DEF's ability to physically secure the site or protect special nuclear material. This change to enable the use of a portion of the funds from the Trust for activities other than decommissioning activities will also not alter the scope of, or availability of, funding for the licensee's security program. Therefore, the common defense and security is not impacted by the requested exemptions.

D. Special Circumstances

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(ii), are present whenever application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) is to provide reasonable assurance that adequate funds will be available for radiological decommissioning of power reactors. Strict application of these requirements would prohibit withdrawal of funds from the Trust for activities other than decommissioning activities, such as irradiated fuel management and site restoration activities, until final radiological decommissioning at CR–3 has been completed.

The total CR–3 Decommissioning Trust Funds balance as of March 28, 2014, was $824.8 million in 2013 dollars. The DEF analysis in the PSDAR and DCE projects the total radiological decommissioning cost of CR–3 to be approximately $861.9 million (2013 dollars). As required by 10 CFR 50.54(bb), DEF estimated the costs associated with the long-term irradiated fuel management at CR–3 to be $265.5 million in (2013 dollars). DEF also estimated the total expenditures for site restoration to be $52.7 million (2013 dollars).

The NRC staff performed an independent cash flow analysis of the Trust over the 60 years of decommissioning activities (assuming an annual real rate of return of 2%, as allowed by 10 CFR 50.75(e)(1)(ii)) and determined the projected earnings of the Trust. The staff confirmed that the current funds, planned future contributions, and projected earnings of the Trust provide reasonable assurance of adequate funding to complete all NRC-required decommissioning activities and that the DCE demonstrates that adequate funds will also be available in the Trust to conduct irradiated fuel management and site restoration activities. The staff's review and conclusions are based on DEF's specific financial situation as described in the PSDAR, DCE, IFMP, and the March 28, 2014 letter.

Therefore, the staff finds that DEF has provided reasonable assurance that adequate funds will be available for radiological decommissioning of CR–3, even with the disbursement of funds from the Trust for irradiated fuel management and site restoration activities. Consequently, the staff concludes that application of the requirement that funds from the Trust only be used for decommissioning activities and not for irradiated fuel management and site restoration activities is not necessary to achieve the underlying purpose of the rule and, thus, that special circumstances are present supporting the approval of the exemption request.

In its submittal, DEF also requested exemption from the requirements of 10 CFR 50.75(h)(2) concerning prior written notification to the NRC of withdrawals from the Trust to fund activities other than decommissioning. The underlying purpose of notifying the NRC prior to withdrawal of funds from the Trust is to provide opportunity for NRC intervention, when deemed necessary, if the withdrawals are for expenses other than those authorized by 10 CFR 50.75(h)(2) and 10 CFR 50.82(a)(8) that could result in there being insufficient funds in the Trust to accomplish radiological decontamination of the site.

By granting the exemptions to 10 CFR 50.75(h)(2) and 10 CFR 50.82(a)(8)(i)(A), the staff considers that withdrawals consistent with the licensee's submittal dated March 28, 2014, are authorized. As stated previously, the NRC staff has determined that there are sufficient funds in the Trust to complete legitimate radiological decommissioning activities as well as to conduct irradiated fuel management and site restoration activities consistent with the PSDAR, DCE, IFMP, and March 28, 2014 letter. Pursuant to the annual reporting requirements in 10 CFR 50.82(a)(8)(v) through (vii), licensees are required to monitor and report the status of the decommissioning trust fund and the funding status for managing irradiated fuel. These reports provide the NRC with awareness of, and the ability to take action on, any actual or potential funding deficiencies. The requested exemption would not allow the withdrawal of funds from the CR–3 Trust for any other purpose that is not currently authorized in the regulations without prior notification to the NRC. Therefore, the granting of this exemption to 10 CFR 50.75(h)(2) to allow the licensee to make withdrawals from the Trust to cover authorized expenses for irradiated fuel management and site restoration activities without prior written notification to the NRC will still meet the underlying purpose of the regulation.

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(iii) are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

The licensee states that the Trust contains funds in excess of the estimated costs of radiological decommissioning and that these excess funds are needed for irradiated fuel management and site restoration activities. The NRC does not preclude the use of funds from the decommissioning trust in excess of those needed for radiological decommissioning for other purposes, such as irradiated fuel management or site restoration. The NRC has stated that funding for irradiated fuel management and other site restoration activities may be commingled in the decommissioning trust provided that the licensee is able to identify and account for the radiological decommissioning funds separately from the funds set aside for irradiated fuel management (see NRC Regulatory Issue Summary 2001–07, Rev 1, ''10 CFR 50.75 Reporting and Recordkeeping for Decommissioning Planning,'' dated January 8, 2009 [ADAMS Accession No. ML083440158], and Regulatory Guide 1.184, Rev. 1, ''Decommissioning of Nuclear Power Reactors,'' [ADAMS Accession No. ML13144A840]). An unnecessary financial burden without any corresponding safety benefit would be created if access to those excess funds in the Trust was prevented because irradiated fuel management and site restoration are not associated with radiological decommissioning. The adequacy of the Trust to cover the cost of activities associated with irradiated fuel management and site restoration in addition to radiological decommissioning is supported by the NRC staff's review of the licensee's site-specific decommissioning cost analysis. If DEF cannot use the Trust for irradiated fuel management and site restoration activities, it would need to obtain additional funding that would not be recoverable from the Trust, or DEF would have to modify its decommissioning approach and methods. The NRC staff concludes that either outcome would impose an unnecessary and undue burden significantly in excess of that contemplated when the regulation was adopted.

Therefore, since the underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) would be achieved by allowing DEF to use a portion of the Trust for irradiated fuel management and site restoration activities without prior NRC notification, and compliance with the rules would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist and support the approval of the requested exemptions.

E. Environmental Considerations

In accordance with 10 CFR 51.31(a), the Commission has determined that the granting of the exemptions will not have a significant effect on the quality of the human environment (see Environmental Assessment and Finding of No Significant Impact published on January 23, 2015; 80 FR 3662).

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants DEF exemptions from the requirements of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(2) to allow withdrawals from the CR–3 Trust for irradiated fuel management and site restoration activities without prior NRC notification.

The exemptions are effective upon issuance.

Dated at Rockville, Maryland, this 26th day of January 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–02067 Filed 2–2–15; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC–2015–0015]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective, any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from January 8, 2015, to January 21, 2015. The last biweekly notice was published on January 20, 2015.

DATES: Comments must be filed by March 5, 2015. A request for a hearing must be filed by April 6, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0015. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.*
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Beverly A. Clayton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3475, email: *Beverly.Clayton@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0015 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0015.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0015 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a

notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-

based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Energy Northwest, Docket No. 50–397, Columbia Generating Station (Columbia), Benton County, Washington

Date of amendment request: November 17, 2014. A publicly-available version is in ADAMS under Accession No. ML14336A100.

Description of amendment request: The proposed amendment would modify the Technical Specifications to revise values for the safety limit minimum critical power ratio (SLMCPR) due to core loading fuel management changes for the upcoming Columbia operating cycle.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The basis of the Safety Limit Minimum Critical Power Ratio (SLMCPR) is to ensure no mechanistic fuel damage is calculated to occur if the limit is not violated. The new SLMCPR values preserve the existing margin to transition boiling. The derivation of the revised SLMCPR for Columbia, for incorporation into the Technical Specifications and its use to determine plant and cycle-specific thermal limits, has been performed using NRC approved methods. The revised SLMCPR values do not change the method of operating the plant and have no effect on the probability of an accident initiating event or transient.

Based on the above, Energy Northwest has concluded that the proposed change will not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously analyzed?

Response: No.

The proposed changes result only from a specific analysis for the Columbia core reload design. These changes do not involve any new or different methods for operating the facility. No new initiating events or transients result from these changes.

Based on the above, Energy Northwest has concluded that the proposed change will not create the possibility of a new or different kind of accident from those previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The new SLMCPR is calculated using NRC approved methods with plant and cycle specific parameters for the current core design. The SLMCPR value remains conservative enough to ensure that at least 99.9% of all fuel rods in the core will avoid transition boiling if the limit is not violated,

thereby preserving the fuel cladding integrity. The operating limit minimum critical power ratio (MCPR) is established to ensure that no fuel damage results during anticipated operational occurrences (AOOs). Accordingly, the margin of safety is maintained with the revised values.

As a result, Energy Northwest has determined that the proposed change will not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William A. Horin, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

Acting NRC Branch Chief: Eric R. Oesterle.

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Units 1 and 2, St. Lucie County, Florida

Date of amendment request: December 5, 2014. A publicly-available version is in ADAMS under Accession No. ML14351A074.

Description of amendment request: The amendment would revise Technical Specifications (TSs) Section 3.6.2.1, regarding containment spray and cooling systems, by eliminating second completion times limiting time from discovery of failure to meet a limiting condition for operation (LCO). The proposed revision is consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–439, Revision 2, ''Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO'' (Adams Accession No. ML051860296).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change that incorporated TSTF–439, Revision 2, [will eliminate] certain Completion Times from the TS. Completion Times are not an initiator to any accident previously evaluated. As a result, the probability of an accident previously evaluated is not affected. The consequences of an accident during the revised Completion Times are no different [from] the consequences of the same accident during the existing Completion Times. As a result, the consequences of an accident previously evaluated are not affected by this change. The proposed change does not alter or prevent the ability of structures, systems, or components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits.

The proposed change does not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. Further, the proposed change does not increase the types or amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures. The proposed change is consistent with the [previous] safety analysis assumptions and resultant consequences. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed change does not [involve] a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The proposed change does not alter any assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The proposed change to delete the second Completion Times does not alter the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and determined that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408–0420.

NRC Branch Chief: Shana R. Helton.

Omaha Public Power District (OPPD), Docket No. 50–285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

Date of amendment request: December 26, 2014. A publicly-available version is in ADAMS under Accession No. ML14365A123.

Description of amendment request: The proposed amendment upgrades the Emergency Action Level (EAL) scheme by adopting NRC-endorsed Nuclear Energy Institute (NEI) 99–01, Revision 6, ''Methodology for the Development of Emergency Action Levels for Non-Passive Reactors,'' issued January 2011 (ADAMS Accession No. ML110240324).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to OPPD's EAL scheme to adopt the NRC-endorsed guidance in NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors,'' do not reduce the capability to meet the emergency planning requirements established in 10 CFR 50.47 and 10 CFR 50, Appendix E. The proposed changes do not reduce the functionality, performance, or capability of OPPD's ERO [emergency response organization] to respond in mitigating the consequences of any design basis accident.

The probability of a reactor accident requiring implementation of Emergency Plan EALs has no relevance in determining whether the proposed changes to the EALs reduce the effectiveness of the Emergency Plans. As discussed in Section D, ''Planning Basis,'' of NUREG–0654, Revision 1, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants'' [issued November 1980; ADAMS Accession No. ML040420012]:

. . . The overall objective of emergency response plans is to provide dose savings (and in some cases immediate life saving) for a spectrum of accidents that could produce offsite doses in excess of Protective Action Guides (PAGs). No single specific accident sequence should be isolated as the one for which to plan because each accident could have different consequences, both in nature and degree. Further, the range of possible selection for a planning basis is very large, starting with a zero point of requiring no planning at all because significant offsite radiological accident consequences are unlikely to occur, to planning for the worst possible accident, regardless of its extremely low likelihood . . .

Therefore, OPPD did not consider the risk insights regarding any specific accident

initiation or progression in evaluating the proposed changes.

The proposed changes do not involve any physical changes to plant equipment or systems, nor do they alter the assumptions of any accident analyses. The proposed changes do not adversely affect accident initiators or precursors nor do they alter the design assumptions, conditions, and configuration or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of Structures, Systems, or Components (SSCs) to perform their intended safety functions in mitigating the consequences of an initiating event within the assumed acceptance limits.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to OPPD's EAL scheme to adopt the NRC-endorsed guidance in NEI 99–01, Revision 6, do not involve any physical changes to plant systems or equipment. The proposed changes do not involve the addition of any new plant equipment. The proposed changes will not alter the design configuration, or method of operation of plant to be performed as required. The proposed changes do not create any new credible failure mechanisms, malfunctions, or accident initiators.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from those that have been previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to OPPD's EAL scheme to adopt the NRC-endorsed guidance in NEI 99–01, Revision 6, do not alter or exceed a design basis or safety limit. There is no change being made to safety analysis assumptions, safety limits, or limiting safety system settings that would adversely affect plant safety as a result of the proposed change. There are no changes to setpoints or environmental conditions of any SSC or the manner in which any SSC is operated. Margins of safety are unaffected by the proposed changes to adopt the NEI 99–01, Revision 6, EAL scheme guidance. The applicable requirements of 10 CFR 50.47 and 10 CFR 50, Appendix E will continue to be met.

Therefore, the proposed changes do not involve any reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David A. Repka, Esq., Winston & Strawn, 1700 K Street NW., Washington, DC 20006–3817.

Acting NRC Branch Chief: Eric R. Oesterle.

South Carolina Electric and Gas Company Docket Nos.: 52–027 and 52–028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: July 17, 2014. A publicly-available version is in ADAMS under Accession No. ML14202A088.

Description of amendment request: The proposed changes would revise the Combined Licenses (COLs) by (1) providing additional detail to describe the mechanical connection between the internal containment structural module steel faceplates and the base concrete, (2) allowing for increases in the thickness of the structural wall module faceplates, (3) identifying changes to the wall thicknesses for portions of some internal containment structural wall modules, and (4) identifying the use of steel plates, structural shapes, reinforcement bars, or tie bars between the faceplates of the structural wall modules, where needed to meet applicable code requirements.

Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 Design Control Document (DCD), the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design function of the internal containment structures is to provide support, protection, and separation for the seismic Category I mechanical and electrical equipment located in those structures. These structures are structurally designed to meet seismic Category I requirements as defined in Regulatory Guide 1.29.

The changes to the design details for the structural modules do not have an adverse impact on the response of the nuclear island structures to safe shutdown earthquake ground motions or loads due to anticipated transients or postulated accident conditions, nor do they change the seismic Category I classification. Evaluations have been performed which determined that the proposed changes do not have a significant impact on the calculated loads for the affected structural modules, or critical locations, and no significant impact on the global seismic model. The changes to the design details for the structural modules do not impact the support, design, or operation of mechanical and fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the change described create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are to revise design details for the internal containment structural modules. The changes do not change the design requirements of the nuclear island structures, nor do they change the seismic Category I classification. The changes to the design details for the internal containment structural modules do not change the design function, support, design, or operation of mechanical and fluid systems. The changes to the design details for the internal containment structural modules do not result in a new failure mechanism for the nuclear island structures or introduce any new accident precursors. As a result, the design function of the nuclear island structures is not adversely affected by the proposed change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The requested amendment proposes changes to the structural details associated with the in-containment structural modules. The purpose of these changes is to ensure that the requirements contained in the applicable construction codes are met. As discussed in UFSAR [Updated Final Analysis Report], Section 3.8.3.5, ''Design Procedures and Acceptance Criteria,'' the in-containment structural modules are designed in accordance with ACI [American Concrete Institute] 349 and AISC [American Institute of Steel Construction] N690. Thus, the identification of additional structural module connection details, the increase in structural module faceplate and wall thicknesses, and the addition of additional reinforcement in specific areas are proposed to ensure that the codes of record, and the associated margins contained therein, continue to be met as specified in the design basis. Structural and seismic analysis of the modified sections in accordance with the methodologies identified in the UFSAR has confirmed that the applicable requirements of ACI 349 and AISC N690 continue to be met for affected in-containment structural modules.

As a result, the proposed changes do not adversely affect any safety related equipment

or other design functions, design code compliance, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Lawrence J. Burkhart.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: December 19, 2014. A publicly-available version is in ADAMS Package Accession No. ML14363A422.

Description of amendment request: The licensee proposes to expand the emergency planning zone (EPZ) boundary, to revise the evacuation time estimates (ETA) analysis, and revise the alert and notification system (ANS) design reports to encompass the expanded EPZ boundary.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes, which include expansion of the EPZ boundary and revision of the ETE analysis and ANS design reports to encompass the expanded EPZ boundary, do not impact the physical function of plant structures, systems, or components (SSC) or the manner in which SSCs perform their design function. The proposed changes neither adversely affect accident initiators or precursors, nor alter design assumptions. The proposed changes do not alter or prevent the ability of SSCs to perform their intended function to mitigate the consequences of an initiating event within assumed acceptance limits. No operating procedures or administrative controls that function to prevent or mitigate accidents are affected by the proposed changes. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed or removed) or a change in the method of plant operation. The proposed changes will not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in the safety analysis. The proposed changes, which include expansion of the EPZ boundary and revision of the ETE analysis and ANS design reports to encompass the expanded EPZ boundary, are not initiators of any accidents. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes, which include expansion of the EPZ boundary and revision of the ETE analysis and ANS design reports to encompass the expanded EPZ boundary, do not impact operation of the plant or its response to transients or accidents. The proposed changes do not alter requirements of the Technical Specifications or the Unit 1 Operating License. The proposed changes do not involve a change in the method of plant operation and no accident analyses will be affected by the proposed changes.

Additionally, the proposed changes will not relax any criteria used to establish safety limits and will not relax any safety system settings. The safety analysis acceptance criteria are not affected by these proposed changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Hagood Hamilton, Jr., South Carolina Electric & Gas Company, Post Office Box 764, Columbia, SC 29218.

NRC Branch Chief: Robert J. Pascarelli.

Southern Nuclear Operating Company, Inc. Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: January 8, 2015. A publicly-available version is in ADAMS under Accession No. ML15008A466.

Description of amendment request: The proposed change would amend Combined License Nos. NPF–91 and NPF–92 for the VEGP, Units 3 and 4 by departing from the plant-specific Design Control Document (DCD) Tier 1 (and corresponding Combined License Appendix C information) and Tier 2 material by making changes to specify the use of latching control relays in lieu of breakers to de-energize the control rod drive mechanism (CRDM) motor generator (MG) set generator field on a diverse actuation system (DAS) signal.

Because this proposed change requires a departure from Tier 1 information in the Westinghouse Advanced Passive 1000 DCD, the licensee also requested an exemption from the requirements of the Generic DCD Tier 1 in accordance with 10 CFR 52.63(b)(1).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to use field control relays in lieu of field circuit breakers to de-energize the CRDM MG Set excitation field does not result in a change to the basic MG Set design function, which is to supply reliable electrical power to the CRDMs while providing a trip function on a DAS signal, allowing the control rods to drop. The Probabilistic Risk Assessment (PRA) is not adversely affected. No safety-related structure, system, or component (SSC) or function is adversely affected. The change does not involve nor interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the UFSAR are not affected. Because the change maintains the CRDM MG set trip function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

There is no safety-related SSC or function adversely affected by this proposed change to use control relays instead of breakers to de-energize the CRDM MG set generator field on demand. This proposed change does not change any equipment qualification or fission product barrier. The change does not result in a new failure mode, malfunction or sequence of events that could affect safety or safety-related equipment. This activity will not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that would result in significant fuel cladding failures.

Therefore, this activity does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

There is no safety-related SSC or function adversely affected by this proposed change to use relays instead of breakers to control the CRDM MG set generator field. The function to trip the MG set generator field on a DAS signal, allowing the control rods to drop, is not adversely affected by the use of relays as the device to de-energize the generator field. The proposed change does not affect any safety-related design code, function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested change, thus, no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Lawrence Burkhart.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

Date of amendment request: November 24, 2014. A publicly-available version is in ADAMS under Accession Package No. ML14335A689.

Description of amendment request: The licensee requested 24 revisions to the Technical Specifications. Twenty two revisions adopt various previously NRC approved Technical Specifications Task Force Travelers and two revisions are not associated with Travelers. A list of the requested revisions is included in Enclosure 1 of the application.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration for each of the 24 changes requested, which is presented below:

Request No. 1: TSTF–27–A, Revision 3, ''Revise SR Frequency for Minimumn Temperature for Criticality''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Surveillance Frequency for monitoring RCS temperature to ensure the minimum temperature for criticality is met. The Frequency is changed from a 30 minute Frequency when certain conditions are met to a periodic Frequency that it is controlled in accordance with the Surveillance Frequency Control Program. The measurement of RCS [reactor coolant system] temperature is not an initiator of any accident previously evaluated. The minimum RCS temperature for criticality is not changed. As a result, the mitigation of any accident previously evaluated is not affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the Surveillance Frequency for monitoring RCS temperature to ensure the minimum temperature for criticality is met. The current, condition based Frequency represents a distraction to the control room operator during the critical period of plant startup. RCS temperature is closely monitored by the operator during the approach to criticality and temperature is recorded on charts and computer logs. Allowing the operator to monitor temperature as needed by the situation and logging RCS temperature at a periodic Frequency that it is controlled in accordance with the Surveillance Frequency Control Program is sufficient to ensure that the LCO [limiting condition for operation] is met while eliminating a diversion of the operator's attention.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 2: TSTF–46–A, Revision 1, ''Clarify the CIV Surveillance to Apply Only to Automatic Isolation Valves''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the requirements in Technical Specification SR 3.6.3.4, and the associated Bases, to delete the reference to verifying the isolation time of ''each power operated'' containment isolation valve (CIV) and only require verification of each ''automatic power operated containment isolation valve.'' The closure times for CIVs that do not receive an automatic closure signal are not an initiator of any design basis accident or event, and therefore the proposed change does not increase the probability of any accident previously evaluated. The CIVs are used to respond to accidents previously evaluated. Power operated CIVs that do not receive an automatic closure signal are not assumed to close in a specified time. The proposed change does not change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not result in a change in the manner in which the CIVs provide plant protection or introduce any new or different operational conditions. Periodic verification that the closure times for CIVs that receive an automatic closure signal are within the limits established by the accident analysis will continue to be performed under SR 3.6.3.4. The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice. There are also no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed).

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides clarification that only CIVs that receive an automatic

isolation signal are within the scope of the SR 3.6.3.4. The proposed change does not result in a change in the manner in which the CIVs provide plant protection. Periodic verification that closure times for CIVs that receive an automatic isolation signal are within the limits established by the accident analysis will continue to be performed. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any Safety Analysis Limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 3: TSTF–87–A, Revision 2, ''Revise ''RTBs Open'' and ''CRDM Deenergized'' Actions to ''Incapable of Rod Withdrawal''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This change revises the Required Actions for LCO 3.4.5, ''RCS Loops—Mode 3,'' Conditions C.2 and D.1, from ''De-energize all control rod drive mechanisms,'' to ''Place the Rod Control System in a condition incapable of rod withdrawal.'' It also revises LCO 3.4.9, ''Pressurizer,'' Required Action A. 1, from requiring the Reactor Trip Breakers to be open after reaching MODE 3 to ''Place the Rod Control System in a condition incapable of rod withdrawal,'' and to require full insertion of all rods. Inadvertent rod withdrawal can be an initiator for design basis accidents or events during certain plant conditions, and therefore must be prevented under those conditions. The proposed Required Actions for LCO 3.4.5 and LCO 3.4.9 satisfy the same intent as the current Required Actions, which is to prevent inadvertent rod withdrawal when an applicable Condition is not met, and is consistent with the assumptions of the accident analysis. As a result, the proposed change does not increase the probability of any accident previously evaluated. The proposed change does not change how the plant would mitigate an accident previously evaluated as in both the current and proposed requirements, rod withdrawal is prohibited.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change provides less specific, but equivalent, direction on the manner in which inadvertent control rod withdrawal is to be prevented when the Conditions of LCO 3.4.5 and LCO 3.4.9 are not met. Rod withdrawal will continue to be prevented when the applicable Conditions of LCO 3.4.5 and LCO 3.4.9 are met. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides the operational flexibility of allowing alternate, but equivalent, methods of preventing rod withdrawal when LCO 3.4.5 and LCO 3.4.9 are not met. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 4: TSTF–245–A, Revision 1, ''AFW Train Operable When in Service''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the requirements in Technical Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to clarify the operability of an AFW train when it is aligned for manual steam generator level control. The AFW System is not an initiator of any design basis accident or event, and therefore the proposed change does not increase the probability of any accident previously evaluated. The AFW System is used to respond to accidents previously evaluated. The proposed change does not affect the design of the AFW System, and no physical changes are made to the plant. The proposed change does not significantly change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not result in a change in the manner in which the AFW System provides plant protection. The AFW System will continue to supply water to the steam generators to remove decay heat and other residual heat by delivering at least the minimum required flow rate to the steam generators. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice. Manual control of AFW level control valves is not an accident initiator.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides the operational flexibility of allowing an AFW train(s) to be considered operable when it is not in the normal standby alignment and is temporarily incapable of automatic initiation, such as during alignment and operation for manual steam generator level control, provided it is capable of being manually realigned to the AFW heat removal mode of operation. The proposed change does not result in a change in the manner in which the AFW System provides plant protection. The AFW System will continue to supply water to the steam generators to remove decay heat and other residual heat by delivering at least the minimum required flow rate to the steam generators. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any Safety Analysis Limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are

satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 5: TSTF–247–A, Revision 0, ''Provide Separate Condition Entry for Each PORV and Block Valve''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the requirements in Technical Specification 3.4.11, ''Pressurizer PORVs [power operated relief valves],'' to clarify that separate Condition entry is allowed for each block valve. Additionally, the Actions are modified to no longer require that the PORVs be placed in manual operation when both block valves are inoperable and cannot be restored to operable status within the specified Completion Time. This preserves the overpressure protection capabilities of the PORVs. The pressurizer block valves are used to isolate their respective PORV in the event it is experiencing excessive leakage, and are not an initiator of any design basis accident or event. Therefore the proposed change does not increase the probability of any accident previously evaluated. The PORV and block valves are used to respond to accidents previously evaluated. The proposed change does not affect the design of the PORV and block valves, and no physical changes are made to the plant. The proposed change does not change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not result in a change in the manner in which the PORV and block valves provide plant protection. The PORVs will continue to provide overpressure protection, and the block valves will continue to provide isolation capability in the event a PORV is experiencing excessive leakage. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice. Operation of the PORV block valves is not an accident initiator.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes provide clarification that separate Condition entry is allowed for each block valve. Additionally, the Actions are modified to no longer require that the PORVs be placed in manual operation when both block valves are inoperable and cannot be restored to operable status within the specified Completion Time. This preserves the overpressure protection capabilities of the PORVs. The proposed change does not result in a change in the manner in which the PORV and block valves provide plant protection. The PORVs will continue to provide overpressure protection, and the block valves will continue to provide isolation capability in the event a PORV is experiencing excessive leakage. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 6: TSTF–248–A, Revision 0, ''Revise Shutdown Margin Definition for Stuck Rod Exception''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies the definition of Shutdown Margin to eliminate the requirement to assume the highest worth control rod is fully withdrawn when calculating Shutdown Margin if it can be verified by two independent means that all control rods are inserted. The method for calculating shutdown margin is not an initiator of any accident previously evaluated. If it can be verified by two independent means that all control rods are inserted, the calculated Shutdown Margin, without the conservatism of assuming the highest worth control rod is withdrawn, is accurate and consistent with the assumptions in the accident analysis. As a result, the mitigation of any accident previously evaluated is not affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change modifies the definition of Shutdown Margin to eliminate the requirement to assume the highest worth control rod is fully withdrawn when calculating Shutdown Margin if it can be verified by two independent means that all control rods are inserted. The additional margin of safety provided by the assumption that the highest worth control rod is fully withdrawn is unnecessary if it can be independently verified that all controls rods are inserted.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 7: TSTF–266–A, Revision 3, ''Eliminate the Remote Shutdown System Table of Instrumentation and Controls''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes the list of Remote Shutdown System instrumentation and controls from the Technical Specifications and places them in the Bases. The Technical Specifications continue to require that the instrumentation and controls be operable. The location of the list of Remote Shutdown System instrumentation and controls is not an initiator to any accident previously evaluated. The proposed change will have no effect on the mitigation of any accident previously evaluated because the instrumentation and controls continue to be required to be operable.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different

kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change removes the list of Remote Shutdown System instrumentation and controls from the Technical Specifications and places it in the Bases. The review performed by the NRC when the list of Remote Shutdown System instrumentation and controls is revised will no longer be needed unless the criteria in 10 CFR 50.59 are not met such that prior NRC review is required. The Technical Specification requirement that the Remote Shutdown System be operable, the definition of operability, the requirements of 10 CFR 50.59, and the Technical Specifications Bases Control Program are sufficient to ensure that revision of the list without prior NRC review and approval does not introduce a significant safety risk.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 8: TSTF–272–A, Revision 1, ''Refueling Boron Concentration Clarification''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies the Applicability of Specification 3.9.1, ''Boron Concentration,'' to clarify that the boron concentration limits are only applicable to the refueling canal and the refueling cavity when those volumes are attached to the Reactor Coolant System (RCS). The boron concentration of water volumes not connected to the RCS are not an initiator of an accident previously evaluated. The ability to mitigate any accident previously evaluated is not affected by the boron concentration of water volumes not connected to the RCS.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change modifies the Applicability of Specification 3.9.1, ''Boron Concentration,'' to clarify that the boron concentration limits are only applicable to the refueling canal and the refueling cavity when those volumes are attached to the RCS. Technical Specification SR 3.0.4 requires that Surveillances be met prior to entering the Applicability of a Specification. As a result, the boron concentration of the refueling cavity or the refueling canal must be verified to satisfy the LCO prior to connecting those volumes to the RCS. The margin of safety provided by the refueling boron concentration is not affected by this change as the RCS boron concentration will continue to satisfy the LCO.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 9: TSTF–273–A, Revision 2, ''Safety Function Determination Program Clarifications''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed TS changes add explanatory text to the programmatic description of the Safety Function Determination Program (SFDP) in Specification 5.5.15 to clarify in the requirements that consideration does not have to be made for a loss of power in determining loss of function. The Bases for LCO 3.0.6 is revised to provide clarification of the ''appropriate LCO for loss of function,'' and that consideration does not have to be made for a loss of power in determining loss of function. The changes are editorial and administrative in nature, and therefore do not increase the probability of any accident previously evaluated. No physical or operational changes are made to the plant. The proposed change does not change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are editorial and administrative in nature and do not result in a change in the manner in which the plant operates. The loss of function of any specific component will continue to be addressed in its specific TS LCO and plant configuration will be governed by the required actions of those LCOs. The proposed changes are clarifications that do not degrade the availability or capability of safety related equipment, and therefore do not create the possibility of a new or different kind of accident from any accident previously evaluated. There are no design changes associated with the proposed changes, and the changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The changes do not alter assumptions made in the safety analysis, and are consistent with the safety analysis assumptions and current plant operating practice. Due to the administrative nature of the changes, they cannot be an accident initiator.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to TS 5.5.15 are clarifications and are editorial and administrative in nature. No changes are made the LCOs for plant equipment, the time required for the TS Required Actions to be completed, or the out of service time for the components involved. The proposed changes do not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed changes will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 10: TSTF–283–A, Revision 3, ''Modify Section 3.8 Mode Restriction Notes''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies Mode restriction Notes on four diesel generator (DG) Surveillances to allow performance of the Surveillance in whole or in part to reestablish DG Operability. The emergency diesel generators and their associated emergency loads are accident mitigating features, and are not an initiator of any accident previously evaluated. As a result the probability of any accident previously evaluated is not increased. The proposed change allows Surveillance testing to be performed in whole or in part to reestablish

Operability of a DG. The consequences of an accident previously evaluated during the period that the DG is being tested to reestablish Operability are no different from the consequences of an accident previously evaluated while the DG is inoperable. As a result, the consequences of any accident previously evaluated are not increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The purpose of Surveillances is to verify that equipment is capable of performing it's assumed safety function. The proposed change will only allow the performance of the Surveillances to reestablish Operability and the proposed changes may not be used to remove a DG from service. In addition, the proposed change will potentially shorten the time that a DG is unavailable because testing to reestablish Operability can be performed without a plant shutdown. The proposed changes also require an assessment to verify that plant safety will be maintained or enhanced by performance of the Surveillance in the normally prohibited Modes.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 11: TSTF–284–A, Revision 3, ''Add 'Met vs. Perform' to Technical Specification 14, Frequency''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes insert a discussion paragraph into Specification 1.4, and several new examples are added to facilitate the use and application of SR Notes that utilize the terms ''met'' and ''perform''. The changes also modify SRs in multiple Specifications to appropriately use ''met'' and ''perform'' exceptions. The changes are administrative in nature because they provide clarification and correction of existing expectations, and therefore the proposed change does not increase the probability of any accident previously evaluated. No physical or operational changes are made to the plant. The proposed change does not significantly change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are administrative in nature and do not result in a change in the manner in which the plant operates. The proposed changes provide clarification and correction of existing expectations that do not degrade the availability or capability of safety related equipment, and therefore do not create the possibility of a new or different kind of accident from any accident previously evaluated. There are no design changes associated with the proposed changes, and the changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The changes do not alter assumptions made in the safety analysis, and are consistent with the safety analysis assumptions and current plant operating practice. Due to the administrative nature of the changes, they cannot be an accident initiator.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes are administrative in nature and do not result in a change in the manner in which the plant operates. The proposed changes provide clarification and correction of existing expectations that do not degrade the availability or capability of safety related equipment, or alter their operation. The proposed changes do not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed changes will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 12: TSTF–308–A, Revision 1, ''Determination of Cumulative and Projected Dose Contributions in RECP''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises Specification 5.5.4, ''Radioactive Effluent Controls Program,'' paragraph e, to describe the original intent of the dose projections. The cumulative and projection of doses due to liquid releases are not an assumption in any accident previously evaluated and have no effect on the mitigation of any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises Specification 5.5.4, ''Radioactive Effluent Controls Program,'' paragraph e, to describe the original intent of the dose projections. The cumulative and projection of doses due to liquid releases are administrative tools to assure compliance with regulatory limits. The proposed change revises the requirement to clarify the intent, thereby improving the administrative control over this process. As a result, any effect on the margin of safety should be minimal.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 13: TSTF–312–A, Revision 1, ''Administrative Control of Containment Penetrations''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change would allow containment penetrations to be unisolated under administrative controls during core

alterations or movement of irradiated fuel assemblies within containment. The status of containment penetration flow paths (*i.e.,* open or closed) is not an initiator for any design basis accident or event, and therefore the proposed change does not increase the probability of any accident previously evaluated. The proposed change does not affect the design of the primary containment, or alter plant operating practices such that the probability of an accident previously evaluated would be significantly increased. The proposed change does not significantly change how the plant would mitigate an accident previously evaluated, and is bounded by the fuel handling accident (FHA) analysis.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Allowing penetration flow paths to be open is not an initiator for any accident. The proposed change to allow open penetration flow paths will not affect plant safety functions or plant operating practices such that a new or different accident could be created. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

TS 3.9.3 provides measures to ensure that the dose consequences of a postulated FHA inside containment are minimized. The proposed change to LCO 3.9.3 will allow penetration flow path(s) to be open during refueling operations under administrative control. These administrative controls will provide assurance that prompt closure of open penetrations flow paths can and will be achieved in the event of an FHA inside containment, and will minimize dose consequences. The proposed change is bounded by the existing FHA analysis. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 14: TSTF–314–A, Revision 0, ''Require Static and Transient F_Q Measurement''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Required Actions of Specification 3.1.4, ''Rod Group Alignment Limits,'' and Specification 3.2.4, ''Quadrant Power Tilt Ratio,'' to require measurement of both the steady state and transient portions of the Heat Flux Hot Channel Factor, $F_Q(Z)$. This change will ensure that the hot channel factors are within their limits when the rod alignment limits or quadrant power tilt ratio are not within their limits. The verification of hot channel factors is not an initiator of any accident previously evaluated. The verification that both the steady state and transient portion of $F_Q(Z)$ are within their limits will ensure this initial assumption of the accident analysis is met should a previously evaluated accident occur.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the Required Actions in the Specifications for Rod Group Alignment Limits and Quadrant Power Tilt Ratio to require measurement of both the steady state and transient portions of the Heat Flux Hot Channel Factor, $F_Q(Z)$. This change is a correction that ensures that the plant conditions are as assumed in the accident analysis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 15: TSTF–315–A, Revision 0, ''Reduce Plant Trips Due to Spurious Signals to the NIS During Physics Testing''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises Specification 3.1.8, ''PHYSICS TESTS Exceptions—MODE 2,'' to allow the number of channels required by LCO 3.3.1, ''RTS Instrumentation,'' to be reduced from ''4'' to ''3'' to allow one nuclear instrumentation channel to be used as an input to the reactivity computer for physics testing without placing the nuclear instrumentation channel in a tripped condition. A reduction in the number of required nuclear instrumentation channels is not an initiator to any accident previously evaluated. With the nuclear instrumentation channel placed in bypass instead of in trip, reactor protection is provided by the intermediate range neutron flux detectors and the nuclear instrumentation system operating in a two-out-of-three channel logic. As a result, the ability to mitigate any accident previously evaluated is not significantly affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change reduces the probability of a spurious reactor trip during physics testing. The reactor trip system continues to be capable of protecting the reactor utilizing the intermediate range neutron flux reactor trip and the power range neutron flux trips operating in a two-out-of-three trip logic. As a result, the reactor is protected and the probability of a spurious reactor trip is significantly reduced.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the

amendment request involves no significant hazards consideration.

Request No. 16: TSTF–325, Revision 0, ''ECCS Conditions and Required Actions with Less Than 100% Equivalent ECCS Flow''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change corrects the structure of Technical Specification 3.5.2 to assure its proper application. There is no change in intent or in the way the Technical Specification is applied. The literal (and unintended) interpretation of the existing LCO structure could, under some circumstances, provide longer than intended Completion Times for restoration of operability. The proposed change only clarifies the requirements of the Required Actions. Since the proposed change affects neither the Technical Specification intent, nor its application, the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change corrects the structure of the Technical Specification to assure its correct application. There is no change in intent or in the way the Technical Specification is applied. The proposed changes would not result in any physical alterations to the plant configuration, no new equipment is added, no equipment interfaces are modified, and no changes to any equipment's function or the method of operating the equipment are being made. As the proposed changes would not change the design, configuration or operation of the plant, no new or different kinds of accident modes are created.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change corrects the structure of the Technical Specification to assure its correct application. There is no change in intent or in the way the Technical Specification is applied.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 17: TSTF–340–A, Revision 3, ''Allow 7 Day Completion Time for a Turbine-Driven AFW Pump Inoperable''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to allow a 7 day Completion Time to restore an inoperable turbine-driven pump in Mode 3 immediately following a refueling outage, if Mode 2 has not been entered. An inoperable AFW turbine-driven pump is not an initiator of any accident previously evaluated. The ability of the plant to mitigate an accident is no different while in the extended Completion Time than during the existing Completion Time.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to allow a 7 day Completion Time to restore an inoperable turbine-driven AFW pump in Mode 3 immediately following a refueling outage if Mode 2 has not been entered. In Mode 3 immediately following a refueling outage, core decay heat is low and the need for AFW is also diminished. The two operable motor driven AFW pumps are available and there are alternate means of decay heat removal if needed. As a result, the risk presented by the extended Completion Time is minimal.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 18: TSTF–343, Revision 1, ''Containment Structural Integrity''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes revise the Technical Specifications (TS) Administrative Controls programs for consistency with the requirements of 10 CFR 50, paragraph 55a(g)(4) for components classified as Code Class CC. The proposed changes affect the frequency of visual examinations that will be performed for the concrete surfaces of the containment for the purpose of the Containment Leakage Rate Testing Program, and allows those examinations to be performed during power operation in addition to during a refueling outage.

The frequency of visual examinations of the containment and the mode of operation during which those examinations are performed does not affect the initiation of any accident previously evaluated. The use of NRC approved methods and frequencies for performing the inspections will ensure the containment continues to perform the mitigating function assumed for accidents previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes revise the TS Administrative Controls programs for consistency with the requirements of 10 CFR 50, paragraph 55a(g)(4) for components classified as Code Class CC. The proposed changes affect the frequency of visual examinations that will be performed for the concrete surfaces of the containment for the purpose of the Containment Leakage Rate Testing Program, and allows those examinations to be performed during power operation in addition to during a refueling outage.

The proposed changes do not involve a modification to the physical configuration of the plant (*i.e.,* no new equipment will be installed) or change in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements or introduce a new accident initiator, accident precursor, or malfunction mechanism. Additionally, there is no change in the types or increases in the amounts of any effluent that may be released off-site and there is no increase in individual or cumulative occupational exposure.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes revise the Technical Specifications (TS) Administrative Controls programs for consistency with the requirements of 10 CFR 50, paragraph 55a(g)(4) for components classified as Code Class CC. The proposed changes affect the frequency of visual examinations that will be performed for the concrete surfaces of the containment for the purpose of the Containment Leakage Rate Testing Program,

and allows those examinations to be performed during power operation in addition to during a refueling outage. The safety function of the containment as a fission product barrier will be maintained.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 19: TSTF–349–A, Revision 1, ''Add Note to LCO 3.9.5 Allowing Shutdown Cooling Loops Removal from Operation''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change adds an LCO Note to LCO 3.9.5, ''RHR and Coolant Circulation—Low Water Level,'' to allow securing the operating train of Residual Heat Removal (RHR) for up to 15 minutes to support switching operating trains. The allowance is restricted to conditions in which core outlet temperature is maintained at least 10 degrees F below the saturation temperature, when there are no draining operations, and when operations that could reduce the reactor coolant system (RCS) boron concentration are prohibited. Securing an RHR train to facilitate the changing of the operating train is not an initiator to any accident previously evaluated. The restrictions on the use of the allowance ensure that an RHR train will not be needed during the 15 minute period to mitigate any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change adds an LCO Note to LCO 3.9.5, ''RHR and Coolant Circulation—Low Water Level,'' to allow securing the operating train of RHR to support switching operating trains. The allowance is restricted to conditions in which core outlet temperature is maintained at least 10 degrees F below the saturation temperature, when there are no draining operations, and when operations that could reduce the reactor coolant system (RCS) boron concentration are prohibited. With these restrictions, combined with the short time frame allowed to swap operating RHR trains and the ability to start an operating RHR train if needed, the occurrence of an event that would require immediate operation of an RHR train is extremely remote.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 20: TSTF–355–A, Revision 0, ''Changes to RTS and ESF Tables''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The RTS [Reactor Trip System] and ESFAS [Engineered Safety Feature Actuations System] instrument functions are part of the accident mitigation response and are not themselves an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly affected by the proposed changes. The changes ensure that automatic protective actions will be initiated at or before the condition assumed in the safety analysis, and are in accordance with the intent of the Technical Specifications. The proposed changes will not cause any design or analysis acceptance criteria to be exceeded. Since there will be no adverse effect on the trip setpoints or the instrumentation associated with the trip setpoints, there will be no significant increase in the consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes include modifications to the format of the nominal trip setpoints that preserve safety analysis assumptions related to accident mitigation. The protection system will continue to initiate the protective actions as assumed in the safety analysis. The proposed changes will continue to ensure that the trip setpoints are maintained consistent with the setpoint methodology and the plant safety analysis. As the proposed changes do not change the design, configuration or operation of the plant, no new or different kinds of accident modes are created.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not alter any nominal trip setpoints, allowable values, or limiting safety system settings, and will continue to ensure that the trip setpoints are maintained consistent with the setpoint methodology and the plant safety analysis. The response of protection systems to accident transients reported in the Final Safety Analysis Report is unaffected by this change, and accident analysis acceptance criteria are consequently not affected.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 21: TSTF–371–A, Revision 1, ''NIS Power Range Channel Daily SR TS Change to Address Low Power Decalibration''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises Specification 3.3.1, ''RTS Instrumentation,'' Surveillances 3.3.1.2 and 3.3.1.3 to move requirements currently in a Note to the Surveillance itself. The change in presentation is editorial and does not affect the application of the Surveillances. The proposed change does not affect any accident initiators or analyzed events or assumed mitigation of accident or transient events. The proposed change does not involve the addition or removal of any equipment, or any design changes to the facility.

Therefore, this proposed change does not represent a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises Specification 3.3.1, ''RTS Instrumentation,'' Surveillances 3.3.1.2 and 3.3.1.3 to move requirements currently in a Note to the Surveillance itself. The proposed change represents an editorial preference and does not affect the

performance of the Surveillance or plant operation. The safety function tested by the Surveillance is unaffected.

Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 22: TSTF–439–A, Revision 2, ''Eliminate Second Completion Times Limiting Time From Discovery of Failure To Meet an LCO''

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates certain Completion Times from the Technical Specifications. Completion Times are not an initiator to any accident previously evaluated. As a result, the probability of an accident previously evaluated is not affected. The consequences of an accident during the remaining Completion Time are no different than the consequences of the same accident during the removed Completion Times.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change to delete the second Completion Time does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The safety analysis acceptance criteria are not affected by this change. The proposed changes will not result in plant operation in a configuration outside of the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 23: ISTS Adoption #1—Revise LCO 3.3.2 ESFAS Interlock P–4 Required Action Completion Time

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Condition to be entered when the ESFAS Interlock P–4 is inoperable. Current Technical Specifications require restoring the channel to Operable status within 24 hours or be in Mode 3 within the next 12 hours and Mode 5 within the following 52 hours. The proposed change provides 48 hours to restore the inoperable channel, or be in Mode 3 in 54 hours and Mode 4 in 60 hours. The ESFAS P–4 interlock is not an initiator to any accident previously evaluated. The consequences of any accident previously evaluated during the proposed Completion Time are no different from the consequences during the existing Completion Time. As a result, the proposed change does not result in a significant increase in the consequences of any accident previously evaluated.

Therefore, this proposed change does not represent a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides an additional 24 hours to restore an inoperable ESFAS P–4 Interlock. During the proposed Completion Time, manual actions can perform the functions provided by the inoperable P–4 interlock. Also, the proposed Completion Time is reasonable given the available redundant channel, and the low probability of an event occurring during this interval.

Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Request No. 24: Revise LCO 3.5.5 to 8-hour Completion Time and Note allowance

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies the LCO 3.5.5, ''Seal Injection Flow,'' Action A, ''Seal injection flow not within limit,'' Completion Time from 4 hours to 8 hours and the Note to SR 3.5.5.1 to allow 8 hours instead of 4 hours to stabilize reactor coolant system (RCS) pressure prior to verifying the seal injection throttle valves are properly adjusted. The proposed change does not involve the addition or removal of any equipment, or any design changes to the facility. Seal injection flow is not an initiator of any accident previously evaluated. The consequences of any accident previously evaluated during the extended Completion Time or Note allowance are the same as during the existing Completion Time and Note allowance.

Therefore, this proposed change does not represent a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides additional time to verify seal injection flow is within limit or to restore seal injection flow to within limit if it is discovered that it is not within limit. The additional time is acceptable on the basis that there is little likelihood of an event that would challenge the ECCS occurring during the 8-hour window, and it reduces the pressure on the operations staff should iterations in the adjustment procedure be necessary to balance seal injection flow.

Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Leigh D. Perry, SVP & General Counsel of Operations and Nuclear, Southern Nuclear

Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Robert J. Pascarelli.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of amendment request: October 2, 2014. A publicly-available version is in ADAMS under Accession No. ML14275A441.

Description of amendment request: The proposed amendment upgrades the Emergency Action Level scheme by adopting NRC-endorsed Nuclear Energy Institute 99–01, Revision 6, ''Methodology for the Development of Emergency Action Levels for Non-Passive Reactors,'' issued January 2011 (ADAMS Accession No. ML110240324).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to the Callaway Plant emergency action levels do not impact the physical function of plant structures, systems, or components (SSC) or the manner in which SSCs perform their design function. The proposed changes neither adversely affect accident initiators or precursors, nor alter design assumptions. The proposed changes do not alter or prevent the ability of SSCs to perform their intended function to mitigate the consequences of an initiating event within assumed acceptance limits. No operating procedures or administrative controls that function to prevent or mitigate accidents are affected by the proposed changes.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed or removed) or a change in the method of plant operation. The proposed changes will not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in the safety analysis. The proposed changes to the Callaway Plant emergency action levels are not initiators of any accidents.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is associated with the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant system pressure boundary, and containment structure) to limit the level of radiation dose to the public. The proposed changes do not impact operation of the plant or its response to transients or accidents. The changes do not affect the Technical Specifications or the operating license. The proposed changes do not involve a change in the method of plant operation, and no accident analyses will be affected by the proposed changes. Additionally, the proposed changes will not relax any criteria used to establish safety limits and will not relax any safety system settings. The safety analysis acceptance criteria are not affected by these changes. The proposed changes will not result in plant operation in a configuration outside the design basis. The proposed changes do not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition. The emergency plan will continue to activate an emergency response commensurate with the extent of degradation of plant safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: John O'Neill, Esq., Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street NW., Washington, DC 20037.

Acting NRC Branch Chief: Eric R. Oesterle.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, Inc., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: April 24, 2014.

Brief description of amendment: The amendment revises Technical Specification (TS) 3/4.4.5, ''Steam Generator Tube Integrity,'' TS 6.8.4.I, ''Steam Generator Program,'' and TS 6.9.1.7, ''Steam Generator Tube Inspection Report'' to address implementation associated with the inspections and reporting requirements as described in Technical Specifications Task Force (TSTF) TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

Date of issuance: January 9, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days of issuance.

Amendment No.: 145. A publicly-available version is in ADAMS under Accession No. ML14307A800; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–63 The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** July 22, 2014 (79 FR 42543).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 9, 2015.

No significant hazards consideration comments received: No.

Energy Northwest, Docket No. 50–397, Columbia Generating Station, Benton County, Washington

Date of application for amendment: October 31, 2013, as supplemented by letters dated May 29, 2014, and September 9, 2014.

Brief description of amendment: The amendment revised Technical Specification Surveillance Requirements 3.5.1.4 and 3.5.2.5 for low pressure core spray and low pressure coolant injection pump flows.

Date of issuance: January 7, 2015.

Effective date: As of its date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 229. A publicly-available version is in ADAMS under Accession No. ML14335A189; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–21: The amendment revised the Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register:*** April 8, 2014 (79 FR 19399). The supplemental letters dated May 29, 2014, and September 9, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 7, 2015.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of application for amendment: January 21, 2014, as supplemented by letters dated March 17 and September 24, 2014.

Brief description of amendment: The amendment revised the Technical Specification 6.5.16 requirements for the local leak test required for the containment building emergency escape air lock doors, in that it would require a seal contact verification in lieu of the current seal pressure test to verify leak tightness.

Date of issuance: January 22, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 299. A publicly-available version is in ADAMS under Accession No. ML14350B285; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–6: Amendment revised the Technical Specifications/license.

*Date of initial notice in **Federal Register**:* April 15, 2014 (79 FR 21296). The supplemental letter dated September 24, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 22, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: November 15, 2013, as supplemented by letters dated April 16, 2014; September 11, 2014; and November 7, 2014.

Brief description of amendments: The amendments revise the Technical Specification (TS) requirements related to the response time for the main steam line flow-high isolation function.

Date of issuance: January 7, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 214 and 175. A publicly-available version is in ADAMS under Accession No. ML14344A681; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–39 and NPF–85: Amendments revised the Renewed Facility Operating License and TSs.

*Date of initial notice in **Federal Register**:* February 4, 2014 (79 FR 6642). The supplemental letters dated April 16, 2014; September 11, 2014; and November 7, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 7, 2015.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment requests: July 16, 2013, as supplemented by letters dated September 18, 2013, January 22, April 7, August 12, and November 11, 2014.

Brief description of amendments: The amendments revises the Technical Specifications to include the use of neutron absorbing spent fuel pool rack inserts (*i.e.,* NETCO–SNAP–IN® rack inserts) for the purpose of criticality control in the spent fuel pools.

Date of issuance: December 31, 2014.

Effective date: As of the date of issuance and shall be implemented within 120 days.

Amendment Nos.: 253–Unit 1; 248–Unit 2. A publicly-available version is in ADAMS under Accession No. ML14346A306; documents related to these amendments are listed in the safety evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–29 and DPR–30: The amendments revised the Technical Specifications and Facility Operating License.

*Date of initial notice in **Federal Register**:* July 8, 2014 (79 FR 38577). The supplemental letters dated September 18, 2013, January 22, April 7, August 12, and November 11, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 31, 2014.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket No. 50–263, Monticello Nuclear Generating Plant (MNGP), Wright County, Minnesota

Date of amendment request: November 14, 2013.

Brief description of amendment: The amendment revises Technical Specification (TS) 5.5.11, ''Primary Containment Leakage Rate Testing Program,'' by removing TS 5.5.11.d.2.b, the reduced pressure testing option for drywell airlock door leakage testing. This testing methodology is not required and does not reflect the current testing practice at MNGP. As such, the drywell

airlock door seals will be tested by performing an overall airlock leakage test as specified in current TS 5.5.11.d.2.a.

Date of issuance: January 8, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment No.: 187. A publicly-available version is in ADAMS under Accession No. ML14323A033; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–22: This amendment revises the Renewed Facility Operating License and the Technical Specifications.

*Date of initial notice in **Federal Register**:* August 5, 2014 (79 FR 45478).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 8, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric and Gas Company Docket Nos. 52–027 and 52–028, Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: April 3, 2014, as supplemented by letter dated May 19, 2014.

Brief description of amendment: The amendment revises Tier 2* information, incorporated into the VCSNS Units 2 and 3 Updated Final Safety Analysis Report (UFSAR). Specifically, the amendment revises the details regarding the structural floor of the Auxiliary Building and its constructability. Notes are added to drawings in Subsection 3H.5 of the UFSAR in order to clarify variations in detail design such as size and spacing or reinforcement and spans of the noncritical sections of floors.

Date of issuance: July 18, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 14. A publicly-available version is in ADAMS under Accession No. ML14188B185; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses No. NPF–93 and NPF–94: Amendment revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register**:* April 29, 2014 (79 FR 24024).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated July 18, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: March 17, 2014, and revised by letters dated May 8, September 2, and October 2, 2014.

Brief description of amendment: The amendment revises the VEGP Units 3 and 4 Updated Final Safety Analysis Report (UFSAR) by clarifying how human diversity was applied during the design process for the Component Interface Module and Diverse Actuation System. The changes to the VEGP Units 3 and 4 UFSAR include changes to Table 1.6, ''Material Referenced,'' Chapter 7, Sections 7.1.2.14.1, 7.1.7 and 7.2.4 and the addition of Appendix 7A to Chapter 7. The changes to the VEGP Units 3 and 4 UFSAR modify information related to human diversity, as presented in a Tier 2* document, WCAP–17179–P and WCAP–17179–NP, ''AP1000 Component Interface Module Technical Report,'' Revision 2, and two Tier 2 documents, WCAP–15775, ''AP1000 Instrumentation and Control Defense-in-Depth and Diversity Report,'' Revision 4 and WCAP–17184–P, ''AP1000 Diverse Actuation System Planning and Functional Design Summary Technical Report,'' that are incorporated by reference in the VEGP Units 3 and 4 UFSAR.

Date of issuance: December 24, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 28. A publicly-available version is in ADAMS under Accession No. ML14329A298; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register**:* April 29, 2014 (79 FR 24021).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 24, 2014.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: August 22, 2014, and revised by letter dated September 23, 2014, and supplemented by letters dated October 30 and November 6, 2014.

Brief description of amendment: The amendment revises the VEGP Units 3 and 4 Updated Final Safety Analysis Report to reflect changes related to:

(a) Installation of an additional non-safety-related battery;

(b) Revision to the annex building internal configuration by converting a shift turnover room to a battery room, adding an additional battery equipment room, and moving a fire area wall;

(c) Increase in the height of a room in the annex building; and

(d) Increase in thicknesses of certain annex building floor slabs.

In addition, the proposed changes also include reconfiguring existing rooms and related rooms, wall, and access path changes and making changes to the corresponding Tier 1 information in Appendix C to the Combined Licenses.

Date of issuance: December 23, 2014.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 27. A publicly-available version is in ADAMS under Accession No. ML14323A609; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

*Date of initial notice in **Federal Register**:* October 14, 2014 (79 FR 61662).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 23, 2014.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: January 23, 2014.

Brief description of amendment: The amendment revised Technical Specification (TS) 3.4.12, ''Cold Overpressure Mitigation System (COMS),'' to reflect the mass input transient analysis that assumes an Emergency Core Cooling System centrifugal charging pump and the normal charging pump capable of injecting into the reactor coolant system when TS 3.4.12 is applicable. The amendment also revised TS Table 3.3.1–1, ''Reactor Trip System Instrumentation,'' to remove unnecessary page number references.

Date of issuance: January 20, 2015.

Effective date: As of its date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 210. A publicly-available version is in ADAMS under

Accession No. ML14350B239; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–30: The amendment revised the Operating License and Technical Specifications.

Date of initial notice in ***Federal Register****:* April 1, 2014 (79 FR 18348).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 20, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 26th day of January 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–01917 Filed 2–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0007]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of three amendment requests. The amendment requests are for Catawba Nuclear Station, Units 1 and 2; McGuire Nuclear Station, Units 1 and 2; Oconee Nuclear Station, Units 1, 2, and 3; Perry Nuclear Plant, Unit 1; and Browns Ferry Nuclear Plant, Unit 2. The NRC proposes to determine that each amendment request involves no significant hazards consideration. In addition, each amendment request contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by March 2, 2015. A request for a hearing must be filed by March 31, 2015. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by February 9, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0007. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mable A. Henderson, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3760, email: *Mable.Henderson@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0007 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0007.
- *NRC's Agencywide Documents Access and Management System (ADAMS*): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0007, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve

no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or

representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina; Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina; and Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of amendment request: November 6, 2014. A publicly-available version is in ADAMS under Accession No. ML14314A041.

Description of amendment request: This amendment request contains

sensitive unclassified non-safeguards information (SUNSI). The amendment would revise the completion date for Milestone 8 of the Cyber Security Plan (CSP) for the subject facilities.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The amendment proposes a change to Milestone 8 schedule date, as set forth in the Cyber Security Plan (CSP) implementation schedule. The revision of the schedule date for the CSP does not involve modifications to any safety related structures, systems, or components (SSCs). Rather, the implementation schedule provides a timetable for fully implementing the CSP. The CSP describes how the requirements of [Title 10 of the *Code of Federal Regulations* (10 CFR), Section] 73.54 are to be implemented to identify, evaluate, and mitigate cyber-attacks up to and including the design basis cyber-attack threat, thereby achieving high assurance that the facility digital computer and communications systems and networks are protected from cyber-attacks. The revision of the CSP implementation schedule will not alter previously evaluated design basis accident analysis assumptions, add any accident initiators, modify the function of the plant safety related SSCs, or affect how any plant safety-related SSCs are operated, maintained, modified, tested, or inspected. Further, based on the efforts accomplished to date in implementing CSP Milestones 1 through 7, Duke Energy believes that the proposed schedule change will have no adverse effect on safety.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously analyzed.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The amendment proposes a change to the Milestone 8 schedule date, as set forth in the [CSP] implementation schedule. The implementation of the [CSP] does not introduce new equipment that could create a new or different kind of accident, and no new equipment failure modes are created. No new accident scenarios, failure mechanisms, or limiting single failures are introduced as a result of this proposed amendment. Further based on the efforts accomplished to date in implementing CSP Milestones 1 through 7, Duke Energy believes that the proposed schedule will have no adverse effect on safety.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

Plant safety margins are established through limiting conditions for operation, limiting safety settings, and safety limits specified in the technical specifications. The proposed change revises the [CSP] implementation schedule. Because there is no change to these established safety margins as a result of this change, the proposed change does not involve a significant reduction in a margin of safety. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, North Carolina 28202.

NRC Branch Chief: Robert J. Pascarelli.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Perry, Ohio

Date of amendment request: September 12, 2014. A publicly-available version is in ADAMS under Accession No. ML14289A119.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendment would revise the Technical Specification (TS) safety limit minimum critical power ratio (SLMCPR) during single recirculation loop operation value to support the use of Global Nuclear Fuel-2 fuel following the next refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed SLMCPR value will continue to ensure that during normal operation and anticipated operational occurrences, at least 99.9 percent of the fuel rods in the core do not experience transition boiling if the limit is not violated, thereby preserving the fuel cladding integrity. The proposed TS change does not involve any modifications or operational changes to structures, systems, or components (SSC). The proposed TS change does not affect any postulated accident precursors, does not affect any accident mitigating systems, does not introduce any new accident initiation mechanisms, and does not affect the consequences of any postulated accident.

Therefore, the proposed TS change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed TS change does not involve any modifications or operational changes to any SSC. No new modes of plant operation are created. The proposed TS change does not introduce any new accident initiation mechanisms.

Therefore, the proposed TS change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed SLMCPR value continues to ensure that during normal operation and during anticipated operational occurrences, at least 99.9 percent of all fuel rods in the core do not experience transition boiling if the limit is not violated, thereby preserving the fuel cladding integrity. The proposed TS change does not involve modifications or operational changes that could adversely affect the function or performance of an SSC. The proposed TS change does not affect any postulated accident precursors, does not affect any accident mitigating systems, does not introduce any new accident initiation mechanisms and does not affect the consequences of any postulated accident.

Therefore, the proposed TS changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Attorney, FirstEnergy Corporation, Mail Stop. A–GO–15, 76 South Main Street, Akron, Ohio 44308.

NRC Branch Chief: Travis L. Tate.

Tennessee Valley Authority (TVA), Docket No. 50–260, Browns Ferry Nuclear Plant (BFN), Unit 2, Limestone County, Alabama

Date of amendment request: June 19, 2014. A publicly-available version is in ADAMS under Accession No. ML14175A307, as supplemented by letter dated December 2, 2014 (publicly-available version is in ADAMS under Accession No. ML14336A691).

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed license amendment would revise the Technical Specifications (TSs) for Limiting Condition for Operation (LCO) 3.4.9, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits.'' The TVA submitted this license amendment request to satisfy a commitment to prepare and submit revised BFN Unit 2 P/T limits prior to the start of the period of extended operation, as discussed in Section 4.2.5 provided in ''Browns Ferry Nuclear Plant (BFN)—Units 1, 2 and 3—Application for Renewed Operating Licenses,'' dated December 31, 2003 (ADAMS Accession No. ML040060359).

Specifically, the proposed change replaces the current sets of TS Figures 3.4.9–1, ''Pressure/Temperature Limits for Mechanical Heatup, Cooldown following Shutdown, and Reactor Critical Operations''; and 3.4.9–2, ''Pressure/Temperature Limits for Reactor In-Service Leak and Hydrostatic Testing.'' The figures proposed to be replaced consist of two sets of P/T limit curves, one set valid up to 23 effective full-power years (EFPYs) of operation and another set valid from 23 to 30 EFPYs of operation. The proposed change replaces the current curves with a set of figures valid for operation up to 38 EFPYs and another set valid for operation from 38 EFPYs to 48 EFPYs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed changes are accepted operating parameters that have been approved in previous license amendments. The changes to P/T curves were developed based on NRC approved methodologies. The proposed changes deal exclusively with the reactor vessel P/T curves, which define the permissible regions for operation and testing. Failure of the reactor vessel is not considered as a design basis accident. Through the design conservatisms used to calculate the P/T curves, reactor vessel failure has a low probability of occurrence and is not considered in the safety analyses. The proposed changes adjust the reference temperature for the limiting material to account for irradiation effects and provide the same level of protection as previously evaluated and approved.

The adjusted reference temperature calculations were performed in accordance with the requirements of 10 CFR 50 Appendix G using the guidance contained in Regulatory Guide 1.190, ''Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence,'' to reflect use of the operating limits to no more than 48 Effective Full Power Years (EFPY). These changes do not alter or prevent the operation of equipment required to mitigate any accident analyzed in the BFN Final Safety Analysis Report. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are accepted operating parameters that have been approved in previous license amendments. The changes to P/T curves were developed based on NRC approved methodologies. The proposed changes to the reactor vessel P/T curves do not involve a modification to plant equipment. No new failure modes are introduced. There is no effect on the function of any plant system, and no new system interactions are introduced by this change. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes are accepted operating parameters that have been approved in previous license amendments. The changes to P/T curves were developed based on NRC approved methodologies. The proposed curves conform to the guidance contained in Regulatory Guide 1.190, ''Calculational and Dosimetry Methods for Determining Pressure Vessel Neutron Fluence,'' and maintain the safety margins specified in 10 CFR 50 Appendix G. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, Tennessee 37902.

Acting NRC Branch Chief: Lisa M. Regner.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina; Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina; and Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Perry, Ohio

Tennessee Valley Authority, Docket No. 50–260, Browns Ferry Nuclear Plant, Unit 2, Limestone County, Alabama, Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1]

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order [2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 21 day of January, 2015.

For the Nuclear Regulatory Commission.

Rochelle C. Bavol,

Acting, Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

Day	Event/activity
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2015–01445 Filed 2–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–373 and 50–374; NRC–2014–0268]

Exelon Generation Company, LLC; LaSalle County Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering an application for the renewal of operating license numbers NPF–11 and NPF–18, which authorize Exelon Generation Company, LLC to operate LaSalle County Station (LSCS), Units 1 and 2. The renewed licenses would authorize the applicant to operate LSCS, Units 1 and 2 for an additional 20 years beyond the period specified in each of the current licenses. The current operating licenses for LSCS expire as follows: Unit 1 (NPF–11) on April 17, 2022, and Unit 2 (NPF–18) on December 16, 2023.

DATES: A request for a hearing or petition for leave to intervene must be filed by April 6, 2015.

ADDRESSES: Please refer to Docket ID NRC–2014–0268 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0268. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *''ADAMS Public Documents''* and then select *''Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The license renewal application is available in ADAMS under accession no. ML14343A849.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Jeffrey Mitchell, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3019; email: *Jeffrey.Mitchell2@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received a license renewal application (LRA) from Exelon Generation Company, LLC, dated December 9, 2014, requesting renewal of operating licenses NPF–11 and NPF–18, which authorize Exelon Generation Company, LLC to operate LaSalle County Station (LSCS), Units 1 and 2 at 3546 megawatts thermal each. LSCS, Units 1 and 2 are located in Brookfield Township, LaSalle County, Illinois. Exelon Generation Company, LLC submitted the application pursuant to part 54 of Title 10 of the *Code of Federal Regulations* (10 CFR). A notice of receipt of the LRA was published in the **Federal Register** on December 18, 2014 (79 FR 75598).

The NRC staff has determined that Exelon Generation Company, LLC has submitted sufficient information in accordance with 10 CFR 2.101, 54.19, 54.21, 54.22, 54.23, 51.45, and 51.53(c), to enable the staff to undertake a review of the application, and that the application is therefore complete and acceptable for docketing. The current docket numbers, 50–373 and 50–374, for operating license numbers NPF–11 and NPF–18, respectively, will be retained. The determination to accept the LRA for docketing does not constitute a determination that a renewed license should be issued, and does not preclude the NRC staff from requesting additional information as the review proceeds.

Before issuance of the requested renewed licenses, the NRC will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. In accordance with 10 CFR 54.29, the NRC may issue a renewed license on the basis of its review if it finds that actions have been identified and have been or will be taken with respect to: (1) Managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified to require aging

management review; and (2) time-limited aging analyses that have been identified to require review, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the current licensing basis (CLB) and that any changes made to the plant's CLB will comply with the Act and the Commission's regulations.

Additionally, in accordance with 10 CFR 51.95(c), the NRC will prepare an environmental impact statement for the site as a supplement to the Commission's NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants,'' dated June 2013. In considering the LRA, the Commission must find that the applicable requirements of Subpart A of 10 CFR part 51 have been satisfied, and that matters raised under 10 CFR 2.335 have been addressed. Pursuant to 10 CFR 51.26, and as part of the environmental scoping process, the NRC staff intends to hold public scoping meetings. Detailed information regarding the environmental scoping meetings will be the subject of a separate **Federal Register** notice.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing or petition for leave to intervene with respect to the renewal of the licenses. Requests for a hearing or petitions for leave to intervene must be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and is accessible from the NRC Library on the Internet at *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to the Internet or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by email at *PDR.Resource@nrc.gov.*

If a request for a hearing/petition for leave to intervene is filed within the 60-day period, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition; and the Secretary of the Commission (Secretary) or the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will issue a notice of a hearing or an appropriate order. In the event that no request for a hearing or petition for leave to intervene is filed within the 60-day period, the NRC may, upon completion of its evaluations and upon making the findings required under 10 CFR parts 51 and 54, renew the licenses without further notice.

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding, taking into consideration the limited scope of matters that may be considered pursuant to 10 CFR parts 51 and 54. Pursuant to 10 CFR 2.309(d), the request for hearing or petition for leave to intervene must provide the name, address, and telephone number of the requestor or petitioner; and specifically explain the reasons why intervention should be permitted with particular reference to the following factors for the LSCS site: (1) The nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order that may be issued in the proceeding on the requestor's/petitioner's interest. The request for hearing or petition for leave to intervene must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

In accordance with 10 CFR 2.309(f), each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the basis for each contention and a concise statement of the alleged facts or expert opinions which support the contention and on which the requestor/petitioner intends to rely at hearing. The requestor/petitioner must also provide references to those specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue. The requestor/petitioner must provide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact. This information must include references to specific portions of the application that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one that, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Hearing requests, intervention petitions, and motions for leave to file new or amended contentions filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, or Federally-recognized Indian tribe may submit a request for hearing or a petition to intervene to the Commission to participate as a party to the proceeding under 10 CFR 2.309(h)(1). The request for hearing or petition to intervene must contain at least one admissible contention, and must designate a single representative for the hearing. The request for hearing or petition to intervene must be submitted to the Commission by April 6, 2015. The request or petition must be filed in accordance with the filing instructions in the ''Electronic Submission (E-Filing)'' section of this document and meet the requirements for requests for hearings and petitions for leave to intervene set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe does not need to address the standing requirements in 10 CFR 2.309(d) if the proceeding pertains to a production or utilization facility that is located within its boundaries. A State, local governmental body, or Federally-recognized Indian Tribe may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing

conference, within the limits and on the conditions fixed by the presiding officer. Such statements of position shall not be considered evidence in the proceeding. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 6, 2015.

The Commission requests that each contention be given a separate numeric or alpha designation within one of the following groups: (1) Technical (primarily related to safety concerns); (2) environmental; or (3) miscellaneous.

As specified in 10 CFR 2.309, if two or more requestors/petitioners seek to co-sponsor a contention or propose substantially the same contention, the requestors/petitioners will be required to jointly designate a representative who shall have the authority to act for the requestors/petitioners with respect to that contention.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition for leave to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov*, or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a hearing request or petition for leave to intervene (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC's guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html*, by email to *MSHD.Resource@nrc.gov*, or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/*, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request for hearing or petition for leave to intervene will require including information on

local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Detailed information about the license renewal process can be found under the Nuclear Reactors icon at *http://www.nrc.gov/reactors/operating/licensing/renewal.html* on the NRC's Web site. Copies of the application to renew the operating licenses for LSCS, Units 1 and 2 are available for public inspection at the NRC's PDR, and at *http://www.nrc.gov/reactors/operating/licensing/renewal/applications.html*, the NRC's Web site while the application is under review. The application may be accessed in ADAMS through the NRC Library on the Internet at *http://www.nrc.gov/reading-rm/adams.html* under ADAMS accession no. ML14343A849. As stated above, persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS may contact the NRC's PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by email to *pdr.resources@nrc.gov*.

The NRC staff has verified that a copy of the license renewal application is also available to local residents near LSCS, Units 1 and 2 at the Reddick Public Library District, 1010 Canal St., Ottawa, IL 61350; Marseilles Public Library, 155 East Bluff St., Marseilles, IL 61341; and Seneca Public Library District, 210 N. Main St., Seneca, IL 61360.

Dated at Rockville, Maryland, this 26th day of January 2015.

For the Nuclear Regulatory Commission.

Christopher G. Miller,

Director, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–01807 Filed 2–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: February 2, 9, 16, 23, March 2, 9, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 2, 2015

Monday, February 2, 2015

1:00 p.m. Discussion of International Activities (Closed—Ex. 9)

Wednesday, February 4, 2015

8:30 a.m. Hearing on Combined License for Fermi, Unit 3 (Public Meeting) (Contact: Adrian Muniz, 301–415–4093)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/*.

Week of February 9, 2015—Tentative

There are no meetings scheduled for the week of February 9, 2015.

Week of February 16, 2015—Tentative

Wednesday, February 18, 2015

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 9)

Week of February 23, 2015—Tentative

There are no meetings scheduled for the week of February 23, 2015.

Week of March 2, 2015—Tentative

Thursday, March 5, 2015

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards

This meeting will be webcast live at the Web address—*http://www.nrc.gov/*.

Week of March 9, 2015—Tentative

There are no meetings scheduled for the week of March 9, 2015.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at (301) 415–0442 or via email at *Glenn.Ellmers@nrc.gov*.

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html*.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Patricia.Jimenez@nrc.gov* or *Brenda.Akstulewicz@nrc.gov*.

Dated: January 30, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–02132 Filed 1–30–15; 11:15 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31433; 812–14398]

Diamond Hill Capital Management, Inc., et al.; Notice of Application

January 28, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

SUMMARY: *Summary of Application:* Applicants request an order that would permit (a) series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

APPLICANTS: Diamond Hill Capital Management, Inc. (''Diamond Hill''), ETF Series Solutions (''Trust'') and Quasar Distributors, LLC (''Quasar'').

FILING DATES: The application was filed on December 10, 2014, and amended on January 16, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 23, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: Diamond Hill, 325 John H. McConnell Blvd., Suite 200, Columbus, Ohio 43215; The Trust and Quasar, 615 East Michigan Street, 4th Floor, Milwaukee, Wisconsin 53202.

FOR FURTHER INFORMATION CONTACT: Steven I. Amchan, Senior Counsel, at (202) 551–6826, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is a Delaware statutory trust and is registered under the Act as an open-end management investment company with multiple series. Each series will operate as an exchange traded fund (''ETF'').

2. Diamond Hill will be the investment adviser to the new series of the Trust (''Initial Fund''). Each Adviser (as defined below) will be registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Adviser may enter into sub-advisory agreements with one or more investment advisers to act as sub-advisers to particular Funds (each, a ''Sub-Adviser''). Any Sub-Adviser will either be registered under the Advisers Act or will not be required to register thereunder.

3. The Trust will enter into a distribution agreement with one or more distributors. Each distributor for a Fund will be a broker-dealer (''Broker'') registered under the Securities Exchange Act of 1934 (''Exchange Act'') and will act as distributor and principal underwriter (''Distributor'') for one or more of the Funds. No Distributor will be affiliated with any national securities exchange, as defined in Section 2(a)(26) of the Act (''Exchange''). The Distributor for each Fund will comply with the terms and conditions of the requested order. Quasar, a Delaware limited liability company and broker-dealer registered under the Exchange Act, will act as the initial Distributor of the Funds.

4. Applicants request that the order apply to the Initial Fund and any additional series of the Trust, and any other open-end management investment company or series thereof, that may be created in the future (''Future Funds'' and together with the Initial Fund, ''Funds''), each of which will operate as an ETF and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an ''Underlying Index''). Any Future Fund will (a) be advised by Diamond Hill or an entity controlling, controlled by, or under common control with Diamond Hill (each, an ''Adviser'') and (b) comply with the terms and conditions of the application.[1]

5. Each Fund will hold certain securities, currencies, other assets, and other investment positions (''Portfolio Holdings'') selected to correspond generally to the performance of its Underlying Index. The Underlying Indexes will be comprised solely of equity and/or fixed income securities issued by one or more of the following categories of issuers: (i) Domestic issuers and (ii) non-domestic issuers meeting the requirements for trading in U.S. markets. Other Funds will be based on Underlying Indexes that will be comprised solely of foreign and domestic, or solely foreign, equity and/or fixed income securities (''Foreign Funds'').

6. Applicants represent that each Fund will invest at least 80% of its assets (excluding securities lending collateral) in the component securities of its respective Underlying Index (''Component Securities'') and TBA Transactions,[2] and in the case of Foreign Funds, Component Securities and Depositary Receipts [3] representing Component Securities. Each Fund may also invest up to 20% of its assets in certain index futures, options, options on index futures, swap contracts or other derivatives, as related to its respective Underlying Index and its Component Securities, cash and cash equivalents, other investment companies, as well as in securities and other instruments not included in its Underlying Index but which the Adviser believes will help the Fund track its Underlying Index. A Fund may also engage in short sales in accordance with its investment objective.

7. Each Trust may issue Funds that seek to track Underlying Indexes constructed using 130/30 investment strategies (''130/30 Funds'') or other long/short investment strategies (''Long/Short Funds''). Each Long/Short Fund will establish (i) exposures equal to approximately 100% of the long positions specified by the Long/Short Index [4] and (ii) exposures equal to approximately 100% of the short positions specified by the Long/Short Index. Each 130/30 Fund will include strategies that: (i) Establish long positions in securities so that total long exposure represents approximately 130% of a Fund's net assets; and (ii) simultaneously establish short positions in other securities so that total short exposure represents approximately 30% of such Fund's net assets. Each Business Day, for each Long/Short Fund and 130/30 Fund, the Adviser will provide full portfolio transparency on the Fund's publicly available Web site (''Web site'') by making available the Fund's Portfolio

[1] All existing entities that intend to rely on the requested order have been named as applicants. Any other existing or future entity that subsequently relies on the order will comply with the terms and conditions of the order. A Fund of Funds (as defined below) may rely on the order only to invest in Funds and not in any other registered investment company.

[2] A ''to-be-announced transaction'' or ''TBA Transaction'' is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree upon general trade parameters such as agency, settlement date, par amount and price. The actual pools delivered generally are determined two days prior to settlement date.

[3] Depositary receipts representing foreign securities (''Depositary Receipts'') include American Depositary Receipts and Global Depositary Receipts. The Funds may invest in Depositary Receipts representing foreign securities in which they seek to invest. Depositary Receipts are typically issued by a financial institution (a ''depositary bank'') and evidence ownership interests in a security or a pool of securities that have been deposited with the depositary bank. A Fund will not invest in any Depositary Receipts that the Adviser or any Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated person of a Fund, the Adviser or any Sub-Adviser will serve as the depositary bank for any Depositary Receipts held by a Fund.

[4] Underlying Indexes that include both long and short positions in securities are referred to as ''Long/Short Indexes.''

Holdings (defined below) before the commencement of trading of Shares on the Listing Exchange (defined below).[5] The information provided on the Web site will be formatted to be reader-friendly.

8. A Fund will utilize either a replication or representative sampling strategy to track its Underlying Index. A Fund using a replication strategy will invest in the Component Securities of its Underlying Index in the same approximate proportions as in such Underlying Index. A Fund using a representative sampling strategy will hold some, but not necessarily all of the Component Securities of its Underlying Index. Applicants state that a Fund using a representative sampling strategy will not be expected to track the performance of its Underlying Index with the same degree of accuracy as would an investment vehicle that invested in every Component Security of the Underlying Index with the same weighting as the Underlying Index. Applicants expect that each Fund will have an annual tracking error relative to the performance of its Underlying Index of less than 5%.

9. Each Fund will be entitled to use its Underlying Index pursuant to either a licensing agreement with the entity that compiles, creates, sponsors or maintains the Underlying Index (each, an ''Index Provider'') or a sub-licensing arrangement with the Adviser, which will have a licensing agreement with such Index Provider.[6] A ''Self-Indexing Fund'' is a Fund for which an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor (each, an ''Affiliated Index Provider'') will serve as the Index Provider. In the case of Self-Indexing Funds, an Affiliated Index Provider will create a proprietary, rules-based methodology to create Underlying Indexes (each an ''Affiliated Index'').[7] Except with respect to the Self-Indexing Funds, no Index Provider is or will be an Affiliated Person, or a Second-Tier Affiliate, of a Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor.

10. Applicants recognize that Self-Indexing Funds could raise concerns regarding the ability of the Affiliated Index Provider to manipulate the Underlying Index to the benefit or detriment of the Self-Indexing Fund. Applicants further recognize the potential for conflicts that may arise with respect to the personal trading activity of personnel of the Affiliated Index Provider who have knowledge of changes to an Underlying Index prior to the time that information is publicly disseminated.

11. Applicants propose that each Self-Indexing Fund will post on its Web site, on each day the Fund is open, including any day when it satisfies redemption requests as required by Section 22(e) of the Act (a ''Business Day''), before commencement of trading of Shares on the Listing Exchange, the identities and quantities of the Portfolio Holdings that will form the basis for the Fund's calculation of its NAV at the end of the Business Day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will also provide an additional mechanism for addressing any such potential conflicts of interest.

12. In addition, Applicants do not believe the potential for conflicts of interest raised by the Adviser's use of the Underlying Indexes in connection with the management of the Self Indexing Funds and the Affiliated Accounts will be substantially different from the potential conflicts presented by an adviser managing two or more registered funds. Both the Act and the Advisers Act contain various protections to address conflicts of interest where an adviser is managing two or more registered funds and these protections will also help address these conflicts with respect to the Self-Indexing Funds.[8]

13. Each Adviser and any Sub-Adviser has adopted or will adopt, pursuant to Rule 206(4)–7 under the Advisers Act, written policies and procedures designed to prevent violations of the Advisers Act and the rules thereunder. These include policies and procedures designed to minimize potential conflicts of interest among the Self-Indexing Funds and the Affiliated Accounts, such as cross trading policies, as well as those designed to ensure the equitable allocation of portfolio transactions and brokerage commissions. In addition, Diamond Hill will adopt policies and procedures as required under section 204A of the Advisers Act, which are reasonably designed in light of the nature of its business to prevent the misuse, in violation of the Advisers Act or the Exchange Act or the rules thereunder, of material non-public information by the ETS Securities or an associated person (''Inside Information Policy''). Any other Adviser or Sub-Adviser will be required to adopt and maintain a similar Inside Information Policy. In accordance with the Code of Ethics[9] and Inside Information Policy of the Adviser and any Sub-Adviser, personnel of those entities with knowledge about the composition of the Portfolio Deposit[10] will be prohibited from disclosing such information to any other person, except as authorized in the course of their employment, until such information is made public. In addition, an Index Provider will not provide any information relating to changes to an Underlying Index's methodology for the inclusion of component securities, the inclusion or exclusion of specific component securities, or methodology for the calculation or the return of component securities, in advance of a public announcement of such changes by the Index Provider.[11] The Adviser

[5] Under accounting procedures followed by each Fund, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (T+1). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

[6] The licenses for the Self-Indexing Funds will specifically state that the Affiliated Index Provider (as defined below), or in case of a sub-licensing agreement, the Adviser, must provide the use of the Affiliated Indexes (as defined below) and related intellectual property at no cost to the Trust and the Self-Indexing Funds.

[7] The Affiliated Indexes may be made available to registered investment companies, as well as separately managed accounts of institutional investors and privately offered funds that are not deemed to be ''investment companies'' in reliance on section 3(c)(1) or 3(c)(7) of the Act for which the Adviser acts as adviser or subadviser (''Affiliated Accounts'') as well as other such registered investment companies, separately managed accounts and privately offered funds for which it does not act either as adviser or subadviser (''Unaffiliated Accounts''). The Affiliated Accounts and the Unaffiliated Accounts, like the Funds, would seek to track the performance of one or more Underlying Index(es) by investing in the constituents of such Underlying Indexes or a representative sample of such constituents of the Underlying Index. Consistent with the relief requested from section 17(a), the Affiliated Accounts will not engage in Creation Unit transactions with a Fund.

[8] *See, e.g.,* Rule 17j–1 under the Act and Section 204A under the Advisers Act and Rules 204A–1 and 206(4)–7 under the Advisers Act.

[9] The Adviser has also adopted or will adopt a code of ethics pursuant to Rule 17j–1 under the Act and Rule 204A–1 under the Advisers Act, which contains provisions reasonably necessary to prevent Access Persons (as defined in Rule 17j–1) from engaging in any conduct prohibited in Rule 17j–1 (''Code of Ethics'').

[10] The instruments and cash that the purchaser is required to deliver in exchange for the Creation Units it is purchasing are referred to as the ''Portfolio Deposit.''

[11] In the event that an Adviser or Sub-Adviser serves as the Affiliated Index Provider for a Self-Indexing Fund, the terms ''Affiliated Index Provider'' or ''Index Provider,'' with respect to that Self-Indexing Fund, will be limited to the employees of the applicable Adviser or Sub-Adviser

Continued

will also include under Item 10.C of Part 2 of its Form ADV a discussion of its relationship to any Affiliated Index Provider and any material conflicts of interest resulting therefrom, regardless of whether the Affiliated Index Provider is a type of affiliate specified in Item 10.

14. To the extent the Self-Indexing Funds transact with an Affiliated Person of the Adviser or Sub-Adviser, such transactions will comply with the Act, the rules thereunder and the terms and conditions of the requested order. In this regard, each Self-Indexing Fund's board of directors or trustees (''Board'') will periodically review the Self-Indexing Fund's use of an Affiliated Index Provider. Subject to the approval of the Self-Indexing Fund's Board, the Adviser, Affiliated Persons of the Adviser (''Adviser Affiliates'') and Affiliated Persons of any Sub-Adviser (''Sub-Adviser Affiliates'') may be authorized to provide custody, fund accounting and administration and transfer agency services to the Self-Indexing Funds. Any services provided by the Adviser, Adviser Affiliates, Sub-Adviser and Sub-Adviser Affiliates will be performed in accordance with the provisions of the Act, the rules under the Act and any relevant guidelines from the staff of the Commission. Applications for prior orders granted to Self-Indexing Funds have received relief to operate such funds on the basis discussed above.[12]

15. The Shares of each Fund will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[13] On any given Business Day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, unless the Fund is Rebalancing (as defined below). In addition, the Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions)[14] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;[15] (c) TBA Transactions, short positions, derivatives and other positions that cannot be transferred in kind[16] will be excluded from the Deposit Instruments and the Redemption Instruments;[17](d) to the extent the Fund determines, on a given Business Day, to use a representative sampling of the Fund's portfolio;[18] or (e) for temporary periods, to effect changes in the Fund's portfolio as a result of the rebalancing of its Underlying Index (any such change, a ''Rebalancing''). If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Deposit Instruments or Redemption Instruments exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

16. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount; (b) if, on a given Business Day, the Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, the Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash;[19] (d) if, on a given Business Day, the Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC (defined below); or (ii) in the case of Foreign Funds holding non-U.S. investments, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if the Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Foreign Fund holding non-U.S. investments would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[20]

17. Creation Units will consist of specified large aggregations of Shares (*e.g.,* 25,000 Shares) as determined by the Adviser, and it is expected that the initial price of a Creation Unit will range from $1 million to $10 million.

that are responsible for creating, compiling and maintaining the relevant Underlying Index.

[12] *See, e.g.,* Emerging Global Advisors, LLC, et al., Investment Company Act Release Nos. 30910 (February 10, 2014) (notice) and 30975 (March 7, 2014) (order); VTL Associates, LLC, et al., Investment Company Act Release Nos. 30815 (December 2, 2013) (notice) and 30849 (December 30, 2013) (order); Horizons ETFs Management (USA) LLC and Horizons ETF Trust, Investment Company Act Release Nos. 30803 (November 21, 2013) (notice) and 30833 (December 17, 2013) (order).

[13] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to rule 144A under the Securities Act, the Funds will comply with the conditions of rule 144A.

[14] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for the Business Day.

[15] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[16] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[17] Because these instruments will be excluded from the Deposit Instruments and the Redemption Instruments, their value will be reflected in the determination of the Cash Amount (as defined below).

[18] A Fund may only use sampling for this purpose if the sample: (i) Is designed to generate performance that is highly correlated to the performance of the Fund's portfolio; (ii) consists entirely of instruments that are already included in the Fund's portfolio; and (iii) is the same for all Authorized Participants on a given Business Day.

[19] In determining whether a particular Fund will sell or redeem Creation Units entirely on a cash or in-kind basis (whether for a given day or a given order), the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution than Share purchasers because of the Adviser's size, experience and potentially stronger relationships in the fixed income markets. Purchases of Creation Units either on an all cash basis or in-kind are expected to be neutral to the Funds from a tax perspective. In contrast, cash redemptions typically require selling portfolio holdings, which may result in adverse tax consequences for the remaining Fund shareholders that would not occur with an in-kind redemption. As a result, tax consideration may warrant in-kind redemptions.

[20] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

All orders to purchase Creation Units must be placed with the Distributor by or through an ''Authorized Participant'' which is either (1) a ''Participating Party,'' *i.e.,* a Broker or other participant in the Continuous Net Settlement System of the NSCC, a clearing agency registered with the Commission, or (2) a participant in The Depository Trust Company (''DTC'') (''DTC Participant''), which, in either case, has signed a participant agreement with the Distributor. The Distributor will be responsible for transmitting the orders to the Funds and will furnish to those placing such orders confirmation that the orders have been accepted, but applicants state that the Distributor may reject any order which is not submitted in proper form.

18. Each Business Day, before the open of trading on the Exchange on which Shares are primarily listed (''Listing Exchange''), each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Deposit Instruments and the Redemption Instruments, as well as the estimated Cash Amount (if any), for that day. The list of Deposit Instruments and Redemption Instruments will apply until a new list is announced on the following Business Day, and there will be no intra-day changes to the list except to correct errors in the published list. Each Listing Exchange will disseminate, every 15 seconds during regular Exchange trading hours, through the facilities of the Consolidated Tape Association, an amount for each Fund stated on a per individual Share basis representing the sum of (i) the estimated Cash Amount and (ii) the current value of the Deposit Instruments.

19. Transaction expenses, including operational processing and brokerage costs, will be incurred by a Fund when investors purchase or redeem Creation Units in-kind and such costs have the potential to dilute the interests of the Fund's existing shareholders. Each Fund will impose purchase or redemption transaction fees (''Transaction Fees'') in connection with effecting such purchases or redemptions of Creation Units. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to management investment companies offering redeemable securities. Since the Transaction Fees are intended to defray the transaction expenses as well as to prevent possible shareholder dilution resulting from the purchase or redemption of Creation Units, the Transaction Fees will be borne only by such purchasers or redeemers.[21] The Distributor will be responsible for delivering the Fund's prospectus to those persons acquiring Shares in Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it. In addition, the Distributor will maintain a record of the instructions given to the applicable Fund to implement the delivery of its Shares.

20. Shares of each Fund will be listed and traded individually on an Exchange. It is expected that one or more member firms of an Exchange will be designated to act as a market maker (each, a ''Market Maker'') and maintain a market for Shares trading on the Exchange. Prices of Shares trading on an Exchange will be based on the current bid/offer market. Transactions involving the sale of Shares on an Exchange will be subject to customary brokerage commissions and charges.

21. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Market Makers, acting in their roles to provide a fair and orderly secondary market for the Shares, may from time to time find it appropriate to purchase or redeem Creation Units. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[22] The price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

22. Shares will not be individually redeemable, and owners of Shares may acquire those Shares from the Fund, or tender such Shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed through an Authorized Participant. A redeeming investor may pay a Transaction Fee, calculated in the same manner as a Transaction Fee payable in connection with purchases of Creation Units.

23. Neither the Trust nor any Fund will be advertised or marketed or otherwise held out as a traditional open-end investment company or a ''mutual fund.'' Instead, each such Fund will be marketed as an ''ETF.'' All marketing materials that describe the features or method of obtaining, buying or selling Creation Units, or Shares traded on an Exchange, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and will disclose that the owners of Shares may acquire those Shares from the Fund or tender such Shares for redemption to the Fund in Creation Units only. The Funds will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to beneficial owners of Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer.

[21] Where a Fund permits an in-kind purchaser to substitute cash-in-lieu of depositing one or more of the requisite Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to cover the cost of purchasing such Deposit Instruments.

[22] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or the DTC Participants.

Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the owner, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Funds to register as open-end management investment companies and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units and redeem Creation Units from each Fund. Applicants further state that because Creation Units may always be purchased and redeemed at NAV, the price of Shares on the secondary market should not vary materially from NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through an underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers, and (c) ensure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve a Fund as a party and will not result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants state that settlement of redemptions for Foreign Funds will be contingent not only on the settlement cycle of the United States market, but also on current delivery cycles in local markets for underlying foreign securities held by a Foreign Fund. Applicants state that the delivery cycles currently practicable for transferring Redemption Instruments to redeeming investors, coupled with local market holiday schedules, may require a delivery process of up to fourteen (14) calendar days. Accordingly, with respect to Foreign Funds only, applicants hereby request relief under section 6(c) from the requirement imposed by section 22(e) to allow Foreign Funds to pay redemption proceeds within fourteen calendar days following the tender of Creation Units for redemption.[23]

8. Applicants believe that Congress adopted section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants propose that allowing redemption payments for Creation Units of a Foreign Fund to be made within fourteen calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants suggest that a redemption payment occurring within fourteen calendar days following a redemption request would adequately afford investor protection.

9. Applicants are not seeking relief from section 22(e) with respect to Foreign Funds that do not effect creations and redemptions of Creation Units in-kind.

Section 12(d)(1)

10. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring securities of an investment company if such securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter and any other broker-dealer from knowingly selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

11. Applicants request an exemption to permit registered management investment companies and unit investment trusts (''UITs'') that are not advised or sponsored by the Adviser, and not part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act as the Funds (such management investment companies are referred to as ''Investing Management Companies,'' such UITs are referred to as ''Investing Trusts,'' and Investing Management Companies and Investing Trusts are collectively referred to as ''Funds of Funds''), to acquire Shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any Broker registered under the Exchange Act, to sell Shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act.

12. Each Investing Management Company will be advised by an investment adviser within the meaning of section 2(a)(20)(A) of the Act (the ''Fund of Funds Adviser'') and may be sub-advised by investment advisers within the meaning of section 2(a)(20)(B) of the Act (each, a ''Fund of

[23] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations Applicants may otherwise have under rule 15c6–1 under the Exchange Act requiring that most securities transactions be settled within three business days of the trade date.

Funds Sub-Adviser''). Any investment adviser to an Investing Management Company will be registered under the Advisers Act. Each Investing Trust will be sponsored by a sponsor (''Sponsor'').

13. Applicants submit that the proposed conditions to the requested relief adequately address the concerns underlying the limits in sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees and overly complex fund structures. Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

14. Applicants believe that neither a Fund of Funds nor a Fund of Funds Affiliate would be able to exert undue influence over a Fund.[24] To limit the control that a Fund of Funds may have over a Fund, applicants propose a condition prohibiting a Fund of Funds Adviser or Sponsor, any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor, and any investment company and any issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by a Fund of Funds Adviser or Sponsor, or any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor (''Fund of Funds Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any Fund of Funds Sub-Adviser, any person controlling, controlled by or under common control with the Fund of Funds Sub-Adviser, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Fund of Funds Sub-Adviser or any person controlling, controlled by or under common control with the Fund of Funds Sub-Adviser (''Fund of Funds Sub-Advisory Group'').

15. Applicants propose other conditions to limit the potential for undue influence over the Funds, including that no Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Fund of Funds Adviser, Fund of Funds Sub-Adviser, employee or Sponsor of the Fund of Funds, or a person of which any such officer, director, member of an advisory board, Fund of Funds Adviser or Fund of Funds Sub-Adviser, employee or Sponsor is an affiliated person (except that any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

16. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. The board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''disinterested directors or trustees''), will find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. In addition, under condition B.5., a Fund of Funds Adviser, or a Fund of Funds' trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Fund of Funds Adviser, trustee or Sponsor or an affiliated person of the Fund of Funds Adviser, trustee or Sponsor, other than any advisory fees paid to the Fund of Funds Adviser, trustee or Sponsor or its affiliated person by a Fund, in connection with the investment by the Fund of Funds in the Fund. Applicants state that any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[25]

17. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes. To ensure a Fund of Funds is aware of the terms and conditions of the requested order, the Fund of Funds will enter into an agreement with the Fund (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Fund of Funds that it may rely on the order only to invest in the Funds and not in any other investment company.

18. Applicants also note that a Fund may choose to reject a direct purchase of Shares in Creation Units by a Fund of Funds. To the extent that a Fund of Funds purchases Shares in the secondary market, a Fund would still retain its ability to reject any initial investment by a Fund of Funds in excess of the limits of section 12(d)(1)(A) by declining to enter into a FOF Participation Agreement with the Fund of Funds.

Sections 17(a)(1) and (2) of the Act

19. Sections 17(a)(1) and (2) of the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with the power to vote by the other person, and (c) any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company, and provides that a control relationship will be presumed where one person owns more than 25% of a company's voting securities. The Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other

[24] A ''Fund of Funds Affiliate'' is a Fund of Funds Adviser, Fund of Funds Sub-Adviser, Sponsor, promoter, and principal underwriter of a Fund of Funds, and any person controlling, controlled by, or under common control with any of those entities. A ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund and any person controlling, controlled by or under common control with any of these entities.

[25] Any references to NASD Conduct Rule 2830 include any successor or replacement FINRA rule to NASD Conduct Rule 2830.

registered investment company (or series thereof) advised by an Adviser or an entity controlling, controlled by or under common control with an Adviser (an ''Affiliated Fund''). Any investor, including Market Makers, owning 5% or holding in excess of 25% of the Trust or such Funds, may be deemed affiliated persons of the Trust or such Funds. In addition, an investor could own 5% or more, or in excess of 25% of the outstanding shares of one or more Affiliated Funds making that investor a Second-Tier Affiliate of the Funds.

20. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act pursuant to sections 6(c) and 17(b) of the Act to permit persons that are Affiliated Persons of the Funds, or Second-Tier Affiliates of the Funds, solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25%, of the outstanding Shares of one or more Funds; (b) an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds, to effectuate purchases and redemptions ''in-kind.''

21. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making ''in-kind'' purchases or ''in-kind'' redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for ''in-kind'' purchases of Creation Units and the redemption procedures for ''in-kind'' redemptions of Creation Units will be effected in exactly the same manner for all purchases and redemptions, regardless of size or number. There will be no discrimination between purchasers or redeemers. Deposit Instruments and Redemption Instruments for each Fund will be valued in the identical manner as those Portfolio Holdings currently held by such Fund and the valuation of the Deposit Instruments and Redemption Instruments will be made in an identical manner regardless of the identity of the purchaser or redeemer. Applicants do not believe that ''in-kind'' purchases and redemptions will result in abusive self-dealing or overreaching, but rather assert that such procedures will be implemented consistently with each Fund's objectives and with the general purposes of the Act. Applicants believe that ''in-kind'' purchases and redemptions will be made on terms reasonable to Applicants and any affiliated persons because they will be valued pursuant to verifiable objective standards. The method of valuing Portfolio Holdings held by a Fund is identical to that used for calculating ''in-kind'' purchase or redemption values and therefore creates no opportunity for affiliated persons or Second-Tier Affiliates of applicants to effect a transaction detrimental to the other holders of Shares of that Fund. Similarly, applicants submit that, by using the same standards for valuing Portfolio Holdings held by a Fund as are used for calculating ''in-kind'' redemptions or purchases, the Fund will ensure that its NAV will not be adversely affected by such securities transactions. Applicants also note that the ability to take deposits and make redemptions ''in-kind'' will help each Fund to track closely its Underlying Index and therefore aid in achieving the Fund's objectives.

22. Applicants also seek relief under sections 6(c) and 17(b) from section 17(a) to permit a Fund that is an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds to sell its Shares to and redeem its Shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[26] Applicants state that the terms of the transactions are fair and reasonable and do not involve overreaching. Applicants note that any consideration paid by a Fund of Funds for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund.[27] Applicants believe that any proposed transactions directly between the Funds and Funds of Funds will be consistent with the policies of each Fund of Funds. The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the investment restrictions of any such Fund of Funds and will be consistent with the investment policies set forth in the Fund of Funds' registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and are appropriate in the public interest.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of index-based ETFs.

2. As long as a Fund operates in reliance on the requested order, the Shares of such Fund will be listed on an Exchange.

3. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that Shares are not individually redeemable and that owners of Shares may acquire those Shares from the Fund and tender those Shares for redemption to a Fund in Creation Units only.

4. The Web site, which is and will be publicly accessible at no charge, will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the midpoint of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

5. Each Self-Indexing Fund, Long/Short Fund and 130/30 Fund will post on the Web site on each Business Day, before commencement of trading of Shares on the Exchange, the Fund's Portfolio Holdings.

6. No Adviser or any Sub-Adviser to a Self-Indexing Fund, directly or indirectly, will cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Self-Indexing Fund) to acquire any Deposit Instrument for the Self-Indexing Fund through a transaction in which the Self-Indexing Fund could not engage directly.

B. Section 12(d)(1) Relief

1. The members of a Fund of Funds' Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of

[26] Although applicants believe that most Funds of Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund, a Fund of Funds might seek to transact in Creation Units directly with a Fund that is an affiliated person of a Fund of Funds. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between a Fund of Funds and a Fund, relief from Section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to a Fund of Funds and redemptions of those Shares. Applicants are not seeking relief from Section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

[27] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of a Fund of Funds, or an affiliated person of such person, for the purchase by the Fund of Funds of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to a Fund of Funds, may be prohibited by Section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

the Act. The members of a Fund of Funds' Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Fund of Funds' Advisory Group or the Fund of Funds' Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Fund of Funds' Sub-Advisory Group with respect to a Fund for which the Fund of Funds' Sub-Adviser or a person controlling, controlled by or under common control with the Fund of Funds' Sub-Adviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Fund of Funds or Fund of Funds Affiliate will cause any existing or potential investment by the Fund of Funds in a Fund to influence the terms of any services or transactions between the Fund of Funds or Fund of Funds Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to ensure that the Fund of Funds Adviser and Fund of Funds Sub-Adviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or a Fund of Funds Affiliate from a Fund or Fund Affiliate in connection with any services or transactions.

4. Once an investment by a Fund of Funds in the securities of a Fund exceeds the limits in section 12(d)(1)(A)(i) of the Act, the Board of the Fund, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of Section 2(a)(19) of the Act (''non-interested Board members''), will determine that any consideration paid by the Fund to the Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (i) is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Fund of Funds Adviser, or trustee or Sponsor of an Investing Trust, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, or an affiliated person of the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, other than any advisory fees paid to the Fund of Funds Adviser, or trustee or Sponsor of an Investing Trust, or its affiliated person by the Fund, in connection with the investment by the Fund of Funds in the Fund. Any Fund of Funds Sub-Adviser will waive fees otherwise payable to the Fund of Funds Sub-Adviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Fund of Funds Sub-Adviser, or an affiliated person of the Fund of Funds Sub-Adviser, other than any advisory fees paid to the Fund of Funds Sub-Adviser or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Fund of Funds Sub-Adviser. In the event that the Fund of Funds Sub-Adviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in any Affiliated Underwriting.

7. The Board of a Fund, including a majority of the non-interested Board members, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in the Fund. The Board will consider, among other things: (i) whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limit in section 12(d)(1)(A), a Fund of Funds and the applicable Trust will execute a FOF Participation Agreement stating, without limitation, that their respective boards of directors or trustees and their investment advisers, or trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), a Fund of Funds will notify the Fund of the investment. At such time, the Fund of Funds will also transmit to the Fund a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate. The Fund of Funds will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Fund of

Funds will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be fully recorded in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund will acquire securities of an investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent the Fund acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to acquire securities of one or more investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02064 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31430; 812–14402]

AlphaMark Advisors, LLC, et al.; Notice of Application

January 28, 2015.

AGENCY: Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and (B) of the Act.

APPLICANTS: ETF Series Solutions (the ''Trust''), AlphaMark Advisors, LLC (''AlphaMark''), and Quasar Distributors, LLC (''Quasar'').

SUMMARY: Applicants request an order that permits: (a) Actively-managed series of the Trust to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Creation Units for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

DATES: Filing Dates: The application was filed on December 18, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on Februry 23, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549. Applicants: AlphaMark Advisors, LLC, 250 Grandview Drive, Suite 175, Ft. Mitchell, Kentucky 41017; ETF Series Solutions and Quasar Distributors, LLC, 615 East Michigan Street, 4th Floor, Milwaukee, WI 53202.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812 or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is registered as an open-end management investment company under the Act and is organized as a Delaware statutory trust. The Trust will offer Funds (as defined below), each of which will have distinct investment strategies and will attempt to achieve its investment objective by utilizing an active management strategy.

2. AlphaMark, an Ohio limited liability company, is, and any other Adviser (as defined below) will be, registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). An Adviser will be the investment adviser to each Fund and may enter into subadvisory agreements with one or more affiliated or unaffiliated investment sub-advisers to a Fund (each, a ''Sub-Adviser''). Any Sub-Adviser will be registered or not subject to registration under the Advisers Act. Quasar, a Delaware limited liability company, is, and any other Distributor will be, registered as a broker-dealer (''Broker'') under the Securities Exchange Act of 1934 (the ''Exchange Act'').[1] A Distributor will serve as the principal underwriter and distributor for each of the Funds.

3. Applicants request that the order apply to AlphaMark Small Cap Growth ETF (the ''Initial Fund'') and to future series of the Trust or of any other open-end investment company that may be created in the future that, in each case, (a) is an actively managed exchange-traded fund (''ETF''), (b) is advised by AlphaMark or an entity controlling, controlled by, or under common control with AlphaMark (each such entity or any successor entity thereto, an ''Adviser'') [2] and (c) complies with the terms and conditions of the application (individually a ''Fund,'' and collectively, the ''Funds'').[3]

[1] For purposes of the requested order, the term ''Distributor'' shall include any other entity that acts as the distributor and principal underwriter of the Creation Units of Shares of the Funds in the future and complies with the terms and conditions of the application.

[2] For the purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[3] All entities that currently intend to rely on the order are named as applicants. Any entity that

4. The Funds may invest in equity securities or fixed income securities traded in the U.S. or non-U.S. markets. Funds that invest in equity securities or fixed income securities traded in the U.S. or non-U.S. markets are ''Global Funds.'' Funds that invest solely in foreign equity securities or foreign fixed income securities are ''Foreign Funds.'' The Funds may also invest in ''Depositary Receipts'' [4] and may engage in TBA Transactions (as defined below). Applicants further state that, in order to implement each Fund's investment strategy, the Adviser and/or Sub-Advisers of a Fund may review and change the securities, or instruments, or other assets or positions held by the Fund (''Portfolio Positions'') daily.[5]

5. Applicants also request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) Any Fund; (ii) any Acquiring Fund (as defined below); and (iii) any Brokers selling Shares of a Fund to an Acquiring Fund or any principal underwriter of a Fund. A management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Fund within the meaning of section 12(d)(1)(G)(ii) of the Act and that acquires Shares of a Fund in excess of the limits of Section 12(d)(1)(A) of the Act is referred to as an ''Acquiring Management Company'' or an ''Acquiring Trust,'' respectively, and the Acquiring Management Companies and Acquiring Trusts are referred to collectively as ''Acquiring Funds.'' [6]

6. A Creation Unit will consist of at least 25,000 Shares and applicants expect that the trading price of a Share will range from $20 to $100. All orders to purchase Creation Units must be placed with the Distributor by or through an ''Authorized Participant,'' which is a participant in the Depository Trust Company (''DTC,'' such participant a ''DTC Participant'') that has executed a ''Participant Agreement'' with the Distributor. Purchase orders for Funds will be processed either through the enhanced clearing process of the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'', and such process the ''NSCC Process'') or through the manual clearing process of the DTC (''DTC Process'').

7. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[7] On any given Business Day [8] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or a redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[9] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [10] or (c) TBA Transactions,[11] short positions and other positions that cannot be transferred in kind [12] will be excluded from the Creation Basket.[13] If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Balancing Amount'').

8. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Balancing Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC Process or DTC Process; or (ii) in the case of Global Funds and Foreign Funds, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund or

relies on the order in the future will comply with the terms and conditions of the application.

[4] Depositary Receipts are typically issued by a financial institution (a ''Depository'') and evidence ownership in a security or pool of securities that have been deposited with the Depository. A Fund will not invest in any Depositary Receipts that the Adviser or any Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants or any Sub-Adviser will serve as the Depository for any Depositary Receipts held by a Fund.

[5] If a Fund invests in derivatives, then (a) the Fund's board of trustees or directors (for any entity, the ''Board'') will periodically review and approve the Fund's use of derivatives and how the Fund's investment adviser assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[6] An Acquiring Fund may rely on the order only to invest in a Fund and not in any other registered investment company.

[7] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[8] Each Fund will sell and redeem Creation Units on any day that the Trust is open for business, including as required by section 22(e) of the Act (each, a ''Business Day'').

[9] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value (''NAV'') for that Business Day.

[10] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[11] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[12] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[13] Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Balancing Amount (defined below).

Foreign Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[14]

9. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (a ''Listing Market''), on which Shares are listed and traded, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Balancing Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Listing Market will disseminate, every 15 seconds throughout the regular trading hours, through the facilities of the Consolidated Tape Associate, an estimated NAV, which is an amount per Share representing the current value of the Portfolio Positions that were publicly disclosed prior to the commencement of trading in Shares on the Listing Market.

10. Each Fund will recoup the settlement costs charged by NSCC and DTC by imposing a fee (the ''Transaction Fee'') on investors purchasing or redeeming Creation Units. Where a Fund permits an in-kind purchaser or redeemer to deposit or receive cash in lieu of one or more Deposit or Redemption Instruments, the purchaser or redeemer may be assessed a higher Transaction Fee to offset the cost of buying or selling those particular Deposit or Redemption Instruments. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to management investment companies offering redeemable securities. All orders to purchase Creation Units must be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit such orders to the Funds. The Distributor will maintain a record of Creation Unit purchases and will send out confirmations of such purchases.

11. Purchasers of Shares in Creation Units may hold such Shares or may sell such Shares into the secondary market. Shares will be listed and traded at negotiated prices on a Listing Market and it is expected that the relevant Listing Market will designate one or more member firms to maintain a market for the Shares.[15] The price of Shares trading on a Listing Market will be based on a current bid-offer in the secondary market. Purchases and sales of Shares in the secondary market will not involve a Fund and will be subject to customary brokerage commissions and charges.

12. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[16] Applicants believe that the structure and operation of the Funds will be designed to enable efficient arbitrage and, thereby, minimize the probability that Shares will trade at a material premium or discount to a Fund's NAV.

13. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant. As discussed above, redemptions of Creation Units will generally be made on an in-kind basis, subject to certain specified exceptions under which redemptions may be made in whole or in part on a cash basis, and will be subject to a Transaction Fee.

14. Neither a Trust nor any Fund will be advertised or marketed or otherwise held out as a traditional open-end investment company or mutual fund. Instead, each Fund will be marketed as an ''actively-managed exchange-traded fund.'' All marketing materials that describe the features or method of obtaining, buying, or selling Creation Units, or Shares traded on a Listing Market, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and that the owners of Shares may acquire those Shares from a Fund or tender those Shares for redemption to the Fund in Creation Units only.

15. Each Fund's Web site (''Web site''), which will be publicly available prior to the offering of Shares, will include the Fund's prospectus (''Prospectus''), statement of additional information (''SAI''), and summary prospectus, if used. The Web site will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or the Bid/Ask Price against such NAV. On each Business Day, prior to the commencement of trading in Shares on a Listing Market, each Fund shall post on the Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the calculation of the NAV at the end of that Business Day.[17]

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act granting an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act; and under sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1) and (2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the

[14] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[15] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Listing Market (including NYSE Arca, Inc.), one or more member firms of that Listing Market will act as market maker (a ''Market Maker'') and maintain a market for Shares trading on that Listing Market. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq stipulate that at least two Market Makers must be registered in Shares to maintain a listing. Registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person, or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares.

[16] Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

[17] Under accounting procedures followed by the Fund, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (T+1). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Trust to register as an open-end management investment company and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and that Creation Units will always be redeemable in accordance with the provisions of the Act. Applicants further state that because the market price of Shares will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants state that, while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed (a) to prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) to prevent unjust discrimination or preferential treatment among buyers and (c) to ensure an orderly distribution system of shares by contract dealers by eliminating price competition from non-contract dealers who could offer investors shares at less than the published sales price and who could pay investors a little more than the published redemption price.

6. Applicants assert that the protections intended to be afforded by Section 22(d) and rule 22c–1 are adequately addressed by the proposed methods for creating, redeeming and pricing Creation Units and pricing and trading Shares. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces but do not occur as a result of unjust or discriminatory manipulation. Finally, applicants assert that competitive forces in the marketplace should ensure that the margin between NAV and the price for the Shares in the secondary market remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that the settlement of redemptions of Creation Units of the Foreign and Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets for underlying foreign Portfolio Positions in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Positions to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to fifteen (15) calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within a longer number of calendar days as required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Positions of each Foreign and Global Fund customarily clear and settle, but in all cases no later than fifteen (15) days following the tender of a Creation Unit.[18]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the protections intended to be afforded by Section 22(e) are adequately addressed by the proposed method and securities delivery cycles for redeeming Creation Units. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of fifteen (15) calendar days[19] would not be inconsistent with the spirit and intent of section 22(e). Applicants represent that each Fund's Prospectus and/or SAI will identify those instances in a given year where, due to local holidays, more than seven calendar days, up to a maximum of fifteen (15) calendar days, will be needed to deliver redemption proceeds and will list such holidays. Applicants are not seeking relief from section 22(e) with respect to Foreign and Global Funds that do not effect redemptions in-kind.

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Acquiring Funds to acquire Shares in excess of the limits in section

[18] Applicants acknowledge that no relief obtained from the requirements of Section 22(e) of the Act will affect any obligations that it may otherwise have under Rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

[19] Certain countries in which a Fund may invest have historically had settlement periods of up to 15 calendar days.

12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Acquiring Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address concerns regarding the potential for undue influence. To limit the control that an Acquiring Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Acquiring Management Company (''Acquiring Fund Advisor''), sponsor of an Acquiring Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Acquiring Fund Advisor or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Acquiring Fund Advisor, the Sponsor, or any person controlling, controlled by, or under common control with the Acquiring Fund Advisor or Sponsor (''Acquiring Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Acquiring Fund (''Acquiring Fund Sub-Advisor''), any person controlling, controlled by or under common control with the Acquiring Fund Sub-Advisor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Acquiring Fund Sub-Advisor or any person controlling, controlled by or under common control with the Acquiring Fund Sub-Advisor (''Acquiring Fund's Sub-Advisory Group'').

12. Applicants propose a condition to ensure that no Acquiring Fund or Acquiring Fund Affiliate [20] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, employee or Sponsor of the Acquiring Fund, or a person of which any such officer, director, member of an advisory board, Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the Board of any Acquiring Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (for any Board, the ''Independent Trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Acquiring Management Company may invest. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[21]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Acquiring Fund is aware of the terms and conditions of the requested order, the Acquiring Funds must enter into an agreement with the respective Funds (''Acquiring Fund Agreement''). The Acquiring Fund Agreement will include an acknowledgement from the Acquiring Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

Section 17(a) of the Act

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such person (''Second Tier Affiliates''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as ''the power to exercise a controlling influence over the management or policies'' of the fund and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. The Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by the Adviser or an entity controlling, controlled by or under common control with the Adviser (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units from the Funds by persons that are affiliated persons or Second Tier Affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or more than 25%, of the Shares of a Trust of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds. Applicants also request an exemption in order to permit each Fund to sell Shares to and redeem Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, any Acquiring Fund of which the Fund is an affiliated person or Second-Tier Affiliate.[22]

[20] An ''Acquiring Fund Affiliate'' is any Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, Sponsor, promoter and principal underwriter of an Acquiring Fund, and any person controlling, controlled by or under common control with any of these entities. ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

[21] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

[22] Applicants anticipate that most Acquiring Funds will purchase Shares in the secondary market and will not purchase or redeem Creation Units directly from a Fund. To the extent that

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons or Second Tier Affiliates from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Positions currently held by the relevant Funds and the valuation of the Deposit Instruments and Redemption Instruments will be made in an identical manner regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

20. Applicants also submit that the sale of Shares to and redemption of Shares from an Acquiring Fund satisfies the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund.[23] The Acquiring Fund Agreement will require any Acquiring Fund that purchases Creation Units directly from a Fund to represent that the purchase will be in compliance with its investment restrictions and consistent with the investment policies set forth in its registration statement.

21. Applicants believe that: (a) With respect to the relief requested pursuant to section 17(b), the proposed transactions are fair and reasonable, and do not involve overreaching on the part of any person concerned, the proposed transactions are consistent with the policy of each Fund and, where applicable, Acquiring Fund, and the proposed transactions are consistent with the general purposes of the Act; and (b) with respect to the relief requested pursuant to section 6(c), the requested exemption for the proposed transactions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. Actively-Managed Exchange-Traded Fund Relief

1. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

2. The Web site, which is and will be publicly accessible at no charge, will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

3. As long as a Fund operates in reliance on the requested order, its Shares will be listed on a Listing Market.

4. On each Business Day, before commencement of trading in Shares on a Fund's Listing Market, the Fund will disclose on the Web site the identities and quantities of the Portfolio Positions held by the Fund that will form the basis for the Fund's calculation of NAV per Share at the end of the Business Day.

5. The Adviser or any Sub-Advisers, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for a Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds.

B. Section 12(d)(1) Relief

7. The members of an Acquiring Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of an Acquiring Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Acquiring Fund's Advisory Group or the Acquiring Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of that Fund's Shares. This condition does not apply to the Acquiring Fund's Sub-Advisory Group with respect to a Fund for which the Acquiring Fund Sub-Advisor or a person controlling, controlled by, or under common control with the Acquiring Fund Sub-Advisor acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

8. No Acquiring Fund or Acquiring Fund Affiliate will cause any existing or potential investment by the Acquiring Fund in a Fund to influence the terms of any services or transactions between the Acquiring Fund or an Acquiring Fund Affiliate and the Fund or a Fund Affiliate.

9. The Board of an Acquiring Management Company, including a majority of the Independent Trustees, will adopt procedures reasonably designed to ensure that the Acquiring Fund Advisor and any Acquiring Fund Sub-Advisor are conducting the investment program of the Acquiring Management Company without taking into account any consideration received by the Acquiring Management Company or an Acquiring Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

10. Once an investment by an Acquiring Fund in the Shares of a Fund exceeds the limits in section 12(d)(1)(A)(i) of the Act, the Board of the Fund, including a majority of the Independent Trustees, will determine that any consideration paid by the Fund to an Acquiring Fund or an Acquiring Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and

purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Acquiring Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Acquiring Fund and redemptions of those Shares in Creation Units. The requested relief is intended to cover transactions that would accompany such sales and redemptions. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person of an Acquiring Fund because an investment adviser to the Funds is also an investment adviser to that Acquiring Fund.

[23] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Acquiring Fund, or an affiliated person of such person, for the purchase by the Acquiring Fund of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Acquiring Fund, may be prohibited by section 17(e)(1) of the Act. The Acquiring Fund Agreement also will include this acknowledgment.

(iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

11. No Acquiring Fund or Acquiring Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause the Fund to purchase a security in any Affiliated Underwriting.

12. The Board of a Fund, including a majority of the Independent Trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Acquiring Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board of the Fund will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Acquiring Fund in the Fund. The Board of the Fund will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board of the Fund will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

13. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings, once an investment by an Acquiring Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the determinations of the Board of the Fund were made.

14. Before investing in Shares of a Fund in excess of the limits in section 12(d)(1)(A), each Acquiring Fund and the Fund will execute an Acquiring Fund Agreement stating, without limitation, that their Boards and their investment adviser(s), or their Sponsors or trustees (''Trustee''), as applicable, understand the terms and conditions of the requested order, and agree to fulfill their responsibilities under the requested order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Acquiring Fund will notify the Fund of the investment. At such time, the Acquiring Fund will also transmit to the Fund a list of the names of each Acquiring Fund Affiliate and Underwriting Affiliate. The Acquiring Fund will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Acquiring Fund will maintain and preserve a copy of the requested order, the Acquiring Fund Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

15. The Acquiring Fund Advisor, Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Acquiring Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted under rule 12b–l under the Act) received from the Fund by the Acquiring Fund Advisor, Trustee or Sponsor, or an affiliated person of the Acquiring Fund Advisor, Trustee or Sponsor, other than any advisory fees paid to the Acquiring Fund Advisor, Trustee or Sponsor, or its affiliated person by the Fund in connection with the investment by the Acquiring Fund in the Fund. Any Acquiring Fund Sub-Advisor will waive fees otherwise payable to the Acquiring Fund Sub-Advisor, directly or indirectly, by the Acquiring Management Company in an amount at least equal to any compensation received from a Fund by the Acquiring Fund Sub-Advisor, or an affiliated person of the Acquiring Fund Sub-Advisor, other than any advisory fees paid to the Acquiring Fund Sub-Advisor or its affiliated person by the Fund in connection with any investment by the Acquiring Management Company in the Fund made at the direction of the Acquiring Fund Sub-Advisor. In the event that the Acquiring Fund Sub-Advisor waives fees, the benefit of the waiver will be passed through to the Acquiring Management Company.

16. Any sales charges and/or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

17. No Fund will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent the Fund acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to acquire securities of one or more investment companies for short-term cash management purposes.

18. Before approving any advisory contract under section 15 of the Act, the Board of each Acquiring Management Company, including a majority of the Independent Trustees, will find that the advisory fees charged under such advisory contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Acquiring Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Acquiring Management Company.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02018 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31432; File No. 812–14353]

CSOP ETF Trust and CSOP Asset Management Limited; Notice of Application

January 28, 2015

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the

''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit (a) series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

APPLICANTS: CSOP ETF Trust (''Trust'') and CSOP Asset Management Limited (''Initial Adviser'').

FILING DATES: The application was filed on August 29, 2014, and amended on December 17, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 23, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, Attn: Richard F. Morris, Esq., Morgan, Lewis & Bockius LLP, 101 Park Avenue, New York, New York 10178.

FOR FURTHER INFORMATION CONTACT: Kaitlin C. Bottock, Attorney Adviser, at (202) 551–8658, or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is a statutory trust organized under the laws of Delaware. The Trust is registered under the Act as an open-end management investment company with multiple series. The initial series of the Trust (''Initial Fund'') will be a Self-Indexing Fund (as defined below).

2. The Initial Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') and currently is the investment adviser to the Initial Fund. Any other Adviser (defined below) also will be registered as an investment adviser under the Advisers Act. The Adviser may enter into sub-advisory agreements with one or more investment advisers to act as sub-advisers (each, a ''Sub-Adviser'') to particular Funds (defined below). Any Sub-Adviser will either be registered under the Advisers Act or will not be required to register thereunder.

3. The Trust will enter into a distribution agreement with one or more distributors. Each distributor will be a broker-dealer (''Broker'') registered under the Securities Exchange Act of 1934 (the ''Exchange Act'') and will act as distributor and principal underwriter (each, a ''Distributor'') of one or more of the Funds. The Distributor of any Fund may be an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an Affiliated Person of an Affiliated Person (''Second-Tier Affiliate''), of that Fund's Adviser and/or Sub-Advisers. The Distributor for each Fund will comply with the terms and conditions of the requested order. No Distributor will be affiliated with any Exchange (defined below).

4. Applicants request that the order apply to the Initial Fund, as well as any additional series of the Trust and other open-end management investment companies, or series thereof, that may be created in the future (''Future Funds''), each of which will operate as an exchanged-traded fund (''ETF'') and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an ''Underlying Index''). Any Future Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an ''Adviser'') and (b) comply with the terms and conditions of the application. The Initial Fund and Future Funds, together, are the ''Funds.'' [1]

5. Each Fund will hold certain securities, currencies, other assets and other investment positions (''Portfolio Holdings'') selected to correspond generally to the performance of its Underlying Index. Certain of the Funds will be based on Underlying Indexes that will be comprised solely of equity and/or fixed income securities issued by one or more of the following categories of issuers: (i) Domestic issuers and (ii) non-domestic issuers meeting the requirements for trading in U.S. markets. Other Funds will be based on Underlying Indexes that will be comprised of foreign and domestic, or solely foreign, equity and/or fixed income securities (''Foreign Funds'').

6. Applicants represent that each Fund will invest at least 80% of its assets (excluding securities lending collateral) in the component securities of its respective Underlying Index (''Component Securities'') and TBA Transactions,[2] and in the case of Foreign Funds, Component Securities and Depositary Receipts [3] representing Component Securities. Each Fund may also invest up to 20% of its assets in certain index futures, options, options on index futures, swap contracts or

[1] All existing entities that intend to rely on the requested order have been named as applicants. Any other existing or future entity that subsequently relies on the order will comply with the terms and conditions of the order. A Fund of Funds (as defined below) may rely on the order only to invest in Funds and not in any other registered investment company.

[2] A ''to-be-announced transaction'' or ''TBA Transaction'' is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree upon general trade parameters such as agency, settlement date, par amount, and price. The actual pools delivered generally are determined two days prior to settlement date.

[3] Depositary receipts representing foreign securities (''Depositary Receipts'') include American Depositary Receipts and Global Depositary Receipts. The Funds may invest in Depositary Receipts representing foreign securities in which they seek to invest. Depositary Receipts are typically issued by a financial institution (a ''Depositary Bank'') and evidence ownership interests in a security or a pool of securities that have been deposited with the Depositary Bank. A Fund will not invest in any Depositary Receipts that the Adviser or any Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated person of a Fund, the Adviser or any Sub-Adviser will serve as the Depositary Bank for any Depositary Receipts held by a Fund.

other derivatives, as related to its respective Underlying Index and its Component Securities, cash and cash equivalents, other investment companies, as well as in securities and other instruments not included in its Underlying Index but which the Adviser believes will help the Fund track its Underlying Index. A Fund may also engage in short sales in accordance with its investment objective.

7. The Trust may issue Funds that seek to track Underlying Indexes constructed using 130/30 investment strategies (''130/30 Funds'') or other long/short investment strategies (''Long/Short Funds''). Each Long/Short Fund will establish (i) exposures equal to approximately 100% of the long positions specified by the Long/Short Index [4] and (ii) exposures equal to approximately 100% of the short positions specified by the Long/Short Index. Each 130/30 Fund will include strategies that: (i) Establish long positions in securities so that total long exposure represents approximately 130% of a Fund's net assets; and (ii) simultaneously establish short positions in other securities so that total short exposure represents approximately 30% of such Fund's net assets. Each Business Day, for each Long/Short Fund and 130/30 Fund, the Adviser will provide full portfolio transparency on the Fund's publicly available Web site (''Web site'') by making available the Fund's Portfolio Holdings before the commencement of trading of Shares on the Listing Exchange (defined below).[5] The information provided on the Web site will be formatted to be reader-friendly.

8. A Fund will utilize either a replication or representative sampling strategy to track its Underlying Index. A Fund using a replication strategy will invest in the Component Securities of its Underlying Index in the same approximate proportions as in such Underlying Index. A Fund using a representative sampling strategy will hold some, but not necessarily all, of the Component Securities of its Underlying Index. Applicants state that a Fund using a representative sampling strategy will not be expected to track the performance of its Underlying Index with the same degree of accuracy as would an investment vehicle that invested in every Component Security of the Underlying Index with the same weighting as the Underlying Index. Applicants expect that each Fund will have an annual tracking error relative to the performance of its Underlying Index of less than 5%.

9. Each Fund will be entitled to use its Underlying Index pursuant to either a licensing agreement with the entity that compiles, creates, sponsors or maintains the Underlying Index (each, an ''Index Provider'') or a sub-licensing arrangement with the Adviser, which will have a licensing agreement with such Index Provider.[6] A ''Self-Indexing Fund'' is a Fund for which an Affiliated Person, or a Second-Tier Affiliate, of the Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor (each, an ''Affiliated Index Provider'') will serve as the Index Provider. In the case of Self-Indexing Funds, an Affiliated Index Provider will create a proprietary, rules-based methodology to create Underlying Indexes (each, an ''Affiliated Index'').[7] Except with respect to the Self-Indexing Funds, no Index Provider is or will be an Affiliated Person, or a Second-Tier Affiliate, of the Trust or a Fund, of the Adviser, of any Sub-Adviser to or promoter of a Fund, or of the Distributor.

10. Applicants recognize that Self-Indexing Funds could raise concerns regarding the ability of the Affiliated Index Provider to manipulate the Underlying Index to the benefit or detriment of the Self-Indexing Fund. Applicants further recognize the potential for conflicts that may arise with respect to the personal trading activity of personnel of the Affiliated Index Provider who have knowledge of changes to an Underlying Index prior to the time that information is publicly disseminated.

11. Applicants propose that each day that a Fund, the NYSE and the national securities exchange (as defined in section 2(a)(26) of the Act) (an ''Exchange'') on which the Fund's Shares are primarily listed (''Listing Exchange'') are open for business, including any day that a Fund is required to be open under section 22(e) of the Act (a ''Business Day''), each Self-Indexing Fund will post on its Web site, before commencement of trading of Shares on the Listing Exchange, the identities and quantities of the Portfolio Holdings that will form the basis for the Fund's calculation of its NAV at the end of the Business Day. In addition to the existing protections under the Act and the Advisers Act, Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will provide an effective additional mechanism for addressing these potential conflicts of interest.

12. In addition, Applicants do not believe the potential for conflicts of interest raised by the Adviser's use of the Underlying Indexes in connection with the management of the Self-Indexing Funds and the Affiliated Accounts will be substantially different from the potential conflicts presented by an adviser managing two or more registered funds. Both the Act and the Advisers Act contain various protections to address conflicts of interest where an adviser is managing two or more registered funds and these protections will also help address these conflicts with respect to the Self-Indexing Funds.[8]

13. The Adviser and any Sub-Adviser has adopted or will adopt, pursuant to rule 206(4)–7 under the Advisers Act, written policies and procedures designed to prevent violations of the Advisers Act and the rules thereunder. These include policies and procedures designed to minimize potential conflicts of interest among the Self-Indexing Funds and the Affiliated Accounts, such as cross trading policies, as well as those designed to ensure the equitable allocation of portfolio transactions and brokerage commissions. In addition, the Initial Adviser has adopted policies and procedures as required under section 204A of the Advisers Act, which are reasonably designed in light of the nature of its business to prevent the misuse, in violation of the Advisers Act or the Exchange Act or the rules thereunder, of material non-public

[4] Underlying Indexes that include both long and short positions in securities are referred to as ''Long/Short Indexes.''

[5] Under accounting procedures followed by each Fund, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (T+1). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

[6] The licenses for the Self-Indexing Funds will specifically state that the Affiliated Index Provider (or in case of a sub-licensing agreement, the Adviser) must provide the use of the Underlying Indexes and related intellectual property at no cost to the Trust and the Self-Indexing Funds.

[7] The Affiliated Indexes may be made available to registered investment companies, as well as separately managed accounts of institutional investors and privately offered funds that are not deemed to be ''investment companies'' in reliance on section 3(c)(1) or 3(c)(7) of the Act, for which the Adviser acts as adviser or subadviser (''Affiliated Accounts'') as well as other such registered investment companies, separately managed accounts and privately offered funds for which it does not act either as adviser or subadviser (''Unaffiliated Accounts''). The Affiliated Accounts and the Unaffiliated Accounts, like the Funds, would seek to track the performance of one or more Underlying Index(es) by investing in the constituents of such Underlying Indexes or a representative sample of such constituents of the Underlying Index. Consistent with the relief requested from section 17(a), the Affiliated Accounts will not engage in Creation Unit (as defined below) transactions with a Fund.

[8] *See, e.g.,* Rule 17j–1 under the Act and Section 204A of the Advisers Act and Rules 204A–1 and 206(4)–7 under the Advisers Act.

information by the Adviser or an associated person (''Inside Information Policy''). Any other Adviser or Sub-Adviser will be required to adopt and maintain a similar Inside Information Policy. In accordance with the Code of Ethics [9] and Inside Information Policy of the Adviser and Sub-Advisers, personnel of those entities with knowledge about the composition of the Portfolio Deposit [10] will be prohibited from disclosing such information to any other person, except as authorized in the course of their employment, until such information is made public. In addition, an Index Provider will not provide any information relating to changes to an Underlying Index's methodology for the inclusion of component securities, the inclusion or exclusion of specific component securities, or methodology for the calculation or the return of component securities, in advance of a public announcement of such changes by the Index Provider. The Adviser will also include under Item 10.C. of Part 2 of its Form ADV a discussion of its relationship to any Affiliated Index Provider and any material conflicts of interest resulting therefrom, regardless of whether the Affiliated Index Provider is a type of affiliate specified in Item 10.

14. To the extent the Self-Indexing Funds transact with an Affiliated Person of the Adviser or Sub-Adviser, such transactions will comply with the Act, the rules thereunder and the terms and conditions of the requested order. In this regard, each Self-Indexing Fund's board of directors or trustees (''Board'') will periodically review the Self-Indexing Fund's use of an Affiliated Index Provider. Subject to the approval of the Self-Indexing Fund's Board, the Adviser, Affiliated Persons of the Adviser (''Adviser Affiliates'') and Affiliated Persons of any Sub-Adviser (''Sub-Adviser Affiliates'') may be authorized to provide custody, fund accounting and administration and transfer agency services to the Self-Indexing Funds. Any services provided by the Adviser, Adviser Affiliates, Sub-Adviser and Sub-Adviser Affiliates will be performed in accordance with the provisions of the Act, the rules under the Act and any relevant guidelines from the staff of the Commission. Applications for prior orders granted to Self-Indexing Funds have received relief to operate such funds on the basis discussed above.[11]

15. The Shares of each Fund will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[12] On any given Business Day, the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, unless the Fund is Rebalancing (as defined below). In addition, the Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) [13] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [14] (c) TBA Transactions, short positions, derivatives and other positions that cannot be transferred in kind [15] will be excluded from the Deposit Instruments and the Redemption Instruments; [16] (d) to the extent the Fund determines, on a given Business Day, to use a representative sampling of the Fund's portfolio; [17] or (e) for temporary periods, to effect changes in the Fund's portfolio as a result of the rebalancing of its Underlying Index (any such change, a ''Rebalancing''). If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Deposit Instruments or Redemption Instruments exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

16. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount; (b) if, on a given Business Day, the Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, the Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; [18] (d) if, on a given Business Day, the Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either

[9] The Adviser has also adopted or will adopt a code of ethics pursuant to rule 17j–1 under the Act and rule 204A–1 under the Advisers Act, which contains provisions reasonably necessary to prevent Access Persons (as defined in rule 17j–1) from engaging in any conduct prohibited in rule 17j–1 (''Code of Ethics'').

[10] The instruments and cash that the purchaser is required to deliver in exchange for the Creation Units it is purchasing is referred to as the ''Portfolio Deposit.''

[11] *See, e.g.,* Guggenheim Funds Investment Advisors, LLC, et al., Investment Company Act Release Nos. 30560 (June 14, 2013) (notice) and 30598 (July 10, 2013) (order); Sigma Investment Advisors, LLC, et al., Investment Company Act Release Nos. 30559 (June 14, 2013) (notice) and 30597 (July 10, 2013) (order); and Transparent Value Trust, et al., Investment Company Act Release Nos. 30558 (June 14, 2013) (notice) and 30596 (July 10, 2013) (order).

[12] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to rule 144A under the Securities Act, the Funds will comply with the conditions of rule 144A.

[13] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's NAV for the Business Day.

[14] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[15] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[16] Because these instruments will be excluded from the Deposit Instruments and the Redemption Instruments, their value will be reflected in the determination of the Cash Amount (as defined below).

[17] A Fund may only use sampling for this purpose if the sample: (i) Is designed to generate performance that is highly correlated to the performance of the Fund's portfolio; (ii) consists entirely of instruments that are already included in the Fund's portfolio; and (iii) is the same for all Authorized Participants on a given Business Day.

[18] In determining whether a particular Fund will sell or redeem Creation Units entirely on a cash or in-kind basis (whether for a given day or a given order), the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution than Share purchasers because of the Adviser's size, experience and potentially stronger relationships in the fixed income markets. Purchases of Creation Units either on an all cash basis or in-kind are expected to be neutral to the Funds from a tax perspective. In contrast, cash redemptions typically require selling Portfolio Holdings, which may result in adverse tax consequences for the remaining Fund shareholders that would not occur with an in-kind redemption. As a result, tax consideration may warrant in-kind redemptions.

the NSCC or DTC (defined below); or (ii) in the case of Foreign Funds holding non-U.S. investments, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if the Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Foreign Fund holding non-U.S. investments would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[19]

17. Creation Units will consist of specified large aggregations of Shares, *e.g.,* at least 25,000 Shares. Applicants expect that the initial price of a Creation Unit will range from $500,000 to $10 million. All orders to purchase Creation Units must be placed with the Distributor by or through an ''Authorized Participant'' which is either (1) a ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the Continuous Net Settlement System of the NSCC, a clearing agency registered with the Commission, or (2) a participant in The Depository Trust Company (''DTC'') (''DTC Participant''), which, in either case, has signed a participant agreement with the Distributor. The Distributor will be responsible for transmitting the orders to the Funds and will furnish to those placing such orders confirmation that the orders have been accepted, but applicants state that the Distributor may reject any order which is not submitted in proper form.

18. Each Business Day, before the open of trading on the Listing Exchange, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Deposit Instruments and the Redemption Instruments, as well as the estimated Cash Amount (if any), for that day. The list of Deposit Instruments and Redemption Instruments will apply until a new list is announced on the following Business Day, and there will be no intra-day changes to the list except to correct errors in the published list. Each Listing Exchange will disseminate, every 15 seconds during regular Exchange trading hours, through the facilities of the Consolidated Tape Association, an amount for each Fund stated on a per individual Share basis representing the sum of (i) the estimated Cash Amount and (ii) the current value of the Deposit Instruments.

19. Transaction expenses, including operational processing and brokerage costs, will be incurred by a Fund when investors purchase or redeem Creation Units in kind and such costs have the potential to dilute the interests of the Fund's existing shareholders. Each Fund will impose purchase or redemption transaction fees (''Transaction Fees'') in connection with effecting such purchases or redemptions of Creation Units. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to management investment companies offering redeemable securities. Since the Transaction Fees are intended to defray the transaction expenses as well as to prevent possible shareholder dilution resulting from the purchase or redemption of Creation Units, the Transaction Fees will be borne only by such purchasers or redeemers.[20] The Distributor will be responsible for delivering the Fund's prospectus to those persons acquiring Shares in Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it. In addition, the Distributor will maintain a record of the instructions given to the applicable Fund to implement the delivery of its Shares.

20. Shares of each Fund will be listed and traded individually on an Exchange. It is expected that one or more member firms of an Exchange will be designated to act as a market maker (each, a ''Market Maker'') and maintain a market for Shares trading on the Exchange. Prices of Shares trading on an Exchange will be based on the current bid/offer market. Transactions involving the sale of Shares on an Exchange will be subject to customary brokerage commissions and charges.

21. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Market Makers, acting in their roles to provide a fair and orderly secondary market for the Shares, may from time to time find it appropriate to purchase or redeem Creation Units. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[21] The price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

22. Shares will not be individually redeemable, and owners of Shares may acquire those Shares from the Fund, or tender such Shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed through an Authorized Participant. A redeeming investor may pay a Transaction Fee, calculated in the same manner as a Transaction Fee payable in connection with purchases of Creation Units.

23. Neither the Trust nor any Fund will be advertised or marketed or otherwise held out as a traditional open-end investment company or a ''mutual fund.'' Instead, each such Fund will be marketed as an ''ETF.'' All marketing materials that describe the features or method of obtaining, buying or selling Creation Units, or Shares traded on an Exchange, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and will disclose that the owners of Shares may acquire those Shares from the Fund or tender such Shares for redemption to the Fund in Creation Units only. The Funds will provide copies of their annual and semi-annual shareholder reports to DTC Participants for distribution to beneficial owners of Shares.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such

[19] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[20] Where a Fund permits an in-kind purchaser to substitute cash in lieu of depositing one or more of the requisite Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to cover the cost of purchasing such Deposit Instruments.

[21] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or the DTC Participants.

exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provisions of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the owner, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Funds to register as open-end management investment companies and issue Shares that are redeemable in Creation Units only. Applicants state that investors may purchase Shares in Creation Units and redeem Creation Units from each Fund. Applicants further state that because Creation Units may always be purchased and redeemed at NAV, the price of Shares on the secondary market should not vary materially from NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through an underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers, and (c) ensure an orderly distribution of investment company shares by eliminating price competition from dealers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve a Fund as a party and will not result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the price at which Shares trade will be disciplined by arbitrage opportunities created by the option continually to purchase or redeem Shares in Creation Units, which should help prevent Shares from trading at a material discount or premium in relation to their NAV.

Section 22(e)

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants state that settlement of redemptions for Foreign Funds will be contingent not only on the settlement cycle of the United States market, but also on current delivery cycles in local markets for underlying foreign Portfolio Holdings held by a Foreign Fund. Applicants state that the delivery cycles currently practicable for transferring Redemption Instruments to redeeming investors, coupled with local market holiday schedules, may require a delivery process of up to fifteen (15) calendar days.[22] Accordingly, with respect to Foreign Funds only, applicants hereby request relief under section 6(c) from the requirement imposed by section 22(e) to allow Foreign Funds to pay redemption proceeds within fifteen (15) calendar days following the tender of Creation Units for redemption.[23]

8. Applicants believe that Congress adopted section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants propose that allowing redemption payments for Creation Units of a Foreign Fund to be made within fifteen calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants suggest that a redemption payment occurring within fifteen calendar days following a redemption request would adequately afford investor protection.

9. Applicants are not seeking relief from section 22(e) with respect to Foreign Funds that do not effect creations and redemptions of Creation Units in kind.

Section 12(d)(1)

10. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring securities of an investment company if such securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter and any other broker-dealer from knowingly selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting

[22] Certain countries in which a Fund may invest have historically had settlement periods of up to fifteen (15) calendar days.

[23] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations Applicants may otherwise have under rule 15c6–1 under the Exchange Act requiring that most securities transactions be settled within three business days of the trade date.

stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

11. Applicants request an exemption to permit registered management investment companies and unit investment trusts (''UITs'') that are not advised or sponsored by the Adviser, and not part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act as the Funds (such management investment companies are referred to as ''Investing Management Companies,'' such UITs are referred to as ''Investing Trusts,'' and Investing Management Companies and Investing Trusts are collectively referred to as ''Funds of Funds''), to acquire Shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any Broker registered under the Exchange Act, to sell Shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act.

12. Each Investing Management Company will be advised by an investment adviser within the meaning of section 2(a)(20)(A) of the Act (the ''Fund of Funds Adviser'') and may be sub-advised by investment advisers within the meaning of section 2(a)(20)(B) of the Act (each a ''Fund of Funds Sub-Adviser''). Any investment adviser to an Investing Management Company will be registered under the Advisers Act. Each Investing Trust will be sponsored by a sponsor (''Sponsor'').

13. Applicants submit that the proposed conditions to the requested relief adequately address the concerns underlying the limits in sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees and overly complex fund structures. Applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

14. Applicants believe that neither a Fund of Funds nor a Fund of Funds Affiliate would be able to exert undue influence over a Fund.[24] To limit the control that a Fund of Funds may have over a Fund, applicants propose a condition prohibiting a Fund of Funds Adviser or Sponsor, any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor, and any investment company and any issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by a Fund of Funds Adviser or Sponsor, or any person controlling, controlled by, or under common control with a Fund of Funds Adviser or Sponsor (''Fund of Funds Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any Fund of Funds Sub-Adviser, any person controlling, controlled by or under common control with the Fund of Funds Sub-Adviser, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Fund of Funds Sub-Adviser or any person controlling, controlled by or under common control with the Fund of Funds Sub-Adviser (''Fund of Funds Sub-Advisory Group'').

15. Applicants propose other conditions to limit the potential for undue influence over the Funds, including that no Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Fund of Funds Adviser, Fund of Funds Sub-Adviser, employee or Sponsor of the Fund of Funds, or a person of which any such officer, director, member of an advisory board, Fund of Funds Adviser or Fund of Funds Sub-Adviser, employee or Sponsor is an affiliated person (except that any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

16. Applicants do not believe that the proposed arrangement will involve excessive layering of fees. The board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''disinterested directors or trustees''), will find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. In addition, under condition B.5., a Fund of Funds Adviser, or a Fund of Funds' trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Fund of Funds Adviser, trustee or Sponsor or an affiliated person of the Fund of Funds Adviser, trustee or Sponsor, other than any advisory fees paid to the Fund of Funds Adviser, trustee or Sponsor or its affiliated person by a Fund, in connection with the investment by the Fund of Funds in the Fund. Applicants state that any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[25]

17. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes. To ensure a Fund of Funds is aware of the terms and conditions of the requested order, the Fund of Funds will enter into an agreement with the Fund (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Fund of Funds that it may rely on the order only to invest in the Funds and not in any other investment company.

18. Applicants also note that a Fund may choose to reject a direct purchase of Shares in Creation Units by a Fund of Funds. To the extent that a Fund of Funds purchases Shares in the secondary market, a Fund would still retain its ability to reject any initial investment by a Fund of Funds in excess of the limits of section 12(d)(1)(A) by declining to enter into a FOF Participation Agreement with the Fund of Funds.

[24] A ''Fund of Funds Affiliate'' is a Fund of Funds Adviser, Fund of Funds Sub-Adviser, Sponsor, promoter, and principal underwriter of a Fund of Funds, and any person controlling, controlled by, or under common control with any of those entities. A ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund and any person controlling, controlled by or under common control with any of these entities.

[25] Any references to NASD Conduct Rule 2830 include any successor or replacement FINRA rule to NASD Conduct Rule 2830.

Sections 17(a)(1) and (2) of the Act

19. Sections 17(a)(1) and (2) of the Act generally prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of the other person, (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled or held with the power to vote by the other person, and (c) any person directly or indirectly controlling, controlled by or under common control with the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the management or policies of a company, and provides that a control relationship will be presumed where one person owns more than 25% of a company's voting securities. The Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Adviser or an entity controlling, controlled by or under common control with an Adviser (an ''Affiliated Fund''). Any investor, including Market Makers, owning 5% or holding in excess of 25% of the Trust or such Funds, may be deemed affiliated persons of the Trust or such Funds. In addition, an investor could own 5% or more, or in excess of 25% of the outstanding shares of one or more Affiliated Funds making that investor a Second-Tier Affiliate of the Funds.

20. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act pursuant to sections 6(c) and 17(b) of the Act to permit persons that are Affiliated Persons of the Funds, or Second-Tier Affiliates of the Funds, solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25%, of the outstanding Shares of one or more Funds; (b) an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds, to effectuate purchases and redemptions ''in-kind.''

21. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making ''in-kind'' purchases or ''in-kind'' redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for ''in-kind'' purchases of Creation Units and the redemption procedures for ''in-kind'' redemptions of Creation Units will be effected in exactly the same manner for all purchases and redemptions, regardless of size or number. There will be no discrimination between purchasers or redeemers. Deposit Instruments and Redemption Instruments for each Fund will be valued in the identical manner as those Portfolio Holdings currently held by such Fund and the valuation of the Deposit Instruments and Redemption Instruments will be made in an identical manner regardless of the identity of the purchaser or redeemer. Applicants do not believe that ''in-kind'' purchases and redemptions will result in abusive self-dealing or overreaching, but rather assert that such procedures will be implemented consistently with each Fund's objectives and with the general purposes of the Act. Applicants believe that ''in-kind'' purchases and redemptions will be made on terms reasonable to Applicants and any affiliated persons because they will be valued pursuant to verifiable objective standards. The method of valuing Portfolio Holdings held by a Fund is identical to that used for calculating ''in-kind'' purchase or redemption values and therefore creates no opportunity for affiliated persons or Second-Tier Affiliates of applicants to effect a transaction detrimental to the other holders of Shares of that Fund. Similarly, applicants submit that, by using the same standards for valuing Portfolio Holdings held by a Fund as are used for calculating ''in-kind'' redemptions or purchases, the Fund will ensure that its NAV will not be adversely affected by such securities transactions. Applicants also note that the ability to take deposits and make redemptions ''in-kind'' will help each Fund to track closely its Underlying Index and therefore aid in achieving the Fund's objectives.

22. Applicants also seek relief under sections 6(c) and 17(b) from section 17(a) to permit a Fund that is an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds to sell its Shares to and redeem its Shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[26] Applicants state that the terms of the transactions are fair and reasonable and do not involve overreaching. Applicants note that any consideration paid by a Fund of Funds for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund.[27] Applicants believe that any proposed transactions directly between the Funds and Funds of Funds will be consistent with the policies of each Fund of Funds. The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the investment restrictions of any such Fund of Funds and will be consistent with the investment policies set forth in the Fund of Funds' registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and are appropriate in the public interest.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of index-based ETFs.

2. As long as a Fund operates in reliance on the requested order, Shares of such Fund will be listed on an Exchange.

3. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that Shares are not individually redeemable and

[26] Although applicants believe that most Funds of Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund, a Fund of Funds might seek to transact in Creation Units directly with a Fund that is an affiliated person of a Fund of Funds. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between a Fund of Funds and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to a Fund of Funds and redemptions of those Shares. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

[27] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of a Fund of Funds, or an affiliated person of such person, for the purchase by the Fund of Funds of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to a Fund of Funds, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

that owners of Shares may acquire those Shares from the Fund and tender those Shares for redemption to a Fund in Creation Units only.

4. The Web site, which is and will be publicly accessible at no charge, will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or the midpoint of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

5. Each Self-Indexing Fund, Long/Short Fund and 130/30 Fund will post on the Web site on each Business Day, before commencement of trading of Shares on the Exchange, the Fund's Portfolio Holdings.

6. No Adviser or any Sub-Adviser, directly or indirectly, will cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for a Fund through a transaction in which the Fund could not engage directly.

B. Section 12(d)(1) Relief

1. The members of a Fund of Funds' Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of a Fund of Funds' Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Fund of Funds' Advisory Group or the Fund of Funds' Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Fund of Funds' Sub-Advisory Group with respect to a Fund for which the Fund of Funds' Sub-Adviser or a person controlling, controlled by or under common control with the Fund of Funds' Sub-Adviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Fund of Funds or Fund of Funds Affiliate will cause any existing or potential investment by the Fund of Funds in a Fund to influence the terms of any services or transactions between the Fund of Funds or Fund of Funds Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the disinterested directors or trustees, will adopt procedures reasonably designed to ensure that the Fund of Funds Adviser and Fund of Funds Sub-Adviser are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or a Fund of Funds Affiliate from a Fund or Fund Affiliate in connection with any services or transactions.

4. Once an investment by a Fund of Funds in the securities of a Fund exceeds the limits in section 12(d)(1)(A)(i) of the Act, the Board of the Fund, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''non-interested Board members''), will determine that any consideration paid by the Fund to the Fund of Funds or a Fund of Funds Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Fund of Funds Adviser, or trustee or Sponsor of an Investing Trust, as applicable, will waive fees otherwise payable to it by the Fund of Funds in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, or an affiliated person of the Fund of Funds Adviser, or trustee or Sponsor of the Investing Trust, other than any advisory fees paid to the Fund of Funds Adviser, trustee or Sponsor of an Investing Trust, or its affiliated person by the Fund, in connection with the investment by the Fund of Funds in the Fund. Any Fund of Funds Sub-Adviser will waive fees otherwise payable to the Fund of Funds Sub-Adviser, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Fund of Funds Sub-Adviser, or an affiliated person of the Fund of Funds Sub-Adviser, other than any advisory fees paid to the Fund of Funds Sub-Adviser or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Fund of Funds Sub-Adviser. In the event that the Fund of Funds Sub-Adviser waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Fund of Funds or Fund of Funds Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in any Affiliated Underwriting.

7. The Board of a Fund, including a majority of the non-interested Board members, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Fund of Funds in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings, or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six (6) years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two (2) years in an easily accessible place, a

written record of each purchase of securities in Affiliated Underwritings once an investment by a Fund of Funds in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limit in section 12(d)(1)(A), a Fund of Funds and the Trust will execute a FOF Participation Agreement stating without limitation that their respective boards of directors or trustees and their investment advisers, or trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), a Fund of Funds will notify the Fund of the investment. At such time, the Fund of Funds will also transmit to the Fund a list of the names of each Fund of Funds Affiliate and Underwriting Affiliate. The Fund of Funds will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Fund of Funds will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six (6) years thereafter, the first two (2) years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the disinterested directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be fully recorded in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of a Fund of Funds will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund will acquire securities of an investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent the Fund acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund to acquire securities of one or more investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02020 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31431; 812–13858]

Crow Point Partners, LLC and Northern Lights Fund Trust; Notice of Application

January 28, 2015.

AGENCY: Securities and Exchange Commission (the ''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940, as amended (the ''Act''), for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

SUMMARY: Summary of Application: Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval.

APPLICANT: Crow Point Partners, LLC (''Crow Point'') and Northern Lights Fund Trust (the ''Trust'').

DATES: *Filing Dates:* The application was filed on January 12, 2011 and amended on July 11, 2011, April 4, 2012, July 22, 2014 and January 14, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 23, 2015, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Crow Point Partners, LLC, 25 Recreation Park Drive, Suite 110, Hingham, MA 02043–4256 and Northern Lights Fund Trust c/o Gemini Fund Services, LLC, 80 Arkay Drive, Suite 110, Hauppauge, New York 11788.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel, at (202) 551–6870, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is organized as a Delaware statutory trust and is registered under the Act as an open-end management investment company. The Trust offers shares of approximately 92 individual registered series, including the EAS Crow Point Alternatives Fund (''Crow Point Fund''). The Crow Point Fund does not currently employ unaffiliated investment subadvisers (each, a ''Subadviser''), but anticipates doing so in the future.[1]

2. Crow Point, a limited liability company organized under the laws of the State of Delaware, is, and each other Adviser will be, registered as an investment adviser under the Investment Advisers Act of 1940, as amended (the ''Advisers Act''). Crow Point serves as the investment adviser of

[1] Applicants also request relief with respect to any existing or future series of the Trust and any other existing or future registered open-end management investment company or series thereof that: (a) Is advised by Crow Point or any entity controlling, controlled by, or under common control with Crow Point or its successors (each an ''Adviser''); (b) uses the manager of managers structure (the ''Manager of Managers Structure'') described in the application; and (c) complies with the terms and conditions of the application (together with the Crow Point Fund, the ''Funds'' and each, individually, a ''Fund''). The only existing investment company that currently intends to rely on the requested order is named as an Applicant, and the Crow Point Fund is the only Fund that currently intend to rely on the requested order. If the name of any Fund contains the name of a Subadviser, the name of the Adviser will precede the name of the Subadviser. For the purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

the Crow Point Fund, and an Adviser will serve as investment adviser to the future Funds. The Crow Point Fund has entered into an investment advisory agreement with Crow Point (an ''Advisory Agreement''),[2] approved by the Trust's board of trustees (the ''Board''),[3] including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, of the Trust or the Adviser (the ''Independent Trustees''), and by the Crow Point Fund's shareholders. The terms of each Advisory Agreement comply or will comply with section 15(a) of the Act.

3. Under the terms of the Advisory Agreement, the Adviser is responsible for the overall management of the Crow Point Fund's business affairs and selecting investments according to its investment objectives, policies and restrictions. For the investment management services that it provides to the Crow Point Fund, the Adviser receives the fee specified in the Advisory Agreement, based on the Fund's average daily net assets. The Advisory Agreement also permits the Adviser to retain one or more subadvisers for the purpose of managing the investments of all or a portion of the assets of the Fund. Pursuant to this authority under the Advisory Agreement, the Adviser may enter into investment subadvisory agreements with Subadvisers to provide investment advisory services to the Funds (each, a ''Subadvisory Agreement'' and together, the ''Subadvisory Agreements''). Each Subadviser will be registered as an investment adviser under the Advisers Act or exempt from registration under the Advisers Act. The Adviser will supervise, evaluate and allocate assets to the Subadvisers, and make recommendations to the Board about their hiring, retention or release, at all times subject to the authority of the Board. The Adviser will compensate each Subadviser out of the fees paid to the Adviser under the Advisory Agreement.

4. Applicants request an order to permit the Adviser, subject to Board approval, to select Subadvisers and enter into and materially amend Subadvisory Agreements without obtaining shareholder approval. The terms of each Subadvisory Agreement will comply with the requirements of section 15(a) of the Act. Each Subadvisory Agreement will be approved by the Trust's Board, including by a majority of the Independent Trustees, in accordance with section 15(a) and 15(c) of the Act. The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund or the Adviser, other than by reason of serving as a subadviser to one or more of the Funds (an ''Affiliated Subadviser'').

5. Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement;[4] and (b) the Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of securities in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard.

3. Applicants assert that the shareholders expect the Adviser and the Board to select the Subadvisers for the Funds that are best suited to achieve each Fund's investment objective. Applicants assert that, from the perspective of the investor, the role of the Subadvisers is substantially equivalent to that of the individual portfolio managers employed by the Adviser. Applicants state that requiring shareholder approval of each Subadvisory Agreement would impose costs and unnecessary delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreement and any Subadvisory Agreement with an Affiliated Subadviser will remain subject to sections 15(a) and 15(c) of the Act and rule 18f–2 under the Act, including the requirement for shareholder voting.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder(s) before offering shares of that Fund to the public.

2. Each Fund relying on the requested order will disclose in its prospectus the existence, substance, and effect of any order granted pursuant to the application. Each Fund will hold itself out to the public as utilizing the Manager of Managers Structure. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new

[2] The Adviser will enter into substantially similar investment advisory agreements to provide investment management services to each future Fund (each future Advisory Agreement included in the term ''Advisory Agreement'').

[3] The term ''Board'' also includes the board of trustees or directors of a future Fund.

[4] A ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Funds.

A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

Subadviser pursuant to the Modified Notice and Access Procedures.

4. The Adviser will not enter into a subadvisory agreement with any Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Whenever a subadviser change is proposed for a Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of each Fund's assets and, subject to review and approval of the Board, will: (a) Set each Fund's overall investment strategies; (b) evaluate, select and recommend Subadvisers to manage all or a part of each Fund's assets; (c) allocate and, when appropriate, reallocate each Fund's assets among one or more Subadvisers; (d) monitor and evaluate the performance of Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply with each Fund's investment objective, policies and restrictions.

8. No trustee or officer of the Trust or a Fund, or director, manager, or officer of the Adviser, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person), any interest in a Subadviser, except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser, or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

9. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

10. Any new sub-advisory agreement or any amendments to a Fund's existing Advisory Agreement or sub-advisory agreement that directly or indirectly results in an increase in the aggregate advisory fee rate payable by the Fund will be submitted to the Fund's Shareholders for approval.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02019 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Investment Company Act Release No. 31435; 812–14349 Trust for Professional Managers and William Blair & Company L.L.C.; Notice of Application

January 28, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY: *Summary of Application:* Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval and that would grant relief from certain disclosure requirements.

APPLICANTS: Trust for Professional Managers (the ''Trust'') and William Blair & Company L.L.C. (the ''Initial Advisor'').

DATES: *Filing Dates:* The application was filed August 18, 2014, and amended on November 18, 2014.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 23, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: John P. Buckel, Trust for Professional Managers, 615 East Michigan Street, Milwaukee, WI 53202; Richard W. Smirl, William Blair & Company, L.L.C., 222 West Adams Street, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Jane H. Kim, at (202) 551–6791 or Melissa Harke, Branch Chief, at (202) 551–6722 (Chief Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust, a Delaware statutory trust, is registered under the Act as an open-end management investment company. The Trust is organized as a series investment company and currently consists of 34 series, one of which is advised by the Initial Advisor.[1] The Initial Advisor is a limited liability company organized under Delaware law. The Initial Advisor is, and any other Advisor will be, registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). The Advisor will serve as the investment adviser to each Fund pursuant to an investment advisory agreement with the Trust (each

[1] Applicants are not requesting relief for any series other than those advised by the Advisor (as defined below). Applicants request relief with respect to any existing and any future series of the Trust or any other registered open-end management company that: (a) Is advised by the Initial Advisor or a person controlling, controlled by, or under common control with the Initial Advisor or its successor (each, an ''Advisor''); (b) uses the manager of managers structure (''Manager of Managers Structure'') described in the application; and (c) complies with the terms and conditions of the requested order (any such series, a ''Fund'' and collectively, the ''Funds''). The only existing registered open-end management investment company that currently intends to rely on the requested order is named as an applicant, and the only Fund that currently intends to rely on the requested order is the William Blair Directional Multialternative Fund. For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization. If the name of any Fund contains the name of a Subadvisor (as defined below), that name will be preceded by the name of the Advisor.

an ''Advisory Agreement'' and collectively, the ''Advisory Agreements'').[2] Each Advisory Agreement was or will have been approved by each Fund's respective shareholder(s) and the board of trustees of the Trust (''Board''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, of the Trust, the Fund, or the Advisor (''Independent Trustees'') in the manner required by sections 15(a) and 15(c) of the Act and rule 18f–2 under the Act.

2. Under the terms of each Advisory Agreement, the Advisor will provide each Fund with overall management services and, as it deems appropriate, will continuously review, supervise and administer each Fund's investment program, subject to the supervision of, and policies established by, the Board. For the investment management services it will provide to each Fund, the Advisor will receive the fee specified in the Advisory Agreement from such Fund, payable monthly at an annual rate based on the average daily net assets of the Fund. The Advisory Agreement permits the Advisor to delegate certain responsibilities to one or more subadvisors (each a ''Subadvisor''), subject to the approval of the Board.[3]

3. Each Subadvisor will be an investment adviser as defined in section 2(a)(20) of the Act and will be registered with the Commission as an ''investment adviser'' under the Advisers Act. The Advisor will evaluate, allocate assets to and oversee the Subadvisors, and make recommendations about their hiring, termination, and replacement to the Board, at all times subject to the authority of the Board. The Advisor will compensate the Subadvisors out of the advisory fee paid by a Fund to the Advisor under the Advisory Agreement.

4. Applicants request an order to permit the Advisor, subject to Board approval, to select certain Subadvisors to manage all or a portion of the assets of a Fund or Funds pursuant to a Subadvisory Agreement and materially amend Subadvisory Agreements without obtaining shareholder approval. The requested relief will not extend to any Subadvisor that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust or of the Advisor, other than by reason of serving as a Subadvisor to one or more of the Funds (''Affiliated Subadvisor'').[4]

5. Applicants also request an order exempting the Funds from certain disclosure provisions described below that may require the applicants to disclose fees paid by the Advisor to each Subadvisor. Applicants seek an order to permit the Trust to disclose for a Fund (as both a dollar amount and as a percentage of the Fund's net assets): (a) The aggregate fees paid to the Advisor and any Affiliated Subadvisor; and (b) the aggregate fees paid to Subadvisors other than Affiliated Subadvisors (collectively, ''Aggregate Fee Disclosure''). Any Fund that employs an Affiliated Subadvisor will provide separate disclosure of any fees paid to the Affiliated Subadvisor.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by a vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of stock in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Form N–1A is the registration statement used by open-end investment companies. Item 19(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation. Applicants state that this provision may require a Fund to disclose the fees the Advisor pays to each Subadvisor.

3. Rule 20a–1 under the Act requires proxies solicited with respect to a registered investment company to comply with Schedule 14A under the Securities Exchange Act of 1934. Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the rate of compensation of the investment adviser, the aggregate amount of the investment adviser's fees, a description of the terms of the contract to be acted upon, and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees. Applicants believe that these provisions may require a Fund to disclose the fees the Advisor pays to each Subadvisor in proxy statements for shareholder meetings at which fees would be established, or action would be taken on an advisory contract.

4. Regulation S–X sets forth the requirements for financial statements required to be included as part of a registered investment company's registration statement and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require a registered investment company to include in its financial statement information about investment advisory fees. Applicants state that these provisions may be deemed to require the Funds' financial statements to include information concerning fees paid to the Subadvisors.

5. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

6. Applicants state that, by investing in a Fund, shareholders will hire the Advisor to manage the Fund's assets in conjunction with using its investment subadvisor selection and monitoring process. Applicants assert that, from the perspective of the shareholder, the role of the Subadvisors is substantially equivalent to that of the individual portfolio managers employed by traditional investment company advisory firms. Applicants believe that requiring shareholder approval of each Subadvisory Agreement would impose unnecessary delays and expenses on the Funds and may preclude the Funds from acting promptly when the Advisor and Board consider it appropriate to hire Subadvisors or amend Subadvisory Agreements. Applicants note that the Advisory Agreements and any Subadvisory Agreements with Affiliated Subadvisors will remain subject to the shareholder approval requirements of

[2] Each future investment advisory agreement between an Advisor and a Fund is also included in the term ''Advisory Agreement''. The Initial Advisor currently serves as investment advisor only to the William Blair Directional Multialternative Fund, a series of the Trust, under the Advisory Agreement.

[3] As of the date of the amended application, the Advisor has entered into subadvisory agreements (''Subadvisory Agreements'') with Buckingham Capital Management, Inc., Cube Capital LLP, FSI Group, LLC, Havens Advisors, L.L.C. None of the existing Subadvisors is affiliated with the Advisor.

[4] Shareholder approval of a Subadvisory Agreement with an Affiliated Shareholder will be obtained. If a Subadvisor change is proposed for a fund with an Affiliated Subadvisor, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Trust's Board minutes, that the change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Advisor or the Affiliated Subadvisor derives an inappropriate advantage. The Initial Advisor currently intends to enter into Subadvisory Agreements only with non-affiliated Subadvisors.

section 15(a) of the Act and rule 18f–2 under the Act.

7. If a new Subadvisor is retained in reliance on the requested order, the Funds will inform shareholders of the hiring of a new Subadvisor pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadvisor is hired for any Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement; [5] and (b) the Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days. Applicants assert that a proxy solicitation to approve the appointment of new Subadvisors would provide no more meaningful information to shareholders than the proposed Multi-manager Information Statement. Moreover, as indicated above, the applicable Board would comply with the requirements of sections 15(a) and 15(c) of the Act before entering into or amending Subadvisory Agreements.

8. Applicants assert that the requested disclosure relief will benefit shareholders of the Funds because it will improve the Advisor's ability to negotiate the fees paid to Subadvisors. Applicants state that the Advisor may be able to negotiate rates that are below a Subadvisor's ''posted'' amounts if the Advisor is not required to disclose the Subadvisors' fees to the public.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the order requested in the application, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or, in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering the Fund's shares to the public.

2. The prospectus for each Fund will disclose the existence, substance, and effect of any order granted pursuant to the application. Each Fund will hold itself out to the public as employing the Manager of Managers Structure described in the application. The prospectus will prominently disclose that the Advisor has ultimate responsibility (subject to oversight by the Board) to oversee the Subadvisors and recommend their hiring, termination, and replacement.

3. Funds will inform shareholders of the hiring of a new Subadvisor within 90 days after the hiring of a new Subadvisor pursuant to the Modified Notice and Access Procedures.

4. The Advisor will not enter into a Subadvisory Agreement with any Affiliated Subadvisor without that agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination and selection of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. When a Subadvisor change is proposed for a Fund with an Affiliated Subadvisor, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the applicable Board minutes, that such change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Advisor or the Affiliated Subadvisor derives an inappropriate advantage.

7. Independent legal counsel, as defined in rule 0–1(a)(6) under the Act, will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the then existing Independent Trustees.

8. Each Advisor will provide the Board, no less frequently than quarterly, with information about the profitability of the Advisor on a per-Fund basis. The information will reflect the impact on profitability of the hiring or termination of any Subadvisor during the applicable quarter.

9. Whenever a Subadvisor is hired or terminated, the Advisor will provide the Board with information showing the expected impact on the profitability of the Advisor.

10. The Advisor will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of the Fund's assets and, subject to review and approval of the Board, will (i) set each Fund's overall investment strategies; (ii) evaluate, select and recommend Subadvisors to manage all or part of a Fund's assets; (iii) when appropriate, allocate and reallocate a Fund's assets among multiple Subadvisors; (iv) monitor and evaluate the performance of Subadvisors; and (v) implement procedures reasonably designed to ensure that the Subadvisors comply with each Fund's investment objective, policies and restrictions.

11. No trustee or officer of the Trust, or of a Fund, or director or officer of the Advisor, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Subadvisor, except for (a) ownership of interests in the Advisor or any entity that controls, is controlled by, or is under common control with the Advisor; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly traded company that is either a Subadvisor or an entity that controls, is controlled by, or is under common control with a Subadvisor.

12. Each Fund will disclose in its registration statement the Aggregate Fee Disclosure.

13. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02065 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

[5] A ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Exchange Act, and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadvisor; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi-manager Information Statement may be obtained, without charge, by contacting the Funds.

A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement, except as modified by the requested order to permit Aggregate Fee Disclosure. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that

the Securities and Exchange Commission will hold a Closed Meeting on Thursday, February 5, 2015 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Litigation Matter;

Adjudicatory Matter; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: January 29, 2015.

Lynn M. Powalski,

Deputy Secretary.

[FR Doc. 2015–02102 Filed 1–30–15; 11:15 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74165; File No. SR–EDGX–2015–04]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Non-Substantive Amendments and Clarifications to the Fee Schedule

January 28, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 16, 2015, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members[5] of the Exchange pursuant to EDGX Rule 15.1(a) and (c) (''Fee Schedule'') to make several non-substantive amendments and clarifications as part of its migration onto the same technology platform as its affiliated exchanges, BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'', collectively with BZX, ''BATS''). The proposed rule change does not amend any existing fees or rebates, nor do they alter the manner in which the Exchange assesses fees or calculates rebates.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate, EDGA Exchange, Inc. (''EDGA'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[6] In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality and rules, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to make several non-substantive amendments and clarifications to its Fee Schedule as part of its migration onto the BATS technology platform. The Exchange notes that none of these changes substantively amend any fee or rebate, nor do they alter the manner in which the Exchange assesses fees or calculates rebates. Specifically, the Exchange is proposing the following:

- To eliminate the lead-in text that reads, ''Download in pdf format. Rebates & Charges for Adding, Removing or Routing Liquidity per share for Tape A, B, & C securities[1]'' and replace it with the heading, ''Transaction Fees.''
- Replace references to the term ''liquidity flag'' or ''flag'' with the term ''fee code'' throughout the Fee Schedule.
- Amend the bullets under the renamed section, Transactions to: (i) Clarify that the rates apply to a Member's transactions by adding the term ''transactions''; and (ii) add a statement to clarify that, unless otherwise noted, all routing fees and rebates are for removing liquidity from the destination venue.
- Rename the section entitled, ''Liquidity Flags'' as ''Fee Codes and Associated Fees.'' The Exchange also proposes to: (i) Clarify under this section which fee codes apply to removing or adding liquidity on EDGX; (ii) amend certain terminology to ensure consistent phrasing and to align with similar language included in the BATS fee schedules; and (iii) amend: (a) Fee code O to clarify that it applies to orders routed to the listing market opening *or re-opening* cross; (b) fee code R to clarify

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

[6] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

that the order is re-routed by the New York Stock Exchange, Inc. (''NYSE'');[7] (c) fee codes Q, T, and Z to clarify that the order must be routed to a non-exchange destination;[8] (d) delete fee code PI; (e) amend fee code RP to reflect a change to the name of the Route Peg order to the Supplemental Peg order;[9] and (f) fee codes BY, RR, and SW to reflect the routing strategies that are to be added or removed upon migration of the Exchange onto BATS technology.[10]

• Amend fee code MM to clarify that, in addition to MidPoint Match Orders, the fee code is available to orders with a Hide Not Slide instruction or a Non-Displayed instruction that add liquidity at the midpoint of the NBBO. The Exchange also proposes to add footnote 11 to the Fee Schedule to clarify that an order with a Non-Displayed instruction will receive fee code MM where it executes against an order type that receives fee code MT. The order types eligible to receive fee code MT are discussed below.

• Amend fee code MT to clarify that, in addition to MidPoint Match orders, the fee code is available to orders with a Hide Not Slide Instruction and orders with a Non-Displayed and Post Only instruction that remove liquidity at the midpoint of the NBBO.

• Amend Flag HA to remove references to MidPoint Match orders, as they are included in Flags MM and MT, as described above.

• Amend the definitions of Average Daily Volume (''ADV'') and Total Consolidated Volume (''TCV'') to be substantially similar to the definitions for these terms in the BATS fee schedules. The only differences in the definitions are that the Exchange includes routed volume in its calculation of ADV and will exclude from its calculation of ADV and TCV shares added, removed, or routed on each trading day from January 12, 2015 up to and including January 16, 2015.[11]

• Amend the section entitled General Notes to mirror a similar section within the BATS fee schedules by: (i) Deleting the first three bullets regarding added flags, removal flags, and routed flags because, it is redundant as the description of each fee code indicates whether is it for added, removed or routed orders; (ii) adding a bullet stating that rebates and charges for adding, removing or routing liquidity are listed as per share rebates and charges; and (iii) making certain non-substantive changes to the current fifth bullet.

• Amend footnote 1 entitled Add Volume Tiers to amend the description under the tier's required criteria to align with similar description in the BATS fee schedules. The Exchange also proposes to amend the required criteria for Mega Tier 1 and the Investor Tier to clarify that a Member have an ''added liquidity'' as a *percentage* of ''added plus removed liquidity'' of at least 85% and not a *ratio* as this portion of the criteria is incorrectly categorized as a ratio.

• Amend footnote 2 to clarify that the Tape B Step Up Tier to remove a redundant reference to ''Flags B and 4'' and amend the description under the tier's required criteria.

• Amend footnotes 3 and 7 to amend the description under each tier's criteria to align with similar descriptions in the BATS fee schedules.

• Amend footnote 4 entitled Retail Order Tier to remove the paragraph describing how a Member may qualify for a higher rebate or lower fee for orders utilizing fee code ZA as it is redundant and unnecessary given the current fifth bullet under the General Notes section of the Fee Schedule specifically states that to the extent a Member qualifies for higher rebates and/or lower fees than those provided by a tier for which such Member qualifies, the higher rebates and/or lower fees shall apply.

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on January 16, 2015.[12]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[13] in general, and furthers the objectives of Section 6(b)(4),[14] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members.

The Exchange believes that the non-substantive clarifying changes to its Fee Schedule are reasonable because they are designed to provide greater transparency to Members with regard to how the Exchange assesses fees and provides rebates. The Exchange notes that none of the proposed non-substantive clarifying changes are designed to amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. In particular, the proposed amendments to fee codes MM and MT are reasonable and equitable because they conform to existing practice and do not modify the fees that the Exchange charges its Members for orders yielding these fee codes. The Exchange has historically in practice and will continue to apply fee codes MM and MT as described above when determining the applicable fee under its pricing structure. The Exchange believes that Members would benefit from clear guidance in its Fee Schedule that describes the manner in which the Exchange would assess fees and calculate rebates. The proposed rule change is also designed, in part, to align terminology and definitions with that included in the current BATS fee schedules in order to use consistent fee schedules across the BGM Affiliated Exchanges. These changes to the Fee Schedule are intended to provide greater harmonization between Exchange, BYX, and BZX fee schedules and make the Fee Schedule clearer and less confusing for investors, thereby eliminating potential investor confusion. As such, the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

[7] Previously, the Exchange would route re-routable orders to other exchanges in addition to the NYSE. This change is designed to reflect that the Exchange currently routes re-routable orders only to the NYSE.

[8] The Exchange notes that the routing strategies listed in the description of fee codes Q, T and Z route orders to both exchange and non-exchange destinations. The proposed rule change is intended to clarify that fee codes Q, T and Z will only be appended to an order when routed to a non-exchange destination pursuant to one of the listed routing strategies. Orders routed to an exchange destination pursuant to one of the listed routing strategies will include a different fee code.

[9] *See* Securities Exchange Act Release Nos. 74023 (January 9, 2015), 80 FR 2163 (January 15, 2015) (SR–EDGX–2015–03); *and* 74028 (January 9, 2015), 80 FR 2125 (January 15, 2015) (SR–EDGA–2015–03).

[10] *Id.*

[11] After January 16, 2015, the Exchange intends to submit a rule filing to the Commission to remove the provision to exclude from its calculation of ADV and TCV shares added, removed, or routed on each trading day from January 12, 2015 up to and including January 16, 2015 from its definitions of TCV and ADV.

[12] The Exchange notes that the date of the Fee Schedule was amended to January 16, 2015 in a previously filed proposed rule change. *See* SR–EDGX–2015–01 (filed January 16, 2015).

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges and that the changes are entirely non-substantive. The proposed changes are not designed to have any impact on competition. Rather, they are intended to provide greater harmonization between Exchange, BYX, and BZX fee schedules and make the Fee Schedule clearer and less confusing for investors. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee structures to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 thereunder.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGX–2015–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number EDGX–2015–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number EDGX–2015–04, and should be submitted on or before February 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02015 Filed 2–2–15; 8:45 am]

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[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74166; File No. SR–EDGA–2015–04]

Self-Regulatory Organizations; EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Non-Substantive Amendments and Clarifications to the Fee Schedule

January 28, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 16, 2015, EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend its fees and rebates applicable to Members [5] of the Exchange pursuant to EDGA Rule 15.1(a) and (c) (''Fee Schedule'') to make several non-substantive amendments and clarifications as part of its migration onto the same technology platform as its affiliated exchanges, BATS Exchange, Inc. (''BZX'') and BATS Y-Exchange, Inc. (''BYX'', collectively with BZX, ''BATS''). The proposed rule change does not amend any existing fees or rebates, nor do they alter the manner in which the Exchange assesses fees or calculates rebates.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer, or any person associated with a registered broker or dealer, that has been admitted to membership in the Exchange. A Member will have the status of a ''member'' of the Exchange as that term is defined in Section 3(a)(3) of the Act.'' *See* Exchange Rule 1.5(n).

principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Earlier this year, the Exchange and its affiliate, EDGX Exchange, Inc. (''EDGX'') received approval to effect a merger (the ''Merger'') of the Exchange's parent company, Direct Edge Holdings LLC, with BATS Global Markets, Inc., the parent of BATS (together with BATS, EDGA and EDGX, the ''BGM Affiliated Exchanges'').[6] In the context of the Merger, the BGM Affiliated Exchanges are working to migrate EDGX and EDGA onto the BATS technology platform, and align certain system functionality and rules, retaining only intended differences between the BGM Affiliated Exchanges. As a result of these efforts, the Exchange proposes to make several non-substantive amendments and clarifications to its Fee Schedule as part of its migration onto the BATS technology platform. The Exchange notes that none of these changes substantively amend any fee or rebate, nor do they alter the manner in which the Exchange assesses fees or calculates rebates. Specifically, the Exchange is proposing the following:

- To eliminate the lead-in text that reads, ''Download in pdf format. Rebates & Charges for Adding, Removing or Routing Liquidity per share for Tape A, B, & C securities [1]'' and replace it with the heading, ''Transaction Fees.''
- Replace references to the term ''liquidity flag'' or ''flag'' with the term ''fee code'' throughout the Fee Schedule.
- Amend the bullets under the renamed section, Transactions to: (i) Clarify that the rates apply to a Member's transactions by adding the term ''transactions''; and (ii) add a statement to clarify that, unless otherwise noted, all routing fees and rebates are for removing liquidity from the destination venue.
- Rename the section entitled, ''Liquidity Flags'' as ''Fee Codes and Associated Fees.'' The Exchange also proposes to: (i) Clarify under this section which fee codes apply to removing or adding liquidity on EDGA; (ii) amend certain terminology to ensure consistent phrasing and to align with similar language included in the BATS fee schedules; and (iii) amend: (a) Fee code O to clarify that it applies to orders routed to the listing market opening *or re-opening* cross; (b) fee codes T, and Z to clarify that the order must be routed to a non-exchange destination;[7] (c) fee code R to clarify that the order is re-routed by the New York Stock Exchange, Inc. (''NYSE'');[8] (d) amend fee code RP to reflect a change to the name of the Route Peg order to the Supplemental Peg order;[9] and (e) fee codes BY, RR, and SW to reflect the routing strategies that are to be added or removed upon migration of the Exchange onto BATS technology.[10]
- Amend the definitions of Average Daily Volume (''ADV'') and Total Consolidated Volume (''TCV'') to be substantially similar to the definitions for these terms in the BATS fee schedules. The only differences in the definitions are that the Exchange includes routed volume in its calculation of ADV and will exclude from its calculation of ADV and TCV shares added, removed, or routed on each trading day from January 12, 2015 up to and including January 16, 2015.[11]
- Amend the section entitled General Notes to mirror a similar section within the BATS fee schedules by: (i) Deleting the first three bullets regarding added flags, removal flags, and routed flags because, it is redundant as the description of each fee code indicates whether is it for added, removed or routed orders; (ii) adding a bullet stating that rebates and charges for adding, removing or routing liquidity are listed as per share rebates and charges; and (iii) making certain non-substantive changes to the current fifth bullet.
- Amend footnotes 1, 2, and 3 to amend the description of the each tier's criteria to align with similar description in the BATS fee schedules.
- Amend footnote 4 entitled Add Volume Tiers to amend the description of the each tier's criteria to align with similar description in the BATS fee schedules. The Exchange also proposes to amend Step-Up Tiers 1 and 2 to clarify that a Member's added ADV must be more than the Member's added ADV as a percentage of TCV during the month indicated in the tier. The Exchange also proposes to amend Step-Up Tier 2 to correctly refer to [sic] second requirement of the tier's criteria as a percentage and not a *ratio* as this portion of the criteria is incorrectly categorized as a ratio.
- Amend footnotes 8 and 12 to reflect the routing strategies that are to be added or removed upon migration of the Exchange onto BATS technology.[12]

Implementation Date

The Exchange proposes to implement these amendments to its Fee Schedule on January 16, 2015.[13]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[14] in general, and furthers the objectives of Section 6(b)(4),[15] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The Exchange believes that the proposed rates are equitable and

[6] *See* Securities Exchange Act Release No. 71449 (January 30, 2014), 79 FR 6961 (February 5, 2014) (SR–EDGX–2013–43; SR–EDGA–2013–34).

[7] The Exchange notes that the routing strategies listed in the description of fee codes T and Z route orders to both exchange and non-exchange destinations. The proposed rule change is intended to clarify that fee codes T and Z will only be appended to an order when routed to a non-exchange destination pursuant to one of the listed routing strategies. Orders routed to an exchange destination pursuant to one of the listed routing strategies will include a different fee code.

[8] Previously, the Exchange would route re-routable orders to other exchanges in addition to the NYSE. This change is designed to reflect that the Exchange currently routes re-routable orders only to the NYSE.

[9] *See* Securities Exchange Act Release Nos. 74023 (January 9, 2015), 80 FR 2163 (January 15, 2015) (SR–EDGX–2015–03); *and* 74028 (January 9, 2015), 80 FR 2125 (January 15, 2015) (SR–EDGA–2015–03).

[10] *Id.*

[11] After January 16, 2015, the Exchange intends to submit a rule filing to the Commission to remove the provision to exclude from its calculation of ADV and TCV shares added, removed, or routed on each trading day from January 12, 2015 up to and including January 16, 2015 from its definitions of TCV and ADV.

[12] *See supra* note 9.

[13] The Exchange notes that the date of the Fee Schedule was amended to January 16, 2015 in a previously filed proposed rule change. *See* SR–EDGA–2015–01 (filed January 16, 2015).

[14] 15 U.S.C. 78f.

[15] 15 U.S.C. 78f(b)(4).

non-discriminatory in that they apply uniformly to all Members.

The Exchange believes that the non-substantive clarifying changes to its Fee Schedule are reasonable because they are designed to provide greater transparency to Members with regard to how the Exchange assesses fees and provides rebates. The Exchange notes that none of the proposed non-substantive clarifying changes are designed to amend any fee or rebate, nor alter the manner in which it assesses fees or calculates rebates. In particular, the proposed amendments to Step-Up Tiers 1 and 2 are reasonable and equitable because they conform to existing practice and do not modify the fees that the Exchange charges its Members that satisfy the tier's criteria. The Exchange has historically in practice and will continue to require a Member's added ADV be more than the Member's added ADV as a percentage of TCV during the month indicated in the tier when determining the Member satisfied the tier's criteria. The Exchange believes that Members would benefit from clear guidance in its Fee Schedule that describes the manner in which the Exchange would assess fees and calculate rebates. The proposed rule change is also designed, in part, to align terminology and definitions with that included in the current BATS fee schedules in order to use consistent fee schedules across the BGM Affiliated Exchanges. These changes to the Fee Schedule are intended to provide greater harmonization between Exchange, BYX, and BZX fee schedules and make the Fee Schedule clearer and less confusing for investors, thereby eliminating potential investor confusion. As such, the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange reiterates that the proposed rule change is being proposed in the context of the technology integration of the BGM Affiliated Exchanges and that the changes are entirely non-substantive. The proposed changes are not designed to have any impact on competition. Rather, they are intended to provide greater harmonization between Exchange, BYX, and BZX fee schedules and make the Fee Schedule clearer and less confusing for investors. As stated above, the Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if the deem fee structures to be unreasonable or excessive.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and paragraph (f) of Rule 19b–4 thereunder.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–EDGA–2015–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGA–2015–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–EDGA–2015–04, and should be submitted on or before February 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02016 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74164; File No. SR–BYX–2015–04]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Chapter IX of Its Rulebook To Incorporate Certain Rules of NASDAQ and FINRA Relating to Arbitration and Mediation

January 28, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 14, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Chapter IX of its rulebook to incorporate certain rules of the NASDAQ Stock Market LLC (''NASDAQ'') and the Financial Industry Regulatory Authority, Inc. (''FINRA'') relating to arbitration and mediation. The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 30, 2007, the National Association of Securities Dealers, Inc. (''NASD''), the Exchange, and NYSE Regulation, Inc. consolidated their member firm regulation operations into a combined organization, FINRA, and entered into a plan to allocate to FINRA certain regulatory responsibilities for common rules and common members (''17d–2 Agreement'').[5] The 17d–2 Agreement was entered into in accordance with the requirements of Rule 17d–2 promulgated pursuant to the Act,[6] which permits self-regulatory organizations (''SROs'') to allocate certain regulatory responsibilities with respect to common members and common rules. On September 5, 2012, the Exchange and FINRA entered into a Regulatory Services Agreement (''RSA''), whereby FINRA was retained to perform certain regulatory services on behalf of the Exchange pertaining to dispute resolution. On February 1, 2014, the Exchange and FINRA terminated their 2012 RSA and entered into a new RSA that covers the services contained in the 2012 RSA plus additional regulatory services. Today, FINRA performs all arbitration, mediation, and other dispute resolution services, as may be needed from time to time, on behalf of the Exchange.

To facilitate FINRA's performance of these functions under the 2014 RSA and to further harmonize the rules of FINRA and the Exchange generally, the Exchange is proposing to conform the text of its rules governing arbitration and mediation (Chapter IX) to the FINRA Code of Arbitration Procedure for Customer Disputes (12000 Series), FINRA Code of Arbitration Procedure for Industry Disputes (13000 Series), and the FINRA Code of Mediation (14000 Series).

The Exchange proposes to amend Chapter IX (Arbitration) of its rulebook to incorporate certain rules of NASDAQ and FINRA relating to arbitration and mediation, and to make certain non-substantive changes. The Exchange proposes to make the following changes to its current rules in Chapter IX of its rulebook.

Proposed Amendments to Current Rules

The Exchange proposes to amend current Rule 9.1 (Code of Arbitration) to make the rule substantially similar to NASDAQ Rule 10100. The Exchange proposes to replace the reference to NASD Code of Arbitration with FINRA Code of Arbitration,[7] clarify the meaning of ''Exchange arbitrations,'' [8] and add a sentence stating that Members must comply with FINRA arbitration rules as if they were rules of the Exchange.

The Exchange proposes to replace current Rule 9.2 (Jurisdiction) with amended Rule 9.2 (Matters Eligible for Submission), which is substantially similar to NASDAQ Rule 10101.[9] Amended Rule 9.2 would state that the Exchange adopts the FINRA Code of Arbitration for any dispute, claim, or controversy arising out of or in connection with the business of any Member, or arising out of the employment or termination of employment of associated person(s) with any Member: Between or among Members; between or among Members and associated persons; and between or among Members or associated persons and public customers, or others, except for any type of dispute, claim, or controversy that is not permitted to be arbitrated under the FINRA Code of Procedure.

The Exchange proposes to amend current Rule 9.3 (Predispute Arbitration Agreements) to incorporate FINRA Rule 2268 by reference, instead of restating the predispute arbitration agreement rules in full.

The Exchange proposes to amend current Rule 9.5 (Payment of Awards), to re-name its tile as ''Failure to Act under Provisions of FINRA Code of Arbitration,'' to expand the rule to include additional conduct deemed inconsistent with just and equitable principles of trade and a violation of Rule 3.1 (Business Conduct of Members), using the language of NASDAQ IM–10100, and FINRA IM–12000 and IM–13000. These prohibited acts include: Failure to submit a dispute for arbitration under the FINRA Code of Arbitration as required by the FINRA Code of Arbitration; failure to comply with any injunctive order issued pursuant to the FINRA Code of Arbitration; failure to appear or to produce any document in his or her or its possession or control as directed pursuant to provisions of the FINRA Code of Arbitration; failure to honor an award, or comply with a written and executed settlement agreement, obtained in connection with an arbitration submitted for disposition under the FINRA Code of Arbitration where timely motion has not been made to vacate or modify such award pursuant to applicable law; or, failure to comply with a written and executed agreement obtained in connection with a mediation submitted for disposition pursuant to the FINRA Code of Mediation.[10] The Exchange proposed to add Rule 9.5(b) to provide that action by Members requiring associated persons to waive the arbitration of disputes contrary to the provisions of the FINRA

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 56148 (Jul. 26, 2007), 72 FR 42146 (Aug. 1, 2007) (File No. 4–544) (Notice of Filing and Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities).

[6] 17 CFR 240.17d–2.

[7] *See* FINRA Rule 12000 Series (Code of Arbitration Procedure for Customer Disputes) and FINRA Rule 13000 Series (Code of Arbitration Procedure for Industry Disputes).

[8] They would be defined as ''every claim, dispute or controversy arising out of or in connection with matters eligible for submission under Rule 9.2.''

[9] *See also* FINRA Rule 12000 Series, FINRA Rule 13000 Series.

[10] *See* FINRA Rule 14000 Series (Code of Mediation Procedure).

Code of Arbitration is a violation of Exchange Rule 3.1.

The Exchange proposes to amend current Rule 9.6 to extend the application of the rule (currently applicable to arbitration) to mediation.

The Exchange proposes to add proposed Rule 9.7 (Mediation) to state that FINRA's mediation services, as governed by the 14000 Series of FINRA's Manual (the Code of Mediation Procedure), are also available to Members who voluntarily agree to submit matters for mediation. The Exchange also proposes to incorporate by reference the FINRA Code of Mediation into its rules so that Members have the same obligations with which to comply as if such rules and interpretations were part of the Exchange's rules.

The Exchange proposes to add Rule 9.8 (Regulatory Services Agreement) to state, among other things, that FINRA staff will perform arbitrations and mediations on behalf of the Exchange pursuant to an RSA with FINRA in accordance with the FINRA Codes of Arbitration and Mediation.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposed rule change will provide greater harmonization between Exchange and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for members of both the Exchange and FINRA (''dual members''). As previously noted, in many instances the proposed rule text is substantially similar to FINRA's and NASDAQ's respective rule texts, which have already been approved by the Commission. As such, the Exchange believes that the proposed rule change will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization between Exchange and FINRA rules of similar purpose for arbitration and mediation matters, resulting in less burdensome and more efficient regulatory compliance for dual members and facilitating FINRA's performance of its regulatory functions under the 2014 RSA.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission believes that because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BYX–2015–04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BYX–2015–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BYX–2015–04 and should be submitted on or before February 24, 2015.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a SRO to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement. See 17 CFR 240.19b–4(f)(6)(iii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02014 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74160; File No. SR–BATS–2015–05]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Chapter IX of Its Rulebook To Incorporate Certain Rules of NASDAQ and FINRA Relating to Arbitration and Mediation

January 28, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 14, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Chapter IX of its rulebook to incorporate certain rules of the NASDAQ Stock Market LLC (''NASDAQ'') and the Financial Industry Regulatory Authority, Inc. (''FINRA'') relating to arbitration and mediation. The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On July 30, 2007, the National Association of Securities Dealers, Inc. (''NASD''), the Exchange, and NYSE Regulation, Inc. consolidated their member firm regulation operations into a combined organization, FINRA, and entered into a plan to allocate to FINRA certain regulatory responsibilities for common rules and common members (''17d–2 Agreement'').[5] The 17d–2 Agreement was entered into in accordance with the requirements of Rule 17d–2 promulgated pursuant to the Act,[6] which permits self-regulatory organizations (''SROs'') to allocate certain regulatory responsibilities with respect to common members and common rules. On September 5, 2012, the Exchange and FINRA entered into a Regulatory Services Agreement (''RSA''), whereby FINRA was retained to perform certain regulatory services on behalf of the Exchange pertaining to dispute resolution. On February 1, 2014, the Exchange and FINRA terminated their 2012 RSA and entered into a new RSA that covers the services contained in the 2012 RSA plus additional regulatory services. Today, FINRA performs all arbitration, mediation, and other dispute resolution services, as may be needed from time to time, on behalf of the Exchange.

To facilitate FINRA's performance of these functions under the 2014 RSA and to further harmonize the rules of FINRA and the Exchange generally, the Exchange is proposing to conform the text of its rules governing arbitration and mediation (Chapter IX) to the FINRA Code of Arbitration Procedure for Customer Disputes (12000 Series), FINRA Code of Arbitration Procedure for Industry Disputes (13000 Series), and the FINRA Code of Mediation (14000 Series).

The Exchange proposes to amend Chapter IX (Arbitration) of its rulebook to incorporate certain rules of NASDAQ and FINRA relating to arbitration and mediation, and to make certain non-substantive changes. The Exchange proposes to make the following changes to its current rules in Chapter IX of its rulebook.

Proposed Amendments to Current Rules

The Exchange proposes to amend current Rule 9.1 (Code of Arbitration) to make the rule substantially similar to NASDAQ Rule 10100. The Exchange proposes to replace the reference to NASD Code of Arbitration with FINRA Code of Arbitration,[7] clarify the meaning of ''Exchange arbitrations,''[8] and add a sentence stating that Members must comply with FINRA arbitration rules as if they were rules of the Exchange.

The Exchange proposes to replace current Rule 9.2 (Jurisdiction) with amended Rule 9.2 (Matters Eligible for Submission), which is substantially similar to NASDAQ Rule 10101.[9] Amended Rule 9.2 would state that the Exchange adopts the FINRA Code of Arbitration for any dispute, claim, or controversy arising out of or in connection with the business of any Member, or arising out of the employment or termination of employment of associated person(s) with any Member: Between or among Members; between or among Members and associated persons; and between or among Members or associated persons and public customers, or others, except for any type of dispute, claim, or controversy that is not permitted to be arbitrated under the FINRA Code of Procedure.

The Exchange proposes to amend current Rule 9.3 (Predispute Arbitration Agreements) to incorporate FINRA Rule 2268 by reference, instead of restating the predispute arbitration agreement rules in full.

The Exchange proposes to amend current Rule 9.5 (Payment of Awards), to re-name its title as ''Failure to Act

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[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 56148 (Jul. 26, 2007), 72 FR 42146 (Aug. 1, 2007) (File No. 4–544) (Notice of Filing and Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities).

[6] 17 CFR 240.17d–2.

[7] *See* FINRA Rule 12000 Series (Code of Arbitration Procedure for Customer Disputes) and FINRA Rule 13000 Series (Code of Arbitration Procedure for Industry Disputes).

[8] They would be defined as ''every claim, dispute or controversy arising out of or in connection with matters eligible for submission under Rule 9.2.''

[9] *See also* FINRA Rule 12000 Series, FINRA Rule 13000 Series.

under Provisions of FINRA Code of Arbitration,'' to expand the rule to include additional conduct deemed inconsistent with just and equitable principles of trade and a violation of Rule 3.1 (Business Conduct of Members), using the language of NASDAQ IM–10100, and FINRA IM–12000 and IM–13000. These prohibited acts include: Failure to submit a dispute for arbitration under the FINRA Code of Arbitration as required by the FINRA Code of Arbitration; failure to comply with any injunctive order issued pursuant to the FINRA Code of Arbitration; failure to appear or to produce any document in his or her or its possession or control as directed pursuant to provisions of the FINRA Code of Arbitration; failure to honor an award, or comply with a written and executed settlement agreement, obtained in connection with an arbitration submitted for disposition under the FINRA Code of Arbitration where timely motion has not been made to vacate or modify such award pursuant to applicable law; or, failure to comply with a written and executed agreement obtained in connection with a mediation submitted for disposition pursuant to the FINRA Code of Mediation.[10] The Exchange proposed to add Rule 9.5(b) to provide that action by Members requiring associated persons to waive the arbitration of disputes contrary to the provisions of the FINRA Code of Arbitration is a violation of Exchange Rule 3.1.

The Exchange proposes to amend current Rule 9.6 to extend the application of the rule (currently applicable to arbitration) to mediation.

The Exchange proposes to add proposed Rule 9.7 (Mediation) to state that FINRA's mediation services, as governed by the 14000 Series of FINRA's Manual (the Code of Mediation Procedure), are also available to Members who voluntarily agree to submit matters for mediation. The Exchange also proposes to incorporate by reference the FINRA Code of Mediation into its rules so that Members have the same obligations with which to comply as if such rules and interpretations were part of the Exchange's rules.

The Exchange proposes to add Rule 9.8 (Regulatory Services Agreement) to state, among other things, that FINRA staff will perform arbitrations and mediations on behalf of the Exchange pursuant to an RSA with FINRA in accordance with the FINRA Codes of Arbitration and Mediation.

[10] *See* FINRA Rule 14000 Series (Code of Mediation Procedure).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5) of the Act,[12] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposed rule change will provide greater harmonization between Exchange and FINRA rules of similar purpose, resulting in less burdensome and more efficient regulatory compliance for members of both the Exchange and FINRA (''dual members''). As previously noted, in many instances the proposed rule text is substantially similar to FINRA's and NASDAQ's respective rule texts, which have already been approved by the Commission. As such, the Exchange believes that the proposed rule change will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to provide greater harmonization between Exchange and FINRA rules of similar purpose for arbitration and mediation matters, resulting in less burdensome and more efficient regulatory compliance for dual members and facilitating FINRA's performance of its regulatory functions under the 2014 RSA.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposal.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Commission believes that because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, it has become effective pursuant to Section 19(b)(3)(A) of the Act[13] and Rule 19b–4(f)(6) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BATS–2015–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2015–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a SRO to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement. See 17 CFR 240.19b–4(f)(6)(iii).

post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2015–05 and should be submitted on or before February 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02013 Filed 2–2–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74159; File No. SR–CBOE–2015–007]

Self-Regulatory Organizations: Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a Box Spread Strategy Rebate for Users of the Exchange's Customized Options Pricing Service

January 28, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 15, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a box spread strategy rebate for users of the Exchange's Customized Options Pricing Service (''COPS''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt a box spread strategy rebate for users of the Exchange's COPS.[3] COPS provides market participants with an ''end-of-day''[4] file and ''historical''[5] files of valuations for Flexible Exchange (''FLEX'')[6] options and certain over-the-counter (''OTC'') options (collectively, ''COPS Data''). Market Data Express, LLC (''MDX''), an affiliate of CBOE, offers COPS Data for sale to all market participants. COPS Data is available to ''Subscribers'' for internal use and internal distribution only, and to ''Customers'' who, pursuant to a written vendor agreement between MDX and a Customer, may distribute the Data externally (*i.e.,* act as a vendor) and/or use and distribute the Data internally.

COPS Data consists of indicative[7] and implied volatility values for four categories of ''customized'' options. The first category of options is all open series of FLEX options listed on any exchange that offers FLEX options for trading.[8] The second category is OTC options that have the same degree of customization as FLEX options. The third category includes options with strike prices expressed in percentage terms. Values for such options are expressed in percentage terms and are theoretical values.[9] The fourth category includes ''exotic'' options.[10]

The Exchange uses values produced by CBOE Trading Permit Holders (''TPHs'') to produce COPS Data. Participating CBOE TPHs submit values to MDX on options series specified by MDX on a daily basis. These values are generated by the TPH's internal pricing models. The valuations that MDX ultimately publishes are an average of multiple contributions of values from participating CBOE TPHs. For each value provided by MDX through COPS, MDX includes a corresponding indication of the number of market-maker contributors that factored into that value.

CBOE TPHs that meet the following objective qualification criteria are allowed to contribute values to MDX for purposes of producing COPS Data. Interested CBOE TPHs must be approved by the Exchange, have the

[3] *See* Securities Exchange Act Release No. 67813 (September 10, 2012), 77 FR 56903 (September 14, 2012) (SR–CBOE–2012–083), Securities Exchange Act Release No. 67928 (September 26, 2012), 77 FR 60161 (October 2, 2012) (SR–CBOE–2012–090), Securities Exchange Act Release No. 70705 (October 17, 2013), 78 FR 63265 (October 23, 2013) (SR–CBOE–2013–097), Securities Exchange Act Release No. 70845 (November 12, 2013), 78 FR 69168 (November 18, 2013) (SR–CBOE–2013–104), and Securities Exchange Act Release No. 72621 (July 16, 2014), 79 FR 42616 (July 22, 2014) (SR–CBOE–2014–057).

[4] ''End of day'' refers to data that is distributed prior to the opening of the next trading day.

[5] ''Historical'' COPS data consists of COPS data that is over one month old (*i.e.,* copies of the ''end-of-day'' COPS file that are over one month old).

[6] FLEX options are exchange traded options that provide investors with the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices.

[7] ''Indicative'' values are indications of potential market prices only and as such are neither firm nor the basis for a transaction.

[8] Current FLEX options open interest spans over 2,000 series on over 300 different underlying securities.

[9] These values are theoretical in that they are indications of potential market prices for options that have not traded (*i.e.,* do not yet exist). Market participants sometimes express option values in percentage terms rather than in dollar terms because they find it is easier to assess the change, or lack of change, in the marketplace from one day to the next when values are expressed in percentage terms.

[10] Exotic options are options which are generally traded OTC and are more complex than standard options, usually relating to determination of payoff. An exotic option may also include a non-standard underlying instrument, developed for a particular client or for a particular market.

ability to provide valuations to MDX in a timely manner each day after the close of trading, and sign a services agreement with CBOE. Interested CBOE TPHs must also have the ability to provide both indicative and implied volatility valuations on several different types of options, including (i) options on all open FLEX series traded on any exchange that offers FLEX options for trading, (ii) options on any potential new FLEX options series, (iii) OTC options that have the same degree of customization as FLEX options, (iv) customized options where the strike price is expressed in percentage terms (the valuations provided to MDX must also be expressed in percentage terms), and (v) exotic options. In addition, interested CBOE TPHs must participate in a testing phase with MDX. The values submitted by a TPH during the testing phase and in live production must meet MDX's quality control standards designed to ensure the integrity and accuracy of COPS Data. Any TPH that meets the COPS qualification criteria may contribute to COPS. MDX has implemented procedures including monthly performance reviews to help ensure the integrity and accuracy of COPS Data.

To help ensure that MDX receives numerous values from multiple TPHs on a consistent basis, MDX shares revenue from the sale of COPS Data with participating CBOE TPHs.[11] The fees that MDX charges for COPS Data are set forth on the Price List on the MDX Web site (*www.marketdataexpress.com*) (''MDX Web site''). MDX currently charges a fee per option per day for ''end-of-day'' COPS data. The amount of the fee is reduced based on the number of options valuations purchased.

Interpretation .02 to CBOE Rule 6.42 defines a ''box spread'' as ''an aggregation of positions in a long call option and short put option with the same exercise price (''buy side'') coupled with a long put option and short call option with the same exercise price (''sell side'') all of which have the same aggregate current underlying value, and are structured as either: (A) A ''long box spread'' in which the sell side exercise price exceeds the buy side exercise price or (B) a ''short box spread'' in which the buy side exercise price exceeds the sell side exercise price.'' Essentially, for our purposes, a box spread involves being synthetically long an underlying product at one price and synthetically short the underlying product at a higher price. It is constructed through the combination of four options. All options have the same underlying product and same expiration date. The synthetic long position is achieved through the purchase of a call option and the sale of a put option at the same strike price and expiration date. The synthetic short position, conversely, is achieved through the purchase of a put and the sale of a call at the same strike price (the strike price of the synthetic short is higher than the strike price of the synthetic long).

For example, one could construct a 1000/2000 box spread in option XYZ expiring January 16, 2015. To establish the synthetic long, you would buy one XYZ call with a strike price of 1000 and sell one XYZ put with a strike price of 1000. Then, to establish the synthetic short, you would buy one XYZ put with a strike price at 2000 and sell one XYZ call with a strike price at 2000.

The payoff at expiration of a box spread is the difference between the higher-struck synthetic short minus the lower-struck synthetic long. Therefore, the value of the box spread employed in the example above would be 1000. The price of a box spread is the present value of the payoff, and therefore, box spreads provide useful information about interest rate assumptions within the options markets. If the box spread in the example above was being quoted in the market at 999.50, this would imply an interest rate of 0.05%.

COPS users (and potential COPS users) are usually interested in a number of series (aside from just the one included in the box spread). As such, it is useful for them to know the implied interest rate in the options market. The current COPS fee structure would require these customers to purchase not only the four series in the box spread, but also the other series in which their primary interest lies. Charging the box spread by series makes COPS cost-prohibitive for some customers. Indeed, the Exchange believes that a number of potential COPS customers are not using COPS because the current fee structure (charging for all four valuations of a box spread) is deterring these potential COPS customers from becoming COPS users.

As such, the Exchange proposes to institute a COPS Box Strategy Rebate (the ''Rebate'').[12] Under the proposed rebate, the Exchange would ultimately treat the four orders involved in creating the box spread as one series for fee purposes. Because Exchange systems are not currently configured to recognize four separate orders as being part of one box spread, the Exchange would make available a COPS Box Strategy Rebate Request Form (the ''Form''). This Form will be very similar to the Exchange's current ''Strategies Rebate Form'' and would involve listing the relevant trade details necessary to denote the four series as part of one box spread.[13] Once the rebate form has been submitted and verified by CBOE as having described a box spread,[14] the TPH will be rebated three series' worth of transaction fees. In sum, COPS users purchasing four options valuations for a box spread can be rebated the cost of three of the valuations by submitting the COPS Box Strategy Rebate Request Form within three days of the end of the month in which the box spread valuations were purchased.

So, for example, if a COPS user purchased four valuations that made up a box spread, he would be charged $5.00.[15] Upon completing the Form, he would then be rebated $3.75. The Exchange currently institutes a similar rebate process for transaction fees assessed to multi-class spread orders, short stock interest, reversal, conversion (reversals and conversions are components of a box spread), and jelly roll strategy orders.[16]

From a practical standpoint for the users, the purpose of COPS is to get end-of-day valuations. COPS users want to know the inputs into an option's price. There are five major inputs into an option's price: (1) Underlying price, (2) time to expiration, (3) strike price, (4) implied volatility, and (5) interest rates. The proposed box spread rebate would allow the Exchange to provide COPS users with a cost effective method to extract implied interest rates.

The proposed change is to take effect on January 2, 2015.[17]

[11] *See* Securities Exchange Act Release No. 72621 (July 16, 2014), 79 FR 42616 (July 22, 2014) (SR–CBOE–2014–057) for a detailed description of the Exchange's COPS Data revenue-sharing plan.

[12] The Exchange initially filed the proposed fee change on January 2, 2015 (SR–CBOE–2015–001). On January 15, 2015, the Exchange withdrew that filing and submitted this filing.

[13] These details would include the execution date, option symbol, put/call, and strike price for each of the four options purported to compose the box spread.

[14] The Exchange will verify that the purported box spread was composed of four options, all with the same underlying product and expiration date, that create a synthetic long and synthetic short position.

[15] This assumes that the COPS user purchased 0–50 valuations per day. The Exchange offers lower per-valuation prices based on the number of valuations purchased per day (*See* the COPS Price List on the MDX Web site).

[16] *See* CBOE Fees Schedule, Footnote 13.

[17] The Commission notes that CBOE's proposal was filed on January 15, 2015, but a prior proposed rule change containing the same fee change was filed on January 2, 2015 and withdrawn by CBOE on January 15, 2015. *See infra* footnote 12.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[18] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[19] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. The Exchange believes the Rebate is reasonable because it will allow COPS users who purchase four valuations that make up a box spread to only be ultimately charged for one of those valuations (thereby saving three valuations' worth of fees).

The Exchange believes the Rebate is equitable and not unfairly discriminatory because it will apply to all COPS users who purchase four valuations that make up a box spread. While receiving end-of-day valuations via COPS is extremely different than, and not really comparable to, trading on CBOE, it should be noted that the components of a box spread trade, reversals and conversions, are also subject to rebates.[20] From a practical standpoint for the users, the purpose of COPS is to get end-of-day valuations. COPS users want to know the inputs into an option's price. There are five major inputs into an option's price: (1) Underlying price, (2) time to expiration, (3) strike price, (4) implied volatility, and (5) interest rates. The proposed Rebate simply allows the Exchange to provide COPS users with a cost effective method to extract implied interest rates. While the Exchange cannot conceive of any purpose for COPS users to request pricing on a box spread (other than those described herein), the Rebate will be available to all COPS users.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. CBOE does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Rebate will be available to all COPS users. CBOE does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Rebate only applies to CBOE COPS users, and does not affect pricing or fees on other exchanges. To the extent the Rebate makes CBOE a more attractive marketplace for market participants on other exchanges, such market participants may become CBOE market participants (and COPS users).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[21] and paragraph (f) of Rule 19b–4[22] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–CBOE–2015–007 and should be submitted on or before February 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Jill M. Peterson,

Assistant Secretary.

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[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(4).

[20] *See* CBOE Fees Schedule, Footnote 13.

[21] 15 U.S.C. 78s(b)(3)(A).

[22] 17 CFR 240.19b–4(f).

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74167; File No. SR–Phlx–2014–66]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt New Exchange Rule 1081, Solicitation Mechanism, To Introduce a New Electronic Solicitation Mechanism

January 28, 2015.

I. Introduction

On October 14, 2014, NASDAQ OMX PHLX LLC (''Exchange'' or ''Phlx'') filed with the Securities and Exchange Commission (''Commission''), pursuant

to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new Exchange Rule 1081, Solicitation Mechanism, to introduce a new electronic solicitation mechanism pursuant to which a member can electronically submit all-or-none orders of 500 contracts or more (or, in the case of mini options, 5000 contracts or more) that the member represents as agent against contra orders that the member solicited. The proposed rule change was published for comment in the **Federal Register** on October 31, 2014.[3] On December 8, 2014, the Commission extended the time period in which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to January 29, 2015.[4] The Commission has received no comment letters on the proposal. This order institutes proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposal

The Exchange proposes to adopt new Rule 1081, Solicitation Mechanism, to introduce a new electronic solicitation mechanism pursuant to which a member can electronically submit all-or-none orders of 500 contracts or more (or, in the case of mini options, 5000 contracts or more) that the member represents as agent against contra orders that the member solicited. Currently, under Phlx Rule 1080(c)(ii)(C)(2), Order Entry Firms [6] must expose orders they represent as agent for at least one second before such orders may be automatically executed, in whole or in part, against orders solicited from members and non-member broker-dealers to transact with such orders.[7] The proposed rule change would provide an alternative method, enabling a member to electronically execute orders it represents on behalf of a public customer, broker-dealer, or any other entity (an ''Agency Order'') [8] against solicited limit orders of a public customer, broker-dealer, or any other entity (a ''Solicited Order'') through a solicitation mechanism designed for this purpose.[9]

The new mechanism is a process by which a member (the ''Initiating Member'') can electronically submit all-or-none orders [10] of 500 contracts or more (or, in the case of mini options,[11] 5000 contracts or more) that it represents as agent against contra orders that it has solicited, and initiate an auction (the ''Solicitation Auction'').[12] As noted below, at the end of the Solicitation Auction, allocation would occur with all contracts of the Agency Order trading at an improved price against non-solicited contra-side interest or at the stop price, defined below, against the Solicited Order. The solicitation mechanism would accommodate both simple orders and Complex Orders.[13] Prior to the first time a member enters an Agency Order into the solicitation mechanism on behalf of a customer, the member would be required to deliver to the customer a written notification informing the customer that its Agency Orders may be executed using the Phlx's solicitation mechanism. Such written notification would be required to disclose the terms and conditions contained in proposed Rule 1081 and to be in a form approved by the Exchange.[14]

Solicitation Auction Eligibility Requirements

All options traded on the Exchange, including mini options, would be eligible for the Solicitation Auction. Proposed Rule 1081(i) describes the circumstances under which an Initiating Member may initiate a Solicitation Auction.

Proposed Rule 1081(i)(A) provides that the Agency Order and the Solicited Order must each be limit orders for at least 500 contracts (or, in the case of mini options, at least 5000 contracts) and must be designated as all-or-none. The orders must match in size, and their limit prices must match or cross in price.[15] If the orders cross in price, the price at which the Agency Order and the Solicited Order may be considered for submission pursuant to proposed Rules 1081(i)(B) and (C) shall be the limit price of the Solicited Order.[16] The orders may not be stop or stop limit orders, must be marked with a time in force of day, good till cancelled or immediate or cancel, and would not be routed regardless of routing strategy indicated on the order.[17]

Pursuant to proposed Rule 1081(i)(B), the Initiating Member must stop the entire Agency Order at a price (the ''stop price'') that is equal to or better than the National Best Bid/Offer (''NBBO'') on both sides of the market, provided that

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73441 (October 27, 2014), 79 FR 64862 (''Notice'').

[4] *See* Securities Exchange Act Release No. 73791 (December 8, 2014), 79 FR 73924 (December 12, 2014).

[5] 15 U.S.C. 78s(b)(2)(B).

[6] Rule 1080(c)(ii)(A)(1) defines ''Order Entry Firm'' as a member organization of the Exchange that is able to route orders to AUTOM. (AUTOM is the Exchange's electronic quoting and trading system, which has been denoted in Exchange rules as XL II, XL and AUTOM.)

[7] Section (c), Solicited Orders, of Rule 1064, Crossing, Facilitation and Solicited Orders, governs execution of solicited orders by open outcry, on the Exchange trading floor, and is unaffected by proposed Rule 1081. The Exchange states that many aspects of the functionality of the proposed solicitation mechanism are similar to those provided for in Rule 1080(n), PIXL, and certain of the proposed rules track the existing PIXL rules.

[8] Rule 1080(b)(i)(A) provides in part that ''[f]or purposes of Exchange options trading, an agency order is any order entered on behalf of a public customer, and does not include any order entered for the account of a broker-dealer, or any account in which a broker-dealer or an associated person of a broker-dealer has any direct or indirect interest.'' According to the Exchange, that provision did not contemplate, and is not applicable to, the capitalized and defined term ''Agency Order'' as used in proposed Rule 1081.

[9] The Exchange states that participants must ensure that their records adequately demonstrate the solicitation of an order that is entered into the mechanism for execution. against an Agency Order as a Solicited Order prior to entry of such order into this mechanism.

[10] Rule 1066(c)(4) defines an ''all-or-none'' order as a market or limit order which is to be executed in its entirety or not at all.

[11] A given Solicitation Auction may be for options contracts exclusively or for mini options contracts exclusively, but cannot be used for a combination of both options contracts and mini options contracts together.

[12] The Exchange noted that similar electronic functionality is offered today by other option exchanges. *See* Chicago Board Options Exchange (''CBOE'') Rule 6.74B, Solicitation Auction Mechanism (the ''CBOE Mechanism''), and International Securities Exchange (''ISE'') Rule 716(e), Solicited Order Mechanism (the ''ISE Mechanism'').

[13] A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. A Complex Order may also be a stock-option order, which is an order to buy or sell a stated number of units of an underlying stock or exchange-traded fund (''ETF'') coupled with the purchase or sale of options contract(s). Complex Orders on Phlx are discussed in Commentary .08 to Rule 1080.

[14] *See* proposed Rule 1081(i)(H). The rule would require delivery of this disclosure only prior to the first submission of an Agency Order on behalf of a customer rather than prior to the submission of each and every Agency Order on behalf of such customer.

[15] In the case of Complex Orders, the underlying components of both Complex Orders must also match. Additionally, all the option legs of each Complex Order must consist entirely of options or entirely of mini options.

[16] For example, assume an Agency Order to buy 1000 contracts for $2.00 and a Solicited Order to sell 1000 contracts at $1.90 are entered into the solicitation mechanism. Since the limits of these orders cross in price, the Agency Order and Solicited Order are considered to be submitted into the mechanism with a stop price equal to the Solicited Order price of $1.90.

[17] Whether an order is marked with a time in force of day as opposed to, for example, good till cancelled or immediate or cancel is irrelevant to the manner in which they would be treated once they are entered into the solicitation mechanism.

such price must be at least $0.01 better than any public customer non-contingent limit order on the Phlx order book and must be equal to the Agency Order's limit price or provide the Agency Order with a better price than its limit price. Stop prices may be submitted in $0.01 increments, regardless of the applicable Minimum Price Variation (the ''MPV''). Contingent orders [18] (including all-or-none, stop or stop-limit orders) on the book would not be considered when checking the acceptability of the stop price. Contingent orders are not represented as part of the Exchange Best Bid/Offer since they may only be executed if specific conditions are met. Given that these orders are not represented as part of the Exchange Best Bid/Offer, they are not included in the NBBO and thus are not considered when checking the acceptability of the stop price.[19]

Orders that are submitted but that do not comply with the eligibility requirements set forth in proposed Rule 1081(i)(A) through (C) would be rejected upon receipt and ineligible to initiate a Solicitation Auction.[20] In addition, Agency Orders submitted at or before the opening of trading are not eligible to initiate a Solicitation Auction and would be rejected.[21] Orders submitted during a specified period of time, as determined by the Exchange and communicated to Exchange membership on the Exchange's Web site, prior to the end of the trading session in the affected series [22] (including, in the case of Complex Orders, in any series which is a component of the Complex Order) are not eligible to initiate a Solicitation Auction and would be rejected.[23] Agency Orders which are not Complex Orders received while another electronic auction (including any Solicitation Auction, PIXL auction, or any other kind of auction) involving the same option series is in progress would not be eligible to initiate a Solicitation Auction and would be rejected.[24] Similarly, a Complex Agency Order received while another auction in the same Complex Order strategy is in progress is not eligible to initiate a Solicitation Auction and would be rejected.[25]

Finally a solicited order for the account of any Exchange specialist, streaming quote trader (''SQT''), remote streaming quote trader (''RSQT'') or non-streaming registered options trader (''ROT'') assigned in the affected series may not be a Solicited Order.[26] Consistent with the explanation the Exchange made in its filing proposing PIXL, the Exchange believes that in order to maintain fair and orderly markets, a market maker assigned in an option should not be solicited for participation in a Solicitation Auction by an Initiating Member. The Exchange believes that market makers interested in participating in transactions on the Exchange should do so by way of his/her quotations, and should respond to Solicitation Auction notifications rather than create them by having an Initiating Member submitting Solicited Orders on the market maker's behalf.

Solicitation Auction Process

Pursuant to proposed Rule 1081(ii)(A)(1), to begin the process the Initiating Member must mark the Agency Order and the Solicited Order for Solicitation Auction processing, and specify the stop price at which it seeks to cross the Agency Order with the Solicited Order. Once the Initiating Member has submitted an Agency Order and Solicited Order for processing pursuant to this subparagraph, such Agency Order and Solicited Order may not be modified or cancelled.[27]

Crossing Two Public Customer Orders Without a Solicitation Auction

As noted above, the proposed rule change would enable a member to electronically execute an Agency Order, which is an order it represents on behalf of a public customer, broker-dealer, or any other entity, against a Solicited Order, which is a solicited limit order of a public customer, broker-dealer, or any other entity through the solicitation mechanism.

However, pursuant to proposed Rule 1081(v), if a member enters an Agency Order for the account of a public customer paired with a Solicited Order for the account of public customer and if the paired orders adhere to the eligibility requirements of proposed Rule 1081(i), such paired orders would

[18] A contingent order is a limit or market order to buy or sell that is contingent upon a condition being satisfied. PIXL also does not consider contingent orders on the book when checking the acceptability of the stop price.

[19] Proposed Rule 1081(i)(B) does not apply if the Agency Order is a Complex Order (a ''Complex Agency Order''). Rather, proposed Rule 1081(i)(C) applies to Complex Agency Orders and requires them to be of a conforming ratio, as defined in Commentary.08(a)(ix) to Rule 1080. A Complex Agency Order which is not of a conforming ratio would be rejected. Proposed Rule 1081(i)(C) requires all component option legs of the order to be for at least 500 contracts (or, in the case of mini options, at least 5000 contracts). It also provides that the Initiating Member must stop the entire Complex Agency Order at a price that is better by at least $0.01 than the best net price (debit or credit) (i) available on the Complex Order book regardless of the Complex Order book size; and (ii) achievable from the best Phlx bids and offers for the individual options (an ''improved net price'') regardless of size, provided in either case that such price is equal to or better than the Complex Agency Order's limit price. Stop prices for Complex Agency Orders may be submitted in $0.01 increments, regardless of MPV, and contingent orders on the book would not be considered when checking the acceptability of the stop price. *See* proposed Rule 1081(i)(C).

[20] *See* proposed Rule 1081(i)(D).

[21] *See* proposed Rule 1081(i)(E).

[22] The term ''series'' of options means all option contracts of the same class having the same expiration date and exercise price. A ''class'' of options means all option contracts of the same ''type'' of option covering the same underlying stock. A ''type'' of option means the classification of an option contract as a put or a call. *See* Rule 1000, Applicability, Definitions and References.

[23] *See* proposed Rule 1081(i)(F).

[24] A similar restriction applies with respect to PIXL auctions. *See* PIXL Rule 1080(n)(ii) which provides that ''[o]nly one Auction may be conducted at a time in any given series or strategy.''

[25] However, a simple Agency Order in one series that is submitted while an electronic auction is already in process with respect to a Complex Agency Order that includes the same series would not be rejected. Instead, a Solicitation Auction would be initiated for that incoming Agency Order offering each unique strategy or individual series the same opportunity to initiate an auction. This behavior is consistent with the handling of overlapping PIXL and Complex PIXL auctions. See PIXL Rule 1080(n)(ii). Complex Orders submitted during normal trading hours in a strategy which has not yet opened under Commentary .08 of Rule 1080 would cause the strategy to immediately open and a Solicitation Auction may be initiated. *See* proposed Rule 1081(i)(E). In addition, neither a Solicitation Auction for a simple Agency Order or Complex Agency Order may be initiated prior to the regular opening of all individual components of the Solicited simple or Complex Agency Order.

[26] *See* proposed Rule 1081(i)(G). An SQT is an Exchange Registered Options Trader (''ROT'') who has received permission from the Exchange to generate and submit option quotations electronically through AUTOM in eligible options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. *See* Rule 1014(b)(ii)(A). A RSQT is defined in Rule 1014(b)(ii)(B) as an ROT that is a member affiliated with a Remote Streaming Quote Trader Organization (''RSQTO'') with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Specialist upon Exchange approval. An RSQT may only submit such quotations electronically from off the floor of the Exchange. An RSQT may not submit option quotations in eligible options to which such RSQT is assigned to the extent that the RSQT is also approved as a Remote Specialist in the same options. An RSQT may only trade in a market making capacity in classes of options in which he is assigned or approved as a Remote Specialist. An RSQTO is a member organization in good standing that satisfies the SQTO readiness requirements in Rule 507(a).

[27] For clarity, Rule 1080(ii)(A)(l) does not apply to Complex Agency Orders. Rather, in a parallel provision, proposed Rule 1081(ii)(A)(2) provides that to initiate a Solicitation Auction in the case of a Complex Agency Order and Complex Solicited Order (a ''Complex Solicitation Auction''), the Initiating Member must mark the orders for Solicitation Auction processing, and specify the price (''stop price'') at which it seeks to cross the Complex Agency Order with the Complex Solicited Order. Once the Initiating Member has submitted the orders for processing pursuant to proposed Rule 1081(ii)(A)(1)–(2), they may not be modified or cancelled.

be automatically executed without a Solicitation Auction.[28] The execution price for such paired public customer orders (except if they are Complex Orders) must be expressed in the minimum quoting increment applicable to the affected series.[29] Such an execution may not trade through the NBBO or at the same price as any resting public customer order. If all-or-none orders are on the order book in the affected series, the public customer-to-public customer order may not be executed at a price at which the all-or-none order would be eligible to trade based on its limit price and size.[30]

In the case of a Complex Order, a public customer-to-public customer cross may only occur at a price which improves the calculated Phlx Best Bid/Offer or ''cPBBO'' and improves upon the net limit price of any Complex Orders (excluding all-or-none) on the Complex Order book in the same strategy.[31] If all-or-none Complex Orders [32] are on the Complex Order book in the same strategy, the public customer-to-public customer Complex Order may not be executed at a price at which the all-or-none Complex Order would be eligible to trade based on its limit price and size.

The Exchange believes that permitting such executions would benefit public customers on both sides of the crossing transaction by providing speedy and efficient executions to public customer orders in this circumstance while maintaining the priority of public customer interest on the book. The proposed handling of a public customer Agency Order paired with a public customer Solicited Order is similar to the handling of a public customer PIXL Order paired with a public customer Initiating Order which is submitted into the PIXL mechanism.[33]

Solicitation Auction Notification

Pursuant to proposed Rule 1081(ii)(A)(3), when the Exchange receives an order for Solicitation Auction processing, a Request for Response with the option details (meaning, the security, strike price, and expiration date), size and stop price, but not the side [34] of the Agency Order and the Solicitation Auction start time is then sent over the PHLX Orders data feed [35] and Specialized Quote Feed (''SQF'').[36] The Exchange believes that providing option details, size, and stop price is sufficient information for participants to determine whether to submit responses to the Solicitation Auction.[37]

Solicitation Auction

The Solicitation Auction process is described in proposed Rules 1081(ii)(A)(4)–(10). Following the issuance of the Request for Response, the Solicitation Auction would last for a period of 500 milliseconds [38] unless it is concluded as the result of any of the circumstances described below.[39]

Any person or entity may submit Responses to the Request for Response, provided such Response is properly marked specifying the price, size and side of the market at which it would be willing to participate in the execution of the Agency Order. The Exchange believes that permitting any person or entity to submit Responses to the Request for Response should attract Responses from all sources, maximizing the potential for liquidity in the Solicitation Auction and thus affording the Agency Order the best opportunity for price improvement. Responses would not be visible to Solicitation Auction participants, and would not be disseminated to the Options Price Reporting Authority (''OPRA''). A Response may be for any size up to the size of the Agency Order.[40] The minimum price increment for Responses would be $0.01. A Response must be equal to or better than the NBBO on both sides of the market at the time of receipt of the Response. A Response with a price that is outside the NBBO at the time of receipt would be rejected.[41] Multiple Responses from the

[28] The eligibility requirements require the orders to each be limit orders for at least 500 contracts (or, in the case of mini options, at least 5000 contracts) and be designated as all-or-none. The orders must match in size, and the limit prices must match or cross in price. The orders may not be stop or stop limit orders, must be marked with a time in force of day, good till cancelled or immediate or cancel. In the case of Complex Orders, the orders must be of a conforming ratio, and all component option legs of the order must be for at least 500 contracts (or, in the case of mini options, at least 5000 contracts). *See* proposed Rule 1081(i). The Exchange also accommodates the crossing of two public customer orders in PIXL. *See* Rule 1080(n).

[29] The execution price for a Complex Order may be in $.01 increments.

[30] All-or-none orders can only be submitted for non-broker-dealer customers. As stated above, all-or-none orders are not considered when checking the acceptability of the stop price of an Agency Order.

[31] The term ''cPBBO'' means the best net debit or credit price for a Complex Order Strategy based on the PBBO for the individual options components of such Complex Order Strategy, and, where the underlying security is a component of the Complex Order, the National Best Bid and/or Offer for the underlying security. *See* Rule 1080.08(a)(iv).

[32] The Exchange's trading system is capable of accepting all-or-none Complex Orders which are not, however, affirmatively permitted to be submitted under Exchange rules. Rule 1080.08 (b)(v) provides in part that ''Complex Orders may be submitted as: All-or-none orders—to be executed in its entirety or not at all.'' *See* Securities Exchange Act Release No. 72351 (June 9, 2014), 79 FR 33977 (June 13, 2014) (SR–Phlx–2014–39). Nevertheless, all-or-none Complex Orders may not be submitted at this time. The Exchange anticipates that it will file a proposed rule change to provide for the handling and execution of all-or-none Complex Orders and thereafter permit the trading system to accept them. The instant proposed rule change describes how the solicitation mechanism would deal with all-or-none Complex Orders once they are permitted under Exchange rules. Complex Agency Orders and Complex Solicited Orders provided for herein are not Complex Orders that would require filing of a proposed rule change in order to be submitted into the system. Complex Agency Orders and Complex Solicited Orders, while all-or-none in character, are unique to the solicitation mechanism and are explicitly provided for herein.

[33] *See* Rule 1080(n)(vi).

[34] The Exchange states that, by omitting the side in the Request for Response, the system avoids disclosure of potentially material information that could move the market in the event the Agency Order does not trade at the conclusion of the Solicitation Auction. Market participants may enter Responses on both sides of the market.

[35] The PHLX Orders data feed is designed to provide the real-time status of simple and Complex Orders on the Phlx order book directly to subscribers. This includes new orders and changes to orders resting on the Phlx book for all Phlx listed options. PHLX Orders also includes opening imbalance information, PIXL information and Complex Order Live Auction (''COLA'') data.

[36] SQF is an interface that allows specialists and market makers to connect and send quotes into Phlx XL and assists them in responding to auctions and providing liquidity to the market.

[37] CBOE Rule 6.74B(b)(1)(B) suggests that Agency Orders submitted to CBOE's Solicitation Auction Mechanism include the proposed price at which an Agency Order is to be crossed with a solicited order, as well as the size of the order. According to Phlx, the rule does not specify that the side is to be indicated on the order. *See also* C2 Rule 6.52(b)(1)(B), which is similar.

[38] In April/May 2014, to determine whether the proposed Solicitation Auction timer would provide sufficient time to respond to a Request for Response, the Exchange polled all Phlx market makers, 20 of which responded. Of those that responded to the survey, 15 are currently responding to auctions on Phlx or intend to do so. 100% of those respondents indicated that their firm could respond to auctions with a duration of at least 50 milliseconds. Thus, the Exchange believes that the proposed Solicitation Auction duration of 500 milliseconds would provide a meaningful opportunity for participants on Phlx to respond to a Solicitation Auction, whether initiated by an Agency Order or a Complex Agency Order, while at the same time facilitating the prompt execution of orders. The Exchange notes that both ISE and Miami International Securities Exchange LLC (''MIAX'') rules provide for a 500 millisecond response time. *See* ISE Rule 716, Supplementary Material .04 and MIAX Rule 515A(b)(2)(i)(C).

[39] Rule 1080(c)(ii)(C)(2), which states that Order Entry Firms must expose orders they represent as agent for at least one second before such orders may be automatically executed against solicited orders, is being amended to clarify that it does not apply to proposed Rule 1081, Solicitation Mechanism. *See also* proposed Rule 1081(ii)(A)(4).

[40] Responses may not be submitted with an all-or-none contingency. (Note, however, that all-or-none orders entered and present in the system at the end of the Solicitation Auction would be considered for execution, as discussed below.)

[41] Similarly, in the case of Complex Order Responses, the Response must be equal to or better than the cPBBO on both sides, as defined in

same member may be submitted at different prices on either or both sides of the market during the Solicitation Auction. Responses may be modified or cancelled during the Solicitation Auction. The acceptance and handling of Responses to a Solicitation Auction is the same as the acceptance and handling of Responses today for a PIXL Auction.[42]

Conclusion of the Solicitation Auction

Proposed Rules 1081(ii)(B)(1)–(4) describe a number of circumstances that would cause the Solicitation Auction to conclude. Generally, it would conclude at the end of the Solicitation Auction period, except that it may conclude earlier: (i) any time the Phlx Best Bid/Offer (''PBBO'') on the same side of the market as the Agency Order crosses the stop price (since further price improvement would be unlikely and any Responses offering improvement would be likely to be cancelled),[43] or (ii) any time there is a trading halt on the Exchange in the affected series (or, in the case of a Complex Solicitation Auction, any time there is a trading halt on the Exchange in any component of a Complex Agency Order).[44]

Pursuant to proposed Rule 1081(ii)(C), if the Solicitation Auction concludes before the expiration of the Solicitation Auction period as the result of the PBBO, cPBBO or Complex Order book (excluding all-or-none Complex Orders) crossing the stop price as described in proposed Rules 1081(ii)(B)(2) and 1081(ii)(B)(3), the entire Agency Order would be executed using the allocation algorithm set forth in proposed Rule 1081(ii)(E). The algorithm is described below under the heading ''Order Allocation''.

Also pursuant to proposed Rule 1081(ii)(C), if the Solicitation Auction concludes before the expiration of the Solicitation Auction period as the result of a trading halt, the entire Agency Order or Complex Agency Order would be executed solely against the Solicited Order or Complex Solicited Order at the stop price and any unexecuted Responses would be cancelled.[45] Responses and other interest present in the system would not be considered for trading against the Agency Order in the case of a trading halt. The Exchange believes that this is appropriate since the participants representing tradable interest in the Solicitation Auction have not 'stopped' the Agency Order in its entirety and would have no means after the auction executions occur to offset the trading risk they would incur because the market is halted if they were permitted to execute against the Agency Order in this instance. However, the Solicited Order 'stopped' the Agency Order when the order was submitted into the Solicitation Auction and would therefore execute against the Agency Order if the Solicitation Auction concludes before the expiration of the Solicitation Auction period as the result of a trading halt.

Furthermore, when Agency and Solicited Orders are submitted into the Solicitation Auction, the stop price must be equal to or improve the NBBO and be at least $0.01 better than any public customer non-contingent limit orders on the Phlx order book. The Exchange believes that public customer interest submitted to Phlx after submission of the Agency and Solicited Orders but prior to the trading halt should not prevent the Agency Order from being executed at the stop price since such public customer interest was not present at the time the Agency Order was 'stopped' by the Solicited Order.

Entry of an unrelated market or marketable limit order on the opposite side of the market from the Agency Order received during the Solicitation Auction would not cause the Solicitation Auction to end early. Rather, the unrelated order would execute against interest outside the Solicitation Auction (if marketable against the PBBO) or would post to the book and then route if eligible for routing (in the case of an order marketable against the NBBO but not against the PBBO), pursuant to proposed Rule 1081(ii)(D). If contracts remain from such unrelated order at the time the Solicitation Auction ends, the total unexecuted volume of such unrelated interest would be considered for participation in the order allocation process, regardless of the number of contracts in relation to the Solicitation Auction size, described in proposed Rule 1081(ii)(E).[46] The handling of unrelated opposite side interest which is received during the Solicitation Auction is the same as the handling of unrelated opposite side interest which is received during a PIXL Auction.[47] Participants submitting such unrelated interest may not be aware that an auction is in progress and should therefore be able to access firm quotes that comprise the NBBO without delay. Considering such unrelated interest which remains unexecuted upon receipt for participation in the order allocation process described in proposed Rule 1081(ii)(E) would increase the number of contracts against which an Agency Order could be executed, and should therefore create more opportunities for the Agency Order to be executed at better prices.

Order Allocation

The allocation of orders executed upon the conclusion of a Solicitation Auction would depend upon whether the Solicitation Auction has yielded sufficient improving interest to improve the price of the entire Agency Order. As noted above, all contracts of the Agency Order would trade at an improved price against non-solicited contra-side interest or, in the event of insufficient improving interest to improve the price of the entire Agency Order, at the stop price against the Solicited Order.

Consideration of All-or-None Interest. All-or-none interest of a size which could potentially be executed consistent with its all-or-none contingency is considered when determining whether there is sufficient size to execute Agency Orders which are not Complex Agency Orders at price(s) better than the stop price. However, pursuant to proposed Rule 1081(ii)(E)(5), when

Commentary .08(a)(iv) of Rule 1080 at the time of receipt of the Complex Order Response but need not improve upon the limit of orders on the CBOOK. A Complex Order Response submitted with a price that is outside the cPBBO at the time of receipt would be rejected. *See* proposed Rule 1081(ii)(A)(9).

[42] *See* Rule 1080(n).

[43] In the case of a Complex Solicitation Auction, it would end any time the cPBBO or the Complex Order book, excluding all-or-none Complex Orders, on the same side of the market as the Complex Agency Order, crosses the stop price. *See* proposed Rule 1081(ii)(B)(3).

[44] Trading on the Exchange in any option contract is halted whenever trading in the underlying security has been paused or halted by the primary listing market. *See* Rule 1047(e). *See also* Securities Exchange Act Release No. 62269 (June 10, 2010), 75 FR 34491 (June 17, 2010) (SR-Phlx-2010–82). Any executions that occur during any latency between the pause or halt in the underlying security and the processing of the halt on the Exchange are nullified pursuant to Rule 1092(c)(iv)(B).

[45] The Exchange's PIXL auction features similar functionality. Pursuant to Rule 1080(n)(ii)(C), in the case of a trading halt on the Exchange in the affected series, a PIXL Order will be executed solely against the Initiating Order at the stop price and any unexecuted PAN responses will be cancelled.

[46] Similarly, pursuant to proposed Rule 1081(ii)(D), in the case of a Complex Solicitation Auction, an unrelated market or marketable limit Complex Order on the opposite side of the market from the Complex Agency Order as well as orders for the individual components of the unrelated Complex Order received during the Complex Solicitation Auction would not cause the Complex Solicitation Auction to end early and would execute against interest outside of the Complex Solicitation Auction. If contracts remain from such unrelated Complex Order at the time the Complex Solicitation Auction ends, the total unexecuted volume of such unrelated interest would be considered for participation in the order allocation process, regardless of the number of contracts in relation to the Complex Solicitation Auction size, described in proposed Rule 1081(ii)(E).

[47] *See* Rule 1080(n)(ii)(D).

determining if there is sufficient size to execute Complex Agency Orders at a price(s) better than the stop price, no all-or-none interest of any size would be considered. If there is sufficient size to execute the entire Complex Agency Order at a price(s) better than the stop price irrespective of any all-or-none interest that may be present, then all-or-none interest would be considered for trade and executed if possible. This difference in behavior is due to a system limitation relating to all-or-none Complex Orders.[48] The Exchange believes this behavior is not impactful since all-or-none Complex Orders are rare[49] and if sufficient size exists to execute the entire Complex Agency Order at an improved price, the all-or-none Complex Order would be considered for trade and executed if possible.

In all Solicitation Auctions, all-or-none interest would be executed pursuant to normal priority rules, except that it would not be executed if the all-or-none contingency cannot be satisfied. If an execution which can adhere to the all-or-none contingency is not possible, such all-or-none interest would be ignored and would remain on the order book or be cancelled if such interest is an immediate or cancel order.

For example, assume an Agency Order to buy 1000 contracts stopped by a Solicited Order at $2.00 is entered when the PBBO is $1.90–$2.10. Assume that during the Solicitation Auction, Responses are received to sell 700 contracts at $1.97 and sell 150 contracts at $1.99. In addition, assume an order to sell 300 contracts at $1.98 with an all-or-none contingency is received. At the end of the Solicitation Auction, the system would consider the all-or-none order when determining if there is sufficient size to execute the Agency Order at a price(s) better than the stop price since the all-or-none contingency can be satisfied by an execution. In this example, at the end of the Solicitation Auction, the Agency Order would execute against improving interest with 700 contracts executing at $1.97 and 300 contracts (representing the all-or-none order) executing at $1.98. Consider a similar scenario whereby the Responses received were to sell 700 contracts at $1.97 and sell 300 contracts at $1.99 and an all-or-none order to sell 500 contracts at $1.98 was received. In this scenario, the system would not consider the all-or-none order when determining if there is sufficient size to execute the Agency Order at a price(s) better than the stop price since the all-or-or none contingency cannot be satisfied by an execution. However, excluding the all-or-none order, the Agency Order can still be satisfied at a price(s) better than the stop price. In this scenario, at the end of the Solicitation Auction, the Agency Order would execute against improving interest with 700 contracts executing at $1.97 and 300 contracts executing at $1.99. The 500 contract all-or-none order does not execute because the all-or-none contingency cannot be satisfied.

Similarly, assume a Complex Agency Order to buy 1000 contracts stopped by a Complex Solicited Order at $2.00 is entered when the cPBBO is $1.90–$2.10. Assume that during the Solicitation Auction a Response is received to sell 900 contracts at $1.98 and an all-or-none Complex Order is received to sell 150 contracts at $1.99. At the end of the Solicitation Auction involving a Complex Order, the system does not consider all-or-none interest in determining whether it can execute the Complex Agency Order at a better price than the stop price. In this case, excluding the all-or-none Complex Order, only 900 contracts are available to sell at a better price than the stop price. Therefore, the Complex Agency Order would trade against the Solicited Order at the $2.00 stop price. The all-or-none contracts would not be included because although more than 1000 contracts are offered at a better price than the $2.00 stop price, the system cannot both trade best prices first and adhere to the contingency of the all-or-none order while ensuring that the Agency Order trades 1000 contracts. If, however, the example is changed and Responses are received to sell 900 contracts at $1.98 and sell 100 contracts at $1.99 and an order to sell 100 contracts at $1.98 all-or-none is received, at the end of the Solicitation Auction involving this Complex Order, there is enough interest which is not all-or-none to satisfy the Complex Agency Order at a better price than the $2.00 stop price. Therefore, the Agency Order would be executed against the 900 lot at $1.98 and the remaining 100 contracts executed against the all-or-none Complex Order at $1.98.

Solicitation Auction with Sufficient Improving Interest. Pursuant to the proposed Rule 1081(ii)(E)(1) algorithm, if there is sufficient size (considering all resting orders, quotes and Responses) to execute the entire Agency Order at a price or prices better than the stop price, the Agency Order would be executed against such better priced interest with public customers having priority at each price level. After public customer interest at a particular price level has been satisfied, including all-or-none orders with a size which can be satisfied, remaining contracts would be allocated among all Exchange quotes, orders and Responses in accordance with Rules 1014(g)(vii)(B)(1)(b) and (d), and the Solicited Order would be cancelled.[50]

Example of Solicitation Auction with Sufficient Improving Interest. To illustrate a case where a Solicitation Auction yields enough improving interest to better the stop price and the application of the proposed Rule 1081(ii)(E)(1) algorithm, assume the NBBO is $0.95–$1.03, and a buy side Agency Order for 1000 contracts is

[48] All-or-none simple orders reside with simple orders on the book. By contrast, all-or-none Complex Orders reside in a separate book, in a different part of the trading system. Thus aggregation of all-or-none Complex Orders with other Complex Orders is a more difficult process than aggregation of all-or-none simple orders with other simple orders.

[49] The Exchange reviewed six months of data which showed that all-or-none Complex Orders represented only 0.12% of all Complex Orders.

[50] Similarly, pursuant to proposed Rule 1081(ii)(E)(3), in the case of a Complex Solicitation Auction, if there is sufficient size (considering resting Complex Orders and Responses) to execute the entire Complex Agency Order at a price(s) better than the stop price, the Complex Agency Order would be executed against better priced Complex Orders, Responses, as well as quotes and orders which comprise the cPBBO at the end of the Complex Solicitation Auction. (The cPBBO is not considered in determining whether there is sufficient improving size because the market and/or size of the individual components can change between the calculation of sufficient size and the actual execution.) Such interest would be allocated at a given price in the following order: (i) to public customer Complex Orders and Responses in time priority; (ii) to SQT, RSQT, and non-SQT ROT Complex Orders and Responses on a size pro-rata basis; (iii) to non-market maker off-floor broker-dealer Complex Orders and Responses on a size pro-rata basis, and (iv) to quotes and orders which comprise the cPBBO at the end of the Complex Solicitation Auction with public customer interest being satisfied first in time priority, then to SQT, RSQT, and non-SQT ROT interest satisfied on a size pro-rata basis, and lastly to non-market maker off-floor broker-dealers on a size pro-rata basis. This allocation methodology is consistent with the allocation methodology utilized for a Complex Order executed in PIXL. In addition, providing public customer's with priority over SQT, RSQT, and non-SQT ROTs, who in turn have priority over non-market maker off-floor broker-dealers is the same priority scheme used for regular orders. *See* Rule 1014(g).

When determining if there is sufficient size to execute the entire Complex Agency Order at a price(s) better than the stop price, if the short sale price test in Rule 201 of Regulation SHO is triggered for a covered security, Complex Orders and Responses which are marked ''short'' will not be considered because of the possibility that a short sale price restriction may apply during the interval between assessing for adequate size and the execution of the Complex Agency Order. However, if there is sufficient size to execute the entire Complex Agency Order at a price(s) better than the stop price irrespective of any covered securities for which the price test is triggered that may be present, then all Complex Orders and Responses which are marked ''short'' will be considered for allocation in accordance with proposed Rule 1081(ii)(J)(3).

submitted with a contra-side Solicited Order to stop the Agency Order at $1.00. During the Solicitation Auction, assume a market maker (''MM1'') Response is submitted to sell 800 contracts at $0.97, a broker-dealer Response is submitted to sell 100 contracts at $0.99, and a public customer sends in an order, outside of the Solicitation Auction, to sell 100 contracts at $0.99. Upon receipt of the public customer order, the NBBO changes to $0.95–$0.99. In addition, assume two market makers send in quotes of $0.95–$0.99 during the Solicitation Auction. Market Maker 2 (''MM2'') quotes $0.95–$0.99 with 100 contracts and Market Maker 3 (''MM3'') quotes $0.95–$0.99 with 50 contracts. At the end of the Solicitation Auction, since there is enough interest to execute the entire Agency Order at a price(s) better than the stop price, the Agency Order would be executed against the better priced interest as follows:

— the Agency Order trades 800 contracts at $0.97 against MM1 Response;

— the Agency Order trades 100 contracts at $0.99 against public customer;

— the Agency Order trades 67 contracts at $0.99 against MM2 quote (pro-rata allocation); and

— the Agency Order trades 33 contracts at $0.99 against MM3 quote (pro-rata allocation).

The broker-dealer does not trade any contracts since broker-dealer orders execute only after all public customer and market maker interest is satisfied. The unexecuted Solicited Order and broker-dealer Response are cancelled back to the sending participants.[51]

Solicitation Auction with Insufficient Improving Interest. Pursuant to proposed Rule 1081(ii)(E)(2), if there is not sufficient size (considering all resting orders, quotes and Responses) to execute the entire Agency Order at a price(s) better than the stop price, the Agency Order would be executed against the Solicited Order at the stop price provided such price is better than the limit of any public customer order (excluding all-or-none) on the limit order book, on either the same side as or the opposite side of the Agency Order, and equal to or better than the contra-side PBBO.[52] Otherwise, both the Agency Order and Solicited Order would be cancelled without a trade occurring. This proposed behavior ensures non-contingent public customer orders on the limit order book maintain priority. While the Exchange recognizes that at least one other solicitation mechanism offered by another exchange considers public customer orders on the limit order book at the stop price when determining if there is sufficient improving interest to satisfy the Agency Order, the proposed solicitation mechanism offered on Phlx would not consider such interest.[53] The Exchange believes that requiring the stop price to be at least $0.01 better than any public customer interest on the limit order book ensures public customer priority of existing interest and in turn provides the Solicited Order participant certainty that if an execution occurs at the stop price, such execution would represent the Solicited Order and not interest which arrived after the Solicited Order participant stopped the Agency Order for its entire size.

Example of Solicitation Auction with Insufficient Improving Interest. To illustrate a case where the Solicitation Auction has not yielded sufficient interest to improve the price for the entire Agency Order, assume the NBBO is $0.97–$1.03, and a buy side Agency Order for 1000 contracts is submitted with a contra-side Solicited Order to stop the Agency Order at $1.00. During the Solicitation Auction, assume a Response is submitted to sell 100 contracts at $0.97 and another to sell 100 contracts at $0.99. At the end of the Solicitation Auction period, since there is not enough interest to execute the entire Agency Order at a price(s) better than the stop price, the Agency Order would be executed at $1.00 against the Solicited Order. The unexecuted Responses are then cancelled back to the sending participant.[54]

Proposed Rule 1081(ii)(E)(6) provides that a single quote, order or Response shall not be allocated a number of contracts that is greater than its size.

Finally, proposed Rule 1081(ii)(E)(7) provides that a Complex Agency Order consisting of a stock/ETF component would not execute against interest comprising the cPBBO at the end of the Complex Solicitation Auction.[55] Legging of a stock/ETF component would introduce the risk of a participant not receiving an execution on all components of the Complex Order and is therefore not considered as a means

[51] To illustrate a Complex Solicitation Auction with enough improving interest and the operation of proposed Rule 1081(ii)(E)(3), assume that a Complex Order to buy one of option A and sell one of option B, 1000 times, with a cPBBO of $0.40 bid, $0.70 offer, is submitted with a stop price of $0.65. Assume that during the Solicitation Auction, the following Responses and order interest are received: a market maker (''MM1'') responds to sell the strategy 100 times at a price of $0.55; MM1 responds to sell the strategy 100 times at a price of $0.60; a broker-dealer responds to sell the strategy 400 times at a price of $0.60; a public customer Complex Order to sell the strategy 300 times at a price of $0.60; and another market maker (''MM2'') responds to sell the strategy 200 times at $0.60.

After all these Responses and orders are received, option A of the simple market moves causing the cPBBO to become offered 200 times at $0.60. Option A is quoted in the simple market as $1.00–$1.10 and Option B is quoted in the simple market as $0.50–$0.60. At the end of the Solicitation Auction, the Complex Agency Order would be executed as follows: the Complex Agency Order trades 100 contracts at $0.55 against MM1; the Complex Agency Order trades 300 contracts at $0.60 against public customer; the Complex Agency Order trades 100 contracts at $0.60 against MM1; the Complex Agency Order trades 200 contracts at $0.60 against MM2; the Complex Agency Order trades 300 contracts at $0.60 against the broker-dealer; and the Solicited Order and the residual unexecuted contracts of the broker-dealer Response are cancelled.

[52] Proposed Rule 1081(ii)(E)(2) does not apply to Complex Solicitation Auctions. Rather, a parallel provision, proposed Rule 1081(ii)(E)(4), provides that in a Complex Solicitation Auction, if there is not sufficient size (considering resting Complex Orders and Responses) to execute the entire Complex Agency Order at a price(s) better than the stop price, the Complex Agency Order would be executed against the Solicited Order at the stop price, provided such stop price is better than the limit of any public customer Complex Order (excluding all-or-none) on the Complex Order book, better than the cPBBO when a public customer order (excluding all-or-none) is resting on the book in any component of the Complex Agency Order, and equal to or better than the cPBBO on the opposite side of the Complex Agency Order. This proposed behavior ensures non-contingent public customers on the limit order book maintain priority. Otherwise, both the Complex Agency Order and the Solicited Order would be cancelled with no trade occurring.

[53] *See* ISE Rule 716(e)(2)(i) which provides in part that in the case of insufficient improving interest ''[i]f there are Priority Customer Orders on the Exchange on the opposite side of the Agency Order at the proposed execution price and there is sufficient size to execute the entire size of the Agency Order, the Agency Order will be executed against the bid or offer, and the solicited order will be cancelled.''

[54] To illustrate a Complex Solicitation Auction that yields insufficient improving interest and the operation of proposed Rule 1081(ii)(E)(4), assume a Complex Order to buy one of option A and sell one of option B, 1000 times, with a cPBBO of $0.40 bid, $0.70 offer, is submitted with a stop price of $0.65. Assume that during the Complex Solicitation Auction, the following Responses and order interest are received: a market maker (''MM1'') responds to sell the strategy 100 times at a price of $0.55; MM1 responds to sell the strategy 100 times at a price of $0.60; a broker-dealer responds to sell the strategy 300 times at a price of $0.60; and another market maker (''MM2'') responds to sell the strategy 200 times at $0.60.

At the end of the Complex Solicitation Auction, since there is not sufficient size to execute the entire Complex Agency Order at a price(s) better than the stop price, the Complex Agency Order executes at the stop price of $0.65 against the Solicited Order. All unexecuted Responses are cancelled back to the sending participants.

[55] This provision parallels PIXL Rule 1080(n)(ii)(E)(2)(g) and is being proposed for the same reasons explained in the Complex PIXL Filing. This limitation is also consistent with the handling of Complex Orders that include a stock/ETF component and are entered into the Phlx XL system. Commentary .08(a)(i) to Rule 1080 states, for example, that stock-option orders can only be executed against other stock-option orders and cannot be executed by the System against orders for the individual components.

of executing a Complex Order which includes a stock/ETF component. The Exchange believes that introducing the risk of inability to fully execute a complex strategy is counterproductive to, and inconsistent with, the effort to allow Complex Orders in the solicitation mechanism.

Miscellaneous Provisions

Proposed Rules 1081(ii)(F) through (I) address the handling of the Agency Order and other orders, quotes and Responses when certain conditions are present. Pursuant to proposed Rule 1081(ii)(F), if the market moves following the receipt of a Response, such that there are Responses that cross the then-existing NBBO (provided such NBBO is not crossed) at the time of the conclusion of the Solicitation Auction, such Responses would be executed, if possible, at their limit price(s).[56] Since Responses may be cancelled at any time prior to the conclusion of the Solicitation Auction, the Exchange believes that this behavior is, at best, highly unlikely as participants would cancel Responses when better priced interest that they could trade against is present in the marketplace. This behavior is consistent with the current handling of PAN Responses in a PIXL Auction.

Proposed Rule 1081(ii)(G) provides that if the Solicitation Auction price when trading against non-solicited interest (except if it is a Complex Solicitation Auction) would be the same as or cross the limit of an order (excluding an all-or-none order) on the limit order book on the same side of the market as the Agency Order, the Agency Order may only be executed at a price that is at least $0.01 better than the resting order's limit price provided such execution price improves the stop price. If such execution price would not improve the stop price, the Agency Order would be executed at a price which is $0.01 better for the Agency Order than the stop price provided the price does not equal or cross a public customer order and is equal to or improves upon the PBBO on the opposite side of the Agency Order.[57] If such price is not possible, the Agency Order and Solicited Order would be cancelled with no trade occurring. For example, assume the NBBO is $1.03–$1.10 when an order is submitted into the Solicitation Auction, that the Agency Order is buying and that the order is stopped at $1.05. The $1.03 bid is an order on Phlx. During the Solicitation Auction a Response arrives to sell at $1.03. At the end of the Solicitation Auction, if the Response to sell at $1.03 can fully satisfy the Agency Order, the auction price would be $1.03 but, since that price is the same as the price of a resting order on the book, the Agency Order would trade against the Response at $1.04 (an improvement of $0.01 over the resting order's limit). By contrast, assume a case where the NBBO is $1.03–$1.10 and where during the Auction an unrelated non-customer order to pay $1.04 is received. This order rests on the book and the NBBO becomes $1.04–$1.10. Assume the same stop price of $1.05 for an Agency Order to buy, and the receipt of a Response to sell at $1.04 which can fully satisfy the Agency order. At the end of the Solicitation Auction, the auction price would be $1.04 which equals the resting order on the book. In this case, if the trade were executed with $0.01 improvement over the resting order limit (that is, if the trade were executed at $1.05) the execution would be at the stop price. The system would not consider the origin of the resting order but ensures the priority of such order, regardless of origin by requiring that any execution occur at a price which improves upon the limit of a resting order by at least $0.01. In addition, the system only would permit the Solicited Order and no other interest to trade against the Agency Order at the stop price since the Solicited Order stopped the entire size Agency Order at a price which was required upon receipt to be equal to or improve the NBBO and to be at least $0.01 improvement over any public customer orders resting on the Phlx limit order book, thereby establishing priority at the stop price. Therefore, the execution price in this case ($1.04) would be $0.01 better than the stop price. This system logic ensures that the Agency Order receives a better priced execution than the stop price when trading against interest other than the Solicited Order.

Proposed Rule 1081(ii)(I) provides that any unexecuted Responses or Solicited Orders would be cancelled at the end of the Solicitation Auction. This behavior is consistent with the handling of unexecuted PAN Responses and Initiating Orders in PIXL.[58] Both Responses and Solicited Orders are specifically entered into the Solicitation Auction to trade against the Agency Order. The Exchange believes that cancelling the unexecuted portion of Responses and Solicited Orders is consistent with the expected behavior of such interest by the submitting participants.

Complex Agency Orders With Stock/ETF Components

Proposed Rule 1081(ii)(J) deals with Complex Agency Orders with stock or ETF components and generally tracks Rule 1080(n)(ii)(J) applicable to PIXL. Proposed Rule 1081(ii)(J)(1) states that member organizations may only submit Complex Agency Orders, Complex Solicited Orders, Complex Orders and/or Responses with a stock/ETF component if such orders/Responses comply with the Qualified Contingent Trade Exemption from Rule 611(a) of Regulation NMS pursuant to the Act. Member organizations submitting such orders with a stock/ETF component represent that such orders comply with the Qualified Contingent Trade Exemption. Members of FINRA or the NASDAQ Stock Market (''NASDAQ'') are required to have a Uniform Service Bureau/Executing Broker Agreement (''AGU'') with Nasdaq Execution Services LLC (''NES'') in order to trade orders containing a stock/ETF component; firms that are not members of FINRA or NASDAQ are required to have a Qualified Special Representative (''QSR'') arrangement with NES in order to trade orders containing a stock/ETF component.

Proposed Rule 1081(ii)(J)(2) provides that where one component of a Complex Agency Order, Complex Solicited Order, Complex Order or Response is the underlying security, the Exchange shall electronically communicate the underlying security component of the Complex Agency Order (together with the Complex Solicited Order or

[56] Similarly, in the case of a Complex Solicitation Auction, if there are Responses that cross the then-existing cPBBO at the time of conclusion of the Complex Solicitation Auction, such Responses would be executed, if possible, at their limit prices. This provision parallels PIXL Rule 1080(n)(ii)(F).

[57] *See also* PIXL Rule 1080(n)(ii)(H). Proposed Rule 1081(ii)(G) does not apply to Complex Solicitation Auctions. Rather, a parallel provision, proposed Rule 1081(ii)(H), provides that if the Complex Solicitation Auction price when trading against non-solicited interest would be the same as or cross the limit of that of a Complex Order (excluding all-or-none) on the Complex Order Book on the same side of the market as the Complex Agency Order, the Complex Agency Order may only be executed at a price that improves the resting order's limit price by at least $0.01, provided such execution price improves the stop price. If such execution price would be equal to or would not improve the stop price, the Agency Order would be executed $0.01 better than the stop price provided the price does not equal or cross a non-all-or-none public customer Complex Order or a non-all-or-none public customer order present in the cPBBO on the same side as the Complex Agency Order in a component of the Complex Order Strategy and is equal to or better than the cPBBO on the opposite side of the Complex Agency Order. If such price is not possible, the Agency Order and Solicited Order would be cancelled with no trade occurring. This functionality is consistent with that of Complex PIXL auctions.

[58] *See* Rule 1080(n)(ii)(I).

Response, as applicable) to NES, its designated broker-dealer, for immediate execution.

Such execution and reporting would occur otherwise than on the Exchange and would be handled by NES pursuant to applicable rules regarding equity trading.

Finally, proposed Rule 1081(ii)(J)(3) states that when the short sale price test in Rule 201 of Regulation SHO[59] is triggered for a covered security, NES would not execute a short sale order in the underlying covered security component of a Complex Agency Order, Complex Solicited Order, Complex Order or Response if the price is equal to or below the current national best bid.[60] However, NES would execute a short sale order in the underlying covered security component of a Complex Agency Order, Complex Solicited Order, Complex Order or Response if such order is marked ''short exempt,'' regardless of whether it is at a price that is equal to or below the current national best bid.[61] If NES could not execute the underlying covered security component of a Complex Agency Order, Complex Solicited Order, Complex Order or Response in accordance with Rule 201 of Regulation SHO, the Exchange would cancel back the Complex Agency Order, Complex Solicited Order, Complex Order or Response to the entering member organization. For purposes of this paragraph, the term ''covered security'' has the same meaning as in Rule 201(a)(1) of Regulation SHO.[62]

Regulatory Issues

The proposed rule change contains two paragraphs describing prohibited practices when participants use the solicitation mechanism. These new provisions track similar provisions in the PIXL rule.[63]

Proposed Rule 1081(iii) states that the Solicitation Auction may be used only where there is a genuine intention to execute a bona fide transaction. It would be considered a violation of proposed Rule 1081 and would be deemed conduct inconsistent with just and equitable principles of trade and a violation of Rule 707 if an Initiating Member submits an Agency Order (thereby initiating a Solicitation Auction) and also submits its own Response in the same Solicitation Auction. The purpose of this provision is to prevent Solicited Members from submitting an inaccurate or misleading stop price or trying to improve their allocation entitlement by participating with multiple expressions of interest.

Proposed Rule 1081(iv) states that a pattern or practice of submitting unrelated orders or quotes that cross the stop price causing a Solicitation Auction to conclude before the end of the Solicitation Auction period would be deemed conduct inconsistent with just and equitable principles of trade and a violation of Rule 707.

Definition of Professional in Rule 1000(b)(14)

In addition to proposing Rule 1081, the Exchange also proposes an amendment to Rule 1000(b)(14). In 2010, the Exchange amended its priority rules to give certain non-broker-dealer orders the same priority as broker-dealer orders. In so doing, the Exchange adopted a new defined term, the ''professional,'' for certain persons or entities.[64] Rule 1000(b)(14) defines professional as a person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A professional account is treated in the same manner as an off-floor broker-dealer for purposes of Phlx Rule 1014(g), to which the trade allocation algorithm described in proposed Rule 1081(ii)(E)(1) refers. However, Rule 1000(b)(14) also currently states that all-or-none professional orders would be treated like customer orders. The Exchange proposes to amend Rule 1000(b)(14) by (i) specifying that orders submitted pursuant to Rule 1081 for the accounts of professionals would be treated in the same manner as off-floor broker-dealer orders for purposes of Rule 1014(g), and (ii) adding proposed Rule 1081 to the list of rules for the purpose of which a professional would be treated in the same manner as an off-floor broker-dealer. The effect of these changes to Rule 1014 is that professionals would not receive the same priority afforded to public customers in a Solicitation Auction under proposed Rule 1081, and instead would be treated as broker-dealers in this regard.

III. Proceedings to Determine Whether to Approve or Disapprove SR–Phlx–2014–66 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[65] to determine whether the proposed rule change should be approved or disapproved.[66] Institution of such proceedings is appropriate at this time in view of the legal and policy issues that are raised by the proposal and are discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described in greater detail below, the Commission seeks and encourages interested persons to comment on the proposal and inform the Commission's analysis whether to approve or disapprove the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act, the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of, and input from, commenters with regard to the proposed rule change's consistency with Section 6 of the Act, and in particular Sections 6(b)(5).[67] Section 6(b)(5) requires that the rules of an exchange be designed, among other things, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest; and are not designed to

[59] 17 CFR 242.201. *See* Securities Exchange Act Release No. 61595 (February 26, 2010), 75 FR 11232 (March 10, 2010). *See also* Division of Trading and Markets: Responses to Frequently Asked Questions Concerning Rule 201 of Regulation SHO, January 20, 2011 (''SHO FAQs'') at *www.sec.gov/divisions/marketreg/mrfaqregsho1204.htm*.

[60] The term ''national best bid'' is defined in SEC Rule 201(a)(4). 17 CFR 242.201(a)(4).

[61] The Exchange notes that a broker or dealer may mark a sell order ''short exempt'' only if the provisions of SEC Rule 201(c) or (d) are met. 17 CFR 242.200(g)(2). Since NES and the Exchange do not display the stock or ETF portion of a Complex Order, however, a broker-dealer should not mark the short sale order ''short exempt'' under Rule 201(c). *See* SHO FAQs Question and Answer Nos. 4.2, 5.4, and 5.5. *See also* Securities Exchange Act Release No. 63967 (February 25, 2011), 76 FR 12206 (March 4, 2011) (SR-Phlx-2011–27) (discussing, among other things, Complex Orders marked ''short exempt'') and the Complex PIXL Filing. The system would handle short sales of the orders and Responses described herein the same way it handles the short sales discussed in the Complex PIXL Filing.

[62] 17 CFR 242.201(a)(4).

[63] *See* Rules 1080(n)(iii) and (iv).

[64] *See* Securities Exchange Act Release No. 61802 (March 30, 2010), 75 FR 17193 (April 5, 2010) (approving SR–Phlx–2010–05).

[65] 15 U.S.C. 78s(b)(2)(B).

[66] Section 19(b)(2)(B) of the Act provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. The time for conclusion of the proceedings may be extended for up to an additional 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or if the self-regulatory organization consents to the extension.

[67] 15 U.S.C. 78f(b)(5).

permit unfair discrimination between customers, issuers, brokers, or dealers.[68]

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data and arguments with respect to the concerns identified above, as well as any others they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with Section 6 or any other provision, of the Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.[69]

In addition to any other facets of the proposal on which persons may seek to comment, the Commission is soliciting the views of interested persons regarding provisions of the proposed rule change concerning the handling of all-or-none orders. The Commission notes that, in the case of a Solicitation Auction for simple orders, all interest on the opposite side of the Agency Order would be considered in determining whether the price has been improved for the full size of the Agency Order.[70] However, in the case of a Complex Order auction, all-or-none interest would not be considered.[71] As discussed above, the Exchange explains that this difference is due to a system limitation relating to all-or-none Complex Orders: ''All-or-none simple orders reside with simple orders on the book. By contrast, all-or-none Complex Orders reside in a separate book, in a different part of the trading system. Thus aggregation of all-or-none Complex Orders with other Complex Orders in order to determine the presence of sufficient improving interest is a more difficult process than aggregation of all-or-none simple orders with other simple orders.''

The Commission notes the impact that the proposed difference in treatment of all-or-none Complex Orders would have. For example, if a proposed cross was submitted to the Solicitation Auction for 1000 contracts at a certain price, and during the auction period an all-or-none order for the full 1000 contracts was received by the Exchange in its Complex Order book at a superior price, the Agency Order nonetheless would be awarded to the solicited party at the stop price. As discussed above, Phlx argues that not counting all-or-none interest in the case of all-or-none Complex Orders would not be impactful, maintaining that all-or-none Complex Orders are rare.[72]

The Commission seeks comment on this feature of the Solicitation Mechanism. The Commission notes that a critical factor in its consideration of prior solicited order mechanism proposals has been whether the Agency Order was adequately exposed to all potential price improvement before the Solicited Order may trade against it at the proposed cross price.

In addition, the Commission seeks comment on the proposal's consideration of all-or-none orders that are resting on the book at the stop price at the conclusion of the auction (in both simple and Complex Order solicitations). The proposed rules provide, generally, that if, upon the conclusion of an auction, a public customer order is resting on the book opposite the Agency Order at the Solicited Order's stop price, both the Solicited Order and the Agency Order are canceled. However, if the public customer order was an all-or-none order, the proposal provides that the execution of the Solicited Order against the Agency Order can take place.[73] The Commission understands this result to apply even if the size of the all-or-none public customer order was such that it otherwise would be eligible to trade against the Agency Order. The Commission seeks commenters' views on this feature of the Solicitation Mechanism.[74]

The Commission further requests commenters' views on Phlx's proposed cancellation of the Agency Order (along with the Solicited Order) in certain cases where non-solicited interest is present that could fill the Agency Order. The Commission notes, for example, one result of proposed Rule 1081(ii)(G), which concerns a situation (in the case of simple orders) where the non-solicited interest has improved the price to a price that is the same as, or would cross, the limit of an order on the limit order book on the same side of the market as the Agency Order. The Commission understands the proposed rule as providing that the Agency Order would be permitted to be executed only at a price that is at least $0.01 better (*i.e.,* toward the opposite side) than the resting order's limit price. However, if that price, as adjusted by $.01, would be equal to (*i.e.,* would not improve) the stop price, the non-solicited interest would not be permitted to execute against the Agency Order at that price. In such case, as the Commission understands the proposal, the price would be adjusted back to $.01 better (for the Agency Order) than the stop price, but only if the resting limit order on the Agency Order side is not a public customer order. Otherwise, the Agency Order and Solicited Order would be cancelled with no trade occurring.

With respect to this cancellation scenario, as discussed above, Phlx explains that ''the system only would permit the Solicited Order and no other interest to trade against the Agency Order at the stop price since the Solicited Order stopped the entire size Agency Order at a price which was required upon receipt to be equal to or improve the NBBO and to be at least $0.01 improvement over any public customer orders resting on the Phlx limit order book, thereby establishing priority at the stop price.'' The Commission seeks comment on this rationale and its result.

Another example concerns a case where, at the conclusion of the auction period, a public customer order is resting on the book on the opposite side of the Agency Order at the stop price. As noted by the Exchange, its proposed rule and another exchange's solicited order mechanism rule[75] prohibit the execution of the Solicited Order in such a case. However, the proposed Phlx rule differs from the other exchange's rule in a case where, in addition to the public customer order at the stop price, there is price-improving interest of a size that is of insufficient size to fill the entire Agency Order on its own, but, when aggregated with the size of the public customer order, could fill the Agency

[68] 15 U.S.C. 78f(b)(5).

[69] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[70] *See* proposed Rule 1081(ii)(E)(1).

[71] *See* proposed Rule 1081(ii)(E)(5).

[72] The Exchange states that it reviewed six months of data which showed that all-or-none Complex Orders represented only 0.12% of all Complex Orders. *See supra* note 49. The Exchange also notes that the proposed rule provides that, if sufficient size exists to execute the entire Complex Agency Order at an improved price, an all-or-none Complex Order would be considered for trade and executed if possible.

[73] *See* proposed Rule 1081(ii)(E)(2).

[74] *See also supra,* text accompanying footnote 30, regarding deference to all-or-none orders in the context of crossing two public customer orders.

[75] *See* ISE Rule 716(e), Solicited Order Mechanism.

Order. On the other exchange, while the Solicited Order is cancelled, the public customer order at the stop price and the improving interest trade against the Agency Order. Under the Phlx's proposal, the Agency Order and Solicited Order are cancelled.

The Exchange explains that its system ''only permits the Solicited Order and no other interest to trade against the Agency Order at the stop price, thus ensuring that the Agency Order receives a better priced execution than the stop price when trading against interest other than the Solicited Order.'' The Commission notes that, when there is a public customer order on the book at the stop price, the Solicited Order would not be permitted to trade in any case, because a public customer on the book cannot be bypassed by another order. The Commission seeks comment on the aspect of the Exchange's proposal that would cancel the Agency Order and the Solicited Order in a case where there is public customer interest at the stop price, and together with any improving interest, the Agency Order otherwise could be satisfied.

The Commission further seeks commenters' views regarding the proposal's provisions regarding participation and priority in the allocation of the Agency Order, with respect to the Solicited Order and with respect to Responses, quotes and orders.

For example, under the proposal, one of the scenarios in which a Solicitation Auction would conclude early is if there is a trading halt on the Exchange in the option series that is the subject of the auction.[76] In such case, the Exchange's proposal provides that the entire Agency Order would be executed solely against the Solicited Order at the stop price, and any unexecuted Responses would be cancelled.[77] The Commission notes that there can be instances in which an unrelated order on the side opposite the Agency Order has arrived on the Exchange and is resting on the book at a price that is superior to the stop price (from the point of view of the Agency Order) when the trading halt occurs. By crossing the Agency Order against the Solicited Order at the stop price in this situation, the Exchange would be executing a trade at a price that is inferior to a price on the Exchange's book. As noted above, the Exchange believes that public customer interest submitted to Phlx after submission of the Agency and Solicited Orders but prior to the trading halt should not prevent the Agency Order from being executed at the stop price since such public customer interest was not present at the time the Agency Order was 'stopped' by the Solicited Order.[78] The Commission solicits comment on this functionality and the Exchange's rationale.

Interested persons are invited to submit written data, views and arguments regarding whether the proposed rule change should be approved or disapproved by [insert date 21 days from publication in the **Federal Register**]. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by [insert date 35 days from publication in the **Federal Register**].

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2014–66 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2014–66. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–Phlx–2014–66 and should be submitted on or before February 24, 2015. If comments are received, any rebuttal comments should be submitted by March 10, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[79]

Jill M. Peterson,

Assistant Secretary.

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[76] *See* proposed Rule 1081(ii)(B)(4). The described scenario applies in a simple Solicitation Auction. In a Complex Solicitation Auction, the auction would end early any time there is a trading halt on the Exchange in any component of the Complex Agency Order. *Id.*

[77] *See* proposed Rule 1081(ii)(C).

[78] In explaining generally why Responses and other interest present in the system would not be considered for trading against the Agency Order in the case of a trading halt—which, the Commission notes, would apply even when the aggregate of such Responses and other interest was sufficient to fill the entire Agency Order at an improved price—the Exchange stated that ''this is appropriate since the participants representing tradable interest in the Solicitation Auction have not 'stopped' the Agency Order in its entirety and would have no means after the auction executions occur to offset the trading risk they would incur because the market is halted if they were permitted to trade against the Agency Order in this instance.''

[79] 17 CFR 200.30–3(a)(57).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) (44 U.S.C. Chapter 35), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before March 5, 2015.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.* A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: The Governor of the State, U.S. territory or possession affected by a disaster submits this information collection to request that SBA issue a disaster declaration. The information identifies the time, place and nature of the incident and helps SBA to determine whether the regulatory criteria for a disaster declaration have been met, and disaster assistance can be made available to the affected region.

Solicitation of Public Comments: Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections: (1) *Title:* Disaster Business Application.

Description of Respondents: Governs Request for Disaster Declaration.

Form Number: N/A.

Estimated Annual Respondents: 31.

Estimated Annual Responses: 58.

Estimated Annual Hour Burden: 1,160.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–01993 Filed 2–2–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Eagle Fund III–A, L.P.; License No. 07/07–0117]

Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Eagle Fund III–A, L.P., 101 S. Hanley Road, Suite 1250, St. Louis, Missouri 63105, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the ''Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and 13 CFR 107.730, Financings which Constitute Conflicts of Interest, of the Small Business Administration (''SBA'') Rules and Regulations. Eagle Fund III–A, L.P., provided a loan to Net Direct Merchants LLC, (''Net Direct''), 217 North Seminary Street, Florence AL, 35630. The financing was contemplated to provide capital that contributes to the growth and overall sound financing of Net Direct.

The financing is brought within the purview of § 107.730(a)(1) because Eagle Fund II, L.P., an Associate of Eagle Fund III–A, L.P. as defined in § 107.50, owns a ten percent or greater equity interest in Net Direct. Accordingly, Net Direct is considered an Associate of Eagle Fund III–A, L.P.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Javier E. Saade,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2015–02028 Filed 2–2–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Eagle Fund III, L.P.; License No. 07/07–0116]

Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Eagle Fund III, L.P., 101 S. Hanley Road, Suite 1250, St. Louis, Missouri 63105, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the ''Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and 13 CFR 107.730, Financings which Constitute Conflicts of Interest, of the Small Business Administration (''SBA'') Rules and Regulations. Eagle Fund III, L.P., provided a loan to Net Direct Merchants LLC, (''Net Direct''), 217 North Seminary Street, Florence AL, 35630. The financing was contemplated to provide capital that contributes to the growth and overall sound financing of Net Direct.

The financing is brought within the purview of § 107.730(a)(1) because Eagle Fund II, L.P., an Associate of Eagle Fund III, L.P. as defined in § 107.50, owns a ten percent or greater equity interest in Net Direct. Accordingly, Net Direct is considered an Associate of Eagle Fund III, L.P.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator, Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Javier E. Saade,

Associate Administrator, Office of Investment and Innovation.

[FR Doc. 2015–02030 Filed 2–2–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 03/73–0214 issued to Virginia Capital SBIC, LP, said license is hereby declared null and void.

United States Small Business Administration.

Dated: January 22, 2015.

Javier E. Saade,

Associate Administrator for Investment and Innovation.

[FR Doc. 2015–01992 Filed 2–2–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Assistant Secretary for Research and Technology

[Docket Number: OST–2014–0112]

Agency Information Collection Activity; Response to Comments on Notice of Request for Approval To Collect New Information: Voluntary Near Miss Reporting in Oil and Gas Operations on the Outer Continental Shelf

AGENCY: Bureau of Transportation Statistics (BTS), Office of the Assistant Secretary for Research and Technology (OST–R), U.S. Department of Transportation.

ACTION: Notice; response to comments.

SUMMARY: On July 2, 2014, the Bureau of Transportation Statistics (BTS) announced its intention in a **Federal Register** Notice (79 FR 37837) to request that the Office of Management and Budget (OMB) approve the following

information collection: Voluntary Near Miss Reporting in Oil and Gas Operations on the Outer Continental Shelf (OCS). At that time, BTS also encouraged interested parties to submit comments to docket number DOT–OST–2014–0112, allowing for a 60-day comment period. The comment period closed on September 2, 2014. BTS received three public comments from: LLOG Exploration (DOT–OST–2014–0112–0004), the American Petroleum Institute (API) and the Center for Offshore Safety (COS) (DOT–OST–2014–0112–0003), and the Offshore Operators Committee (OOC) (DOT–OST–2014–0112–0002). The purpose of this Notice is to respond to the comments received on the July 2, 2014 announcement and allow 30 days for public comment to OMB on this collection from all interested individuals and organizations.

DATES: Written comments should be submitted by March 5, 2015.

ADDRESSES: BTS seeks public comments on its proposed information collection. Comments should address whether the information will have practical utility; the accuracy of the estimated burden hours of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: BTS Desk Officer.

FOR FURTHER INFORMATION CONTACT: Demetra V. Collia, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology, U.S. Department of Transportation, RTS–31, E36–302, 1200 New Jersey Avenue SE., Washington, DC 20590–0001; Phone No. (202) 366–1610; Fax No. (202) 366–3383; email: *demetra.collia@dot.gov.* Office hours are from 8:30 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

Data Confidentiality Provisions: The confidentiality of near miss data is protected under the BTS confidentiality statute (49 U.S.C. 6307) and the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) of 2002 (Pub. L. 107–347, Title V). In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through reports. BTS will not release to the Bureau of Safety and Environmental Enforcement (BSEE), or to any other public or private entity, any information that might reveal the identity of individuals or organizations mentioned in near miss reports without explicit consent of the respondent.

SUPPLEMENTARY INFORMATION:

I. The Data Collection

The Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35; as amended) and 5 CFR part 1320 require each Federal agency to obtain OMB approval to initiate an information collection activity. BTS is seeking OMB approval for the following BTS information collection activity:

Title: Voluntary Confidential Near Miss Reporting in Oil and Gas Operations on the Outer Continental Shelf.

OMB Control Number: TBD.

Type of Review: Approval of data collection.

Respondents: Employees working in the oil and gas industry on the OCS.

Number of Potential Responses: Based on near miss reporting trends in other industries, BTS expects to receive no more than two responses per calendar day during the first three years of the program (approximately 730 responses per year).

Estimated Time per Response: Not to exceed 60 minutes (this includes estimated time for a follow up interview, if needed).

Frequency: Intermittent for 3 years. (Reports are submitted when there is a qualifying event, *i.e.,* when a near miss occurs in oil and gas operations on the OCS.)

Total Annual Burden: 730 hours.

II. Public Participation and Request for Public Comments

On July 2, 2014, BTS published a notice (70 FR 37837) encouraging interested parties to submit comments to docket number DOT–OST–2014–0112 and allowing for a 60-day comment period. The comment period closed on September 2, 2014. To view comments, go to *http://www.regulations.gov* and insert the docket number, ''DOT–OST–2014–0112'' in the ''Search'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose document listed to review. If you do not have access to the Internet, you may view the docket by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

Privacy Act

All comments the BTS received were posted without change to *http://www.regulations.gov.* Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

III. Discussion of Public Comments and BTS Responses

A. General Discussion

BTS announced on July 2, 2014, in a **Federal Register** Notice (79 FR 37837), its intention to request that OMB approve the following information collection: Voluntary Near Miss Reporting in Oil and Gas Operations on the OCS. BTS received three comments during the 60-day public comment period. Comments from LLOG Exploration, API/COS, and the OOC covered various topics including the definition of a near miss reporting (*i.e.,* the reporting of conditions, root cause analysis, duplicative reporting, information-sharing, the scope of reporting, and the potential for reporting to multiple systems), the estimated number of burden hours, notification of near misses at their respective facilities, evaluation of the program, and the intent of the 2011 report by the National Commission on the Deepwater Horizon Oil Spill (the National Commission Report).

B. Definition of a Near Miss

All three of the commenters had questions about the description of a near miss used by BTS in the July 2, 2014 notice. BTS appreciates the commenters' concerns. BTS intends the term ''near miss'' to encompass a variety of safety conditions, since a narrow operational definition of the term may unduly inhibit reporting of events or conditions that, regardless of potential severity, would limit the program's effectiveness in preventing and minimizing safety risks. In addition, the BTS' description of the term is consistent with the International Maritime Organization's (IMO) definition of a ''near miss'' and is therefore widely recognized around the world.''

C. Reporting

1. Reporting of Conditions

Two of the three commenters were concerned that any hazard could be deemed a ''condition'' and be reported as a near miss. BTS's experience with the railroad and aviation industry close call/near miss reporting programs indicates that the reporting of ''conditions' may be very valuable to causal analysis of potential safety risks and the prevention of safety incidents. By learning more about potentially unsafe conditions, the public, government, and industry will be better able to identify hazards, hazardous conditions, and potential design and operational improvements that could reduce risks on the OCS.

2. Root Cause Analysis

All three of the commenters sought additional information on whether and how BTS would conduct root cause analyses of near miss reports. In addition, one commenter had questions about the background and experience of those individuals that would review and analyze the near miss reports. BTS agrees that causal analysis of near miss information reported under this program will be very important and should be conducted by experienced personnel. For this program, BTS intends to employ subject matter experts (SMEs) in oil and gas operations and trained in investigative techniques to conduct follow-up interviews with individuals who report near misses. Further, SMEs, using well-established causal analysis tools similar to those widely used by industry and research organizations, will collect additional information about potential contributing factors to reported near misses and unsafe conditions as well as help conduct causal analyses of reported near misses.

3. Duplicative Reporting

Two of the three commenters expressed concern about how multiple reports for the same near miss event would be handled. BTS has experience, through its other reporting programs, with identifying duplicate reports for the same event; *e.g.,* through comparing event location, event description, event time, and other factors. In addition, assessment and follow-up of near miss reports by experienced SMEs acting on behalf of BTS will help identify duplicative reports. However, occasional multiple reports to BTS of a single near miss event by more than one source is not necessarily a problem. Reports on the same event from different sources can provide different and useful perspectives, and thus may help BTS obtain a more complete picture of the event.

4. Information-sharing

One of the three commenters expressed some concern over how long it might take for a hazard to go uncorrected if it is only reported through this reporting system; the commenter indicated that such reports should be made directly to the facility or company involved so that the hazard can be promptly corrected. If BTS receives a near miss report indicating a significant hazard or condition exists that poses an imminent risk, BTS will take action, consistent with CIPSEA, to share that information with an affected facility or facilities, or with the industry as a whole, as quickly as possible. Under CIPSEA, BTS may disclose such reported information, as appropriate, if the reporter consents to BTS doing so and in cases of potentially imminent risks, BTS would seek such consent expeditiously. In addition, assuming a reporter does not consent to share information from an individual report, BTS may be able to aggregate data in a way that protects the anonymity of the reporter and the confidentiality of the specific report and share information about the potential risks in near real time.

5. Scope of Reporting

All three commenters had questions about the scope of reporting near misses by individuals to the Voluntary Near Miss Reporting System and advocated that near miss information should be reported by OCS companies or industry associations. BTS recognizes the potential value of the near miss reporting systems operated by individual companies and other entities. The near misses reported to company or other industry systems undoubtedly provide important safety information to the individual companies and could provide valuable information to the industry, government, and public, if shared. BTS looks forward to discussing with industry groups and companies their potential participation in a near miss reporting system.

However, BTS does not agree that an offshore oil and gas near miss reporting system should be limited to participation by companies or other industry organizations that collect near-miss information. This Voluntary Near Miss Reporting System provides strict protection, under CIPSEA, of the reporters' identities and of the confidentiality of the information, which is typically not afforded by company or other industry organization reporting systems. Thus, this system will afford individuals—including company and contractor employees—an opportunity to report near misses that they otherwise might not feel safe to report to their employers. Accordingly, this near miss reporting system could, through BTS' aggregate reports, provide information to industry, the workforce, the government, and the public about potential hazards and unsafe conditions that would not be reported (or shared) under company or other industry programs.

Moreover, if participation in this voluntary program were limited to companies, or other industry organizations, the information provided to BTS would be circumscribed by whatever definitions or other limitations each company or entity places on its reporting programs. For example, as indicated by some of the commenters, existing industry programs appear to focus on high impact or high potential events, to the exclusion of lower potential events or conditions. By contrast, this near miss reporting system extends to what industry might consider ''low severity'' near misses that could, depending upon other factors, indicate the potential for more severe events to occur or demonstrate a lack of safety culture or awareness about specific hazards with industry-wide implications.

Similarly, if this voluntary near miss reporting system were restricted to participation only by companies or other industry entities, the information submitted to BTS would also be subject to whatever limits the specific company or entity places on the information it chooses to share. For example, the company or entity might decide to submit only information that it considered ''legitimate'' or significant, instead of providing the initial or ''raw'' information that the company/entity had received. BTS believes there is potential value to be gained from near miss information that companies/entities may think is of low severity or importance or of uncertain validity, but that reflects the individual reporters' unique perspectives on the event or condition.

In addition, BTS disagrees with the suggestion made by two commenters that individuals should not be allowed to participate in this system because they would not understand 'contributing factors' or root causes. That concern is academic since individual reporters would not participate in the causal analysis process; BTS, with help from appropriately qualified SMEs, would perform causal analyses.

Finally, based on its experience with other industry reporting programs, BTS does not agree with the comment made by two commenters suggesting that BTS limit participation in the program to companies/entities in order to reduce the estimated time for responses. For the reasons stated elsewhere in this notice, BTS believes there will be substantial potential benefits from individual reporting and that, even assuming a company could submit reports in less time than an individual, the suggested efficiency of company reporting does not warrant precluding individuals from filing reports offering their own perspectives on the same events. Moreover, as discussed previously, if reporting were limited only to companies, BTS likely would not receive reports on all of the near-misses that could be reported by individuals.

In addition, BTS does not agree with the two commenters who asserted that the estimated time (60 minutes) for individual responses is excessive. The estimated time needed to complete an initial report is approximately 15 minutes, which is short enough to encourage widespread participation. The remainder of the estimated 60 minutes would be used for a confidential follow-up interview, as warranted by the initial report. It is important to point out that follow-up interviews are voluntary and not every respondent will consent to be interviewed. Although, a respondent who feels it is worthwhile to voluntarily submit an initial report is likely to be willing to participate in a confidential interview in order to ensure that the reported information is clearly understood and correctly evaluated by BTS.

6. Potential for Reporting to Multiple Systems

Two commenters asserted that this near miss reporting system may create redundant reporting with other private and governmental reporting programs or near miss initiatives. In particular, the commenters suggested that individuals may submit reports under BSEE's regulation allowing voluntary reporting of hazardous or unsafe working conditions on OCS facilities (30 CFR 250.193). BTS disagrees with these comments. The BTS Voluntary Near Miss Reporting System is strictly voluntary and is not intended to replace or interfere with industry, BSEE, or other agency reporting programs, whether voluntary or mandatory. Instead, the BTS Voluntary Near Miss Reporting System will provide another opportunity for reporting a wide range of potential hazard and risk information related to OCS oil and gas operations.

As one commenter recognized, in some cases an individual may feel inhibited about reporting a near miss to a company or other industry reporting program and thus may choose to report the event or condition to BTS under the protections afforded by CIPSEA. In such cases, there would be no duplication of reporting.

Similarly, an individual may prefer reporting to CIPSEA under the guarantees of anonymity and confidentiality provided by CIPSEA rather than reporting voluntarily to BSEE under 30 CFR 250.193. Although section 250.193 of BSEE's rules allows an individual to report hazardous or unsafe working conditions anonymously, BSEE is subject to FOIA and cannot guarantee the anonymity or confidentiality of the information to the same degree BTS can protect information collected under CIPSEA. Thus, individuals concerned with protecting their anonymity or with confidentiality may choose to submit near miss information to BTS under CIPSEA rather than to BSEE. Moreover, the types of issues that may be reported under § 250.193 (potential violations of BSEE rules and hazardous or unsafe working conditions) are potentially not as inclusive as the issues that may be reported under this near-miss reporting system.

BTS also does not agree with the two commenters who suggested that BTS should not accept reports for near misses that have been reported to industry. The reports submitted to BTS will serve an important purpose even if some of the near misses were also submitted to industry. For example, the aggregated results of BTS analysis of near miss reports will be widely disseminated to government agencies, the industry, and the public. By contrast, information from existing industry near-miss systems, to date, is generally not shared within the industry or with the government and the public. In any event, at present BTS has no way of knowing which specific near misses have been reported to industry, and thus no basis for rejecting individual reports submitted under this near miss reporting system.

API/COS noted in their joint comments, the implementation of the COS Learning from Incidents (LFI) program, which COS believes could inform BTS's Voluntary Near Miss Reporting System but also demonstrates a potential overlap between the two programs. BTS is aware of the potential benefits of the COS LFI program, for COS' members, and looks forward to discussing with COS the potential sharing of that information with BTS, and potential sharing of lessons learned from that information with all stakeholders. However, it is evident that the LFI program is limited in scope to only information from COS member companies regarding specifically-defined incidents and ''High Value Leaning Events.'' Moreover, as API/COS also notes in their joint comments, the aggregated information from that program is only shared with COS members. For that reason, BTS does not agree that the proposed near miss reporting system should be delayed pending the outcome of further consideration of the LFI program.

D. Estimated Burden Hours

Two of the three commenters questioned BTS's estimated number of near miss reports that would be submitted. In particular, OOC claimed that the number of potential respondents submitting reports could be up to 4 or 5 times higher than BTS's estimate, ''if a reporting compliance level of 10–15% is reached,'' primarily because the broad scope of ''near miss'' in this system will result in a large number of reports on ''low potential'' events. In the absence of actual near miss reporting rates in offshore oil and gas operations, BTS's estimates were based upon BTS' experience with near miss reporting in other industry sectors. This estimate will be revised, as appropriate, once BTS can establish an expected annual reporting rate based on ''actual'' reporting statistics of near misses collected during the initial phase of this program (*i.e.,* first 3 years).

E. Notification of Near Misses

Two of the three commenters asked that facilities be notified when a near miss has been reported for their installation or unit. BTS, however, cannot notify an owner or operator of a near-miss reported which is reported in confidence without jeopardizing the anonymity of the individual making the report or the confidentiality of the information provided, and thus violating the statutory protections afforded by CIPSEA, unless the reporter consents to sharing that information. Moreover, if the reporter's identity were discovered, it would open the individual up to potential sanctions or retaliation by the company. The National Commission Report which recommended that BSEE develop a near-miss reporting system for OCS oil and gas operations, also specifically recommended that whistleblowers who notify authorities about lapses in safety be provided protection: ''All offshore

workers have a duty to ensure safe operating practices to prevent accidents. To ensure all workers, regardless of employer, will take appropriate action whenever necessary, Congress should amend the Outer Continental Shelf Lands Act or specific safety statutes to provide the same whistleblower protection that workers are guaranteed in other comparable settings.''

F. Program Evaluation

One commenter requested that BTS report the results of the program to stakeholders at least once a year and that the program be evaluated after two years of operation. The frequency of public reports will depend on how many near miss reports are reported to the system. To comply with CIPSEA, reports of aggregated data must be prepared in such a way that no third party could determine the identity of a reporter, directly or indirectly. BTS expects to issue public reports at least once per year and potentially more often, as appropriate.

With regard to re-evaluating the program after two years, as demonstrated by near miss reporting in the aviation industry, it took a commitment of several years before employee reporting increased sufficiently to allow for a robust program evaluation. BTS agrees that ''formative evaluation'' is essential in developing a successful data collection program and will conduct such evaluation as soon as there is sufficient quantitative information in the near miss data system to allow for such analysis. However, the potential value of sharing data in a confidential manner is worth the investment of time and effort because the continuation of environmental and human losses is an unacceptable alternative to the public and the government.

G. Intent of the National Commission Report

One commenter correctly noted that the National Commission Report on the BP Deepwater Horizon Oil Spill was issued in 2011, not 2013 as the 60-day notice inadvertently stated. BTS, however, does not agree with the commenter's suggestions that the National Commission Report did not envision a government-managed system for near miss reporting, or that the Commission's recommendation for an industry ''self-policing institute that would gather incident and performance data'' would satisfy the recommendation for a near miss reporting program. In fact, the two recommendations are contained in different parts of the 2011 report, and it was in that part of the report directed to the Department of the Interior (DOI) that the National Commission recommended that DOI: ''Develop more detailed requirements for incident reporting and data concerning offshore incidents and 'near misses.' Such data collection would allow for better tracking of incidents and stronger risk assessments and analysis.''

Issued On: January 28, 2015.

Rolf Schmitt,

Deputy Director, Bureau of Transportation Statistics, Office of the Assistant Secretary for Research and Technology.

[FR Doc. 2015–02053 Filed 2–2–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide recommendations regarding Aircraft Systems Information Security/Protection (ASISP) rulemaking, policy, and guidance on best practices for airplanes and rotorcraft, including both certification and continued airworthiness. The issue is that without updates to regulations, policy, and guidance to address ASISP, aircraft vulnerabilities may not be identified and mitigated, thus increasing exposure times to security threats. In addition, a lack of ASISP-specific regulations, policy, and guidance could result in security related certification criteria that are not standardized and harmonized between domestic and international regulatory authorities.

This notice informs the public of the new ARAC activity and solicits membership for the new ASISP Working Group.

FOR FURTHER INFORMATION CONTACT: Steven C. Paasch, Federal Aviation Administration, 1601 Lind Ave. SW., Renton, WA 98057–3356, Email: *steven.c.paasch@faa.gov*, Phone: (425) 227–2549, Fax (425) 227–1100.

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

As a result of the December 18, 2014, ARAC meeting, the FAA assigned and ARAC accepted this task establishing the ASISP Working Group. The working group will serve as staff to the ARAC and provide advice and recommendations on the assigned task. The ARAC will review and approve the recommendation report and will submit it to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

The ASISP Working Group will provide advice and recommendations to the ARAC on ASISP-related rulemaking, policy, and guidance, including both initial certification and continued airworthiness. Without updates to regulations, policy, and guidance to address ASISP, aircraft vulnerabilities may not be identified and mitigated, thus increasing exposure times to security threats. Unauthorized access to aircraft systems and networks could result in the malicious use of networks, and loss or corruption of data (*e.g.*, software applications, databases, and configuration files) brought about by software worms, viruses, or other malicious entities. In addition, a lack of ASISP-specific regulations, policy, and guidance could result in security related certification criteria that are not standardized and harmonized between domestic and international regulatory authorities.

There are many different types of aircraft operating in the United States National Air Space (NAS), including transport category airplanes, small airplanes, and rotorcraft. The regulations, system architectures, and security vulnerabilities are different across these aircraft types. The current regulations do not specifically address ASISP for any aircraft operating in the NAS. To address this issue, the FAA has published special conditions for particular make and model aircraft designs. The FAA issues Special Conditions when the current airworthiness regulations for an aircraft do not contain adequate or appropriate safety standards for certain novel or unusual design features including ASISP. Even though the FAA published special conditions for ASISP, an update to the current regulations should be considered. International civil aviation authorities are also considering rulemaking for ASISP and the ASISP Working Group could be used as input into harmonization of these activities.

The FAA has issued policy statement, PS–AIR–21.16–02, *Establishment of*

Special Conditions for Cyber Security, which describes when the issuance of special conditions is required for certain aircraft designs. This policy statement provides general guidance and requires an update to address the ever evolving security threat environment.

A companion issue paper is published in combination with each FAA ASISP Special Condition. The issue paper provides guidance for specific aircrafts and models and contains proprietary industry information which is not publically available. These issue papers, with industry input, could provide additional guidance and best practices recommendations and could be used as input into the development of national policy and guidance (*e.g.*, advisory circular). The FAA has not published guidance on the use of security controls and best practices for ASISP, thus ARAC recommendations in this area are highly desirable.

There are many industry standards addressing various security topics, such as Aeronautical Radio Incorporated (ARINC), Federal Information Processing Standards (FIPS), International Standards Organization (ISO), and National Institute of Standards and Technology (NIST) standards. There are also industry standards addressing processes for requirements development, validation, and verification, such as Society of Automotive Engineers (SAE) Aerospace Recommended Practices (ARP) 4754a and SAE ARP 4761. In addition, there are standards from RTCA such as (1) RTCA DO–326A ''Airworthiness Security Process Specification,'' published July 8, 2014. This document provides process assurance guidance and requirements for the aircraft design regarding systems information security. (2) RTCA DO–355, ''Information Security Guidance for Continuing Airworthiness,'' published June 17, 2014. This document provides guidance for assuring continued safety of aircraft in service in regard to systems information security. (3) RTCA DO–356, ''Airworthiness Security Methods and Considerations,'' published September 23, 2014. This document provides analysis and assessment methods for executing the process assurance specified in DO–326A.

The ASISP Working Group recommendations as to the usability of these standards in ASISP policy and/or guidance are highly desirable.

The Task

The ASISP Working Group is tasked to:

1. Provide recommendations on whether ASISP-related rulemaking, policy, and/or guidance on best practices are needed and, if rulemaking is recommended, specify where in the current regulatory framework such rulemaking would be placed.

2. Provide the rationale as to why or why not ASISP-related rulemaking, policy, and/or guidance on best practices are required for the different categories of airplanes and rotorcraft.

3. If it is recommended that ASISP-related policy and/or guidance on best practices are needed, specify (i) which categories of airplanes and rotorcraft such policy and/or guidance should address, and (ii) which airworthiness standards such policy and/or guidance should reference.

4. If it is recommended that ASISP-related policy and/or guidance on best practices is needed, recommend whether security-related industry standards from ARINC, FIPS, International Standards Organization (ISO), NIST, SAE ARP 4754a and/or SAE ARP 4761 would be appropriate for use in such ASISP-related policy and/or guidance.

5. Consider EASA requirements and guidance material for regulatory harmonization.

6. Develop a report containing recommendations on the findings and results of the tasks explained above.

a. The recommendation report should document both majority and dissenting positions on the findings and the rationale for each position.

b. Any disagreements should be documented, including the rationale for each position and the reasons for the disagreement.

7. The working group may be reinstated to assist the ARAC by responding to the FAA's questions or concerns after the recommendation report has been submitted.

Schedule

The recommendation report should be submitted to the FAA for review and acceptance no later than fourteen months from the date of the first working group meeting.

Working Group Activity

The ASISP Working Group must comply with the procedures adopted by the ARAC, and are as follows:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.

2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the ARAC.

3. Provide a status report at each ARAC meeting.

4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.

5. Present the recommendation report at the ARAC meeting.

6. Present the findings in response to the FAA's questions or concerns (if any) about the recommendation report at the ARAC meeting.

Participation in the Working Group

The ASISP Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC. The FAA would like a wide range of members to ensure all aspects of the tasks are considered in development of the recommendations. The provisions of the August 13, 2014 Office of Management and Budget guidance, ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their ''individual capacity.'' The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a ''representative capacity'' for the ''express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.'' (For further information see Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C. 1603, 1604, and 1605.)

If you wish to become a member of the ASISP Working Group, write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. The FAA must receive all requests by March 5, 2015. The ARAC and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must actively participate in the working group, attend all meetings, and provide written comments when requested. The member must devote the resources necessary to support the working group in meeting any assigned deadlines. The member must keep management and those represented advised of the working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those represented. Once the working group

has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

The ARAC meetings are open to the public. However, meetings of the ASISP Working Group are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on January 28, 2015.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2015–01918 Filed 2–2–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2015–0002]

Agency Information Collection Activities: Request for Comments for New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for approval of a new information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on November 12, 2014. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by March 5, 2015.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2015–0002.

FOR FURTHER INFORMATION CONTACT: Keith Williams, 202–366–9212, Highway Safety Specialist, Strategic Integration Team, Office of Safety Programs, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Room E71–119, Washington, DC 20590, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Inventory of State Police Accident Reports (PAR) and Serious Injury Reporting.

Background: The Federal Highway Administration (FHWA) Office of Safety's mission is to exercise leadership throughout the highway community to make the Nation's roadways safer by developing, evaluating, and deploying life-saving countermeasures; advancing the use of scientific methods and data-driven decisions, fostering a safety culture, and promoting an integrated, multidisciplinary 4 E's (Engineering, Education, Enforcement, Education) approach to safety. The mission is carried out through the Highway Safety Improvement Program (HSIP), a data driven strategic approach to improving highway safety on all public roads that focuses on performance. The goal of the program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal lands.

In keeping with that mission, the United States Congress on June 29, 2012 passed the Moving Ahead for Progress in the 21st Century Act (MAP–21), which was signed into law (Pub. L. 112–141) on July 6, 2012 by President Barrack Obama. MAP–21 is a milestone for the U.S. economy and the Nation's surface transportation program as it transformed the policy and programmatic framework for investments to guide the system's growth and development and created a streamlined performance-based surface transportation program. The Federal Highway Administration defines Transportation Performance Management as a strategic approach that uses system information to make investment and policy decisions to achieve national performance goals.

MAP–21 requires the Secretary of Transportation to establish performance measures for States to use to assess serious injuries and fatalities per vehicle mile traveled; and the number of serious injuries and fatalities, for the purposes of carrying out the HSIP under 23 U.S.C. 148. The HSIP is applicable to all public roads and therefore requires crash reporting by law enforcement agencies that have jurisdiction over them.

In defining performance measures for serious injuries, FHWA seeks to define serious injuries in a manner that would provide for a uniform definition for national reporting in this performance area, as required by MAP–21. An established standard for defining serious injuries as a result of highway crashes has been developed in the 4th edition of the Model Minimum Uniform Crash Criteria (MMUCC). MMUCC represents a voluntary and collaborative effort to generate uniform crash data that are accurate, reliable and credible for data-driven highway safety decisions within a State, between States, and at the national level. The MMUCC defines a serious injuries resulting from traffic crashes as ''Suspected Serious Injury (A)'' whose attributes are: Any injury, other than fatal, which results in one or more of the following: Severe laceration resulting in exposure of underlying tissues, muscle, organs, or resulting in significant loss of blood, broken or distorted extremity (arm or leg), crush injuries, suspected skull, chest, or abdominal injury other than bruises or minor lacerations, significant burns (second and third degree burns over 10 percent or more of the body), unconsciousness when taken from the crash scene, or paralysis.

As part of the effort to understand current reporting levels for serious injuries to support the MAP–21 performance measures, the FHWA seeks to determine at what level law enforcement agencies have adopted the MMUCC definition, attribute and coding convention. FHWA is aware that not all States have adopted the MMUCC definition, attribute and coding convention for serious injuries while other States have only partially adopted the definition. It is also known that some jurisdictions do not use the State Police Accident Report (PAR) form to report on crashes. It is not known if these PARs are MMUCC compliant.

The purpose of the information collection is to conduct an assessment of each Federal, tribal, State and non-State PAR to determine if the definition and coding convention used for reporting on serious injuries is or is not compliant with MMUCC, and if not

compliant, the definition and coding convention that is used.

Respondents: Federal, State, the District of Columbia, Puerto Rico, tribal and local traffic records management agencies. (75 total).

Estimated Average Burden per Response: It will take approximately 15 minutes per participant.

Estimated Total Annual Burden: Approximately 19 hours for a one time collection.

Electronic Access: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: January, 29, 2015.

Michael Howell,

Information Collections Officer.

[FR Doc. 2015–02058 Filed 2–2–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: City of Payson, Utah County, Utah

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway interchange improvement project in the City of Payson, Utah County, Utah.

FOR FURTHER INFORMATION CONTACT: Elizabeth Cramer, Area Engineer, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84129, Email: *elizabeth.cramer@dot.gov,* Telephone: 801–955–3527 or Brandon Weston, Environmental Services Director, Utah Department of Transportation, 4501 South 2700 West, P.O. Box 148450, Salt Lake City, Utah 84114, Email: *brandon.weston@utah.gov,* Telephone: 801–965–4603.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Utah Department of Transportation and the City of Payson, will prepare an EIS for proposed improvements to the Interstate 15 (I–15) Payson Main Street interchange. The 4.6-square-mile study area centers on I–15 Exit 251 in Payson. The western boundary generally follows the Union Pacific railroad tracks west of I–15 and 3550 West. The southern boundary parallels State Route (SR) 198 and the eastern boundary follows a northwest line across agriculture fields for approximately 2.3 miles until it crosses I–15. The northern boundary continues east along 1500 North before terminating west of Dixon Road along SR 115 (3200 West/Main Street).

This project will address such needs as (1) traffic operations and safety issues on the I–15 Main Street interchange; and (2) future transportation needs based on future growth projections and development.

The EIS will evaluate a reasonable range of alternatives for the interchange, as well as connections from the interchange to the adjacent local roadway network. Alternatives under consideration include, but are not limited to, the following: (1) Taking no action; (2) relocating the existing interchange; (3) modifying the existing interchange in its current location; and (4) any other feasible alternatives identified during the scoping process. The EIS will be developed pursuant to 23 U.S.C 139, 23 CFR 771, and 40 CFR 1500–1508. Completion of both the draft EIS and combined FEIS and ROD is expected in 2016.

A coordination plan is being developed to provide the framework for agency and public participation. Public involvement will occur throughout the development of the EIS and supporting environmental reports. These documents will be made available for review and comment by federal and state agencies and the public. In addition, a public hearing will be held after the completion of the draft EIS. Public notice will be given pertaining to the time and location of all public information meetings and hearings.

Questions or comments regarding this proposed action and the EIS can be sent to FHWA at the address provided above or at *paysoneis@utah.gov.* To ensure the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 28, 2015.

Ivan Marrero,

Division Administrator, Salt Lake City, Utah.

[FR Doc. 2015–02047 Filed 2–2–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number USCG–2013–0363]

Deepwater Port License Application: Liberty Natural Gas LLC, Port Ambrose Deepwater Port

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice; extension of public comment period.

SUMMARY: On December 16, 2014, the Maritime Administration (MARAD) published in the **Federal Register** (79 FR 74808) a Notice of Availability of the Draft Environmental Impact Statement (DEIS); Notice of Public Meeting; and Request for Comments for the Liberty Natural Gas LLC, Port Ambrose Liquefied Natural Gas Deepwater Port License. This notice extends the closing date for receipt of public comments on the Port Ambrose DEIS to March 16, 2015.

DATES: Comments submitted in response to the request for comments must reach the Docket Management Facility as detailed below, by close of business Tuesday, March 16, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Roddy Bachman, U.S. Coast Guard, telephone: 202–372–1451, email: *Roddy.C.Bachman@uscg.mil*, or Ms. Yvette M. Fields, U.S. Maritime Administration, telephone: 202–366–0926, email: *Yvette.Fields@dot.gov.* For questions regarding the Docket, call Ms. Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: This notice extends the comment period established in the Notice of Availability of the Draft Environmental Impact Statement (DEIS) for the Liberty Natural Gas LLC, Port Ambrose Liquefied

Natural Gas Deepwater Port License, published in the **Federal Register** on December 16, 2014 (79 FR 74808), from February 17, 2015, to March 16, 2015. This 30-day extension of the public comment period is in response to numerous requests submitted by State and local officials as well as citizens, in the affected areas, for additional time to review and comment on the Liberty Natural Gas Port Ambrose Draft Environmental Impact Statement.

Privacy Act

The electronic form of all comments received into the Federal Docket Management System can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The DOT Privacy Act Statement can be viewed in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477–78) or you may visit *http://www.regulations.gov.*

Authority: 49 CFR 1.93

Dated: January 29, 2015.

By Order of the Maritime Administrator.

Thomas M. Hudson,

Assistant Secretary, Maritime Administration.

[FR Doc. 2015–02085 Filed 2–2–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Agency Information Collection Activities; Comment Request; Interest-Rate-Risk Vendor Questionnaire

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Currently, the OCC is soliciting comment concerning its proposed information collection entitled, ''Interest Rate Risk Vendor Questionnaire.''

DATES: Comments must be submitted on or before April 6, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–NEW, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by email to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Mary Gottlieb, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to adopt the following new information collection:

Title: Interest Rate Risk Vendor Questionnaire.

Form Number: N/A.

Frequency of Response: Annually.

Affected Public: Business or other for-profit.

Respondents: Asset-Liability Management Software Vendors (model developers and consultants).

Total Estimated Number of Respondents: 73 (33 model developers; 40 consultants).

Estimated Time per Response: 8 hours for model developers; 4 hours for consultants.

Total Estimated Total Annual Burden: 424 hours.

Type of Review: Regular.

Abstract

In June 2014, the Federal Financial Institutions Examination Council (FFIEC) [1] Task Force on Supervision (TFOS) established a working group to discuss supervisory processes and strategies for monitoring and addressing interest rate risk at insured depository institutions. One of the group's key priorities is to complete a questionnaire of asset-liability management software vendors, both model developers and consultants. The questionnaire is designed to inform examiners of the mechanics and underlying assumptions of specific interest rate risk models with the goal of helping examiners gain a better understanding of financial institutions' rate sensitivity modeling. The questionnaire captures information ranging from basic aspects of each vendor or consultant's interest rate risk model, for instance, its client base to more complex components, including modeling capability. The complex modeling components will provide a baseline level of regulatory knowledge about each vendor or consultant's ability to measure interest rate risk under a variety of approaches, capture data, and measure the risk, including optionality. Staff is recommending that the questionnaire cover approximately 73 vendors comprised of 33 model developers and 40 consultants. The questionnaire should take approximately 8 hours for each model developer to complete and 4 hours for each consultant as consultants are not required to answer questions related to a model with the same granularity as the model developers.

The OCC will serve as the sponsoring or central collection agency for this information collection. The information will be collected by the OCC and made available to the FFIEC's TFOS in order to support its discussions concerning supervisory processes and strategies for monitoring and addressing interest rate risk at insured depository institutions.

[1] The FFIEC is a formal interagency body empowered to prescribe uniform principles, standards, and report forms for the examination of financial institutions by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the OCC, the Consumer Financial Protection Bureau, and to make recommendations to promote uniformity in the supervision of financial institutions. In 2006, the State Liaison Committee (SLC) was added to the Council as a voting member. The SLC includes representatives from the Conference of State Bank Supervisors, the American Council of State Savings Supervisors, and the National Association of State Credit Union Supervisors.

Request for Comment

Public comment is requested on all aspects of this joint notice. Comments are invited on:

(a) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Dated: January 27, 2015.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2015–02001 Filed 2–2–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID: OCC–2015–0001

Minority Depository Institutions Advisory Committee

AGENCY: Office of the Comptroller of the Currency, Department of the Treasury.

ACTION: Notice.

SUMMARY: The Office of the Comptroller of the Currency (OCC) announces a meeting of the Minority Depository Institutions Advisory Committee (MDIAC).

DATES: The OCC MDIAC will hold a public meeting on Wednesday, February 18, 2015, beginning at 8:30 a.m. Eastern Standard Time (EST).

ADDRESSES: The OCC will hold the February 18, 2015 meeting of the MDIAC at the Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Beverly Cole, Designated Federal Officer and Senior Advisor to the Senior Deputy Comptroller for Midsize and Community Bank Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington DC, 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MDIAC will convene a meeting at 8:30 a.m. EST on Wednesday, February 18, 2015, at the Office of the Comptroller of the Currency, 400 7th Street SW., Washington DC, 20219. Agenda items will include current topics of interest to the industry. The purpose of the meeting is for the MDIAC to advise the OCC on steps the agency may be able to take to ensure the continued health and viability of minority depository institutions and other issues of concern to minority depository institutions. Members of the public may submit written statements to the MDIAC by any one of the following methods:

- *Email to: MDIAC@OCC.treas.gov.*
- *Mail to:* Beverly Cole, Designated Federal Officer, Office of the Comptroller of the Currency, 400 7th Street SW., Washington DC, 20219.

The OCC must receive written statements no later than Wednesday, February 11, 2015. Members of the public who plan to attend the meeting should contact the OCC by 5:00 p.m. EST on Thursday, February 12, 2015 to inform the OCC of their desire to attend the meeting and to provide information that will be required to facilitate entry into the meeting. Members of the public may contact the OCC via email at *MDIAC@OCC.treas.gov* or by telephone at (202) 649–5402. Attendees should provide their full name, email address, and organization, if any. For security reasons, members of the public will be subject to security screening procedures and must present a valid government issued form of identification to enter the building. Members of the public who are deaf or hard of hearing should call (202) 649–5597 (TTY) at least five days before the meeting to make necessary arrangements. The OCC will provide attendees with auxiliary aids (*e.g.,* sign language interpretation) required for this meeting.

Dated: January 28, 2015.

Thomas J. Curry,

Comptroller of the Currency.

[FR Doc. 2015–02005 Filed 2–2–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of two individuals whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the two individuals identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on January 27, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the

Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On January 27, 2015, the Director of OFAC designated the following two individuals whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

1. FELIX BELTRAN, Victor Manuel; DOB 18 Apr 1987; POB Culiacan, Sinaloa, Mexico; citizen Mexico; Gender Male; Passport 07040063285 (Mexico); R.F.C. FEBV870418DW2 (Mexico); C.U.R.P. FEBV870418HSLLLC07 (Mexico) (individual) [SDNTK].
2. LIMON SANCHEZ, Alfonso; DOB 27 Jan 1971; POB Badiraguato, Sinaloa, Mexico; nationality Mexico; Gender Male; R.F.C. LISA–710127–D64 (Mexico); C.U.R.P. LISA710127HSLMNL07 (Mexico) (individual) [SDNTK].

Dated: January 27, 2015.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2015–02045 Filed 2–2–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2290/SP

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2290/SP Heavy Highway Vehicle Use Tax Return.

DATES: Written comments should be received on or before April 6, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Heavy Highway Vehicle Use Tax Return.

OMB Number: 1545–0143.

Abstract: Form 2290/SP is used to compute and report the tax imposed by section 4481 on the highway use of certain motor vehicles. The information is used to determine whether the taxpayer has paid the correct amount of tax.

Current Actions: There are no changes being made to Form 2290 at this time.

Type of Review: Extension of a current OMB approval.

Affected Public: Individuals or households.

Estimated Number of Respondents: 440,000.

Estimated Time per Respondent: 42 hours, 52 minutes.

Estimated Total Annual Burden Hours: 27,120,040.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 28, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–02057 Filed 2–2–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2005–44

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2005–44, Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes.

DATES: Written comments should be received on or before April 6, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of notice should be directed to Sara Covington, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Charitable Contributions of Certain Motor Vehicles, Boats, and Airplanes.

OMB Number: 1545–1942.

Notice Number: Notice 2005–44.

Abstract: This notice provides guidance regarding how to determine

the amount of a charitable contribution for certain vehicles and the related substantiation and information reporting requirements.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved new collection.

Affected Public: Individual or households and not-for-profit institutions.

Estimated Number of Respondents: 182,500.

Estimated Average Time per Respondent: 1 min.

Estimated Total Annual Burden Hours: 3,041.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 28, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–02059 Filed 2–2–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0098]

Proposed Information Collection (Survivors' and Dependents' Application for VA Education Benefits)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice; request for comments.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a Veteran's or Servicemember's spouse, surviving spouse, or child eligibility for Survivors' and Dependents' Educational Assistance and Fry Scholarship benefits.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 6, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0098'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on:

(1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Dependents' Application for VA Educational Benefits (Under Provisions of Chapters 33 and 35, of title 38 U.S.C.), VA Form 22–5490.

OMB Control Number: 2900–0098.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 22–5490 is completed by spouses and children of veterans or servicemembers to apply for Survivors' and Dependents' Educational Assistance (DEA) and Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) mailed to service-connected disabled veterans who submitted an application for vocational rehabilitation benefits. VA will use data collected to determine the types of rehabilitation program the Veteran will need.

Affected Public: Individuals or households.

Estimated Annual Burden: 52,251 hours.

Estimated Average Burden per Respondent: 33,590 paper copy: 45 minutes—18,661 electronically: 25 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 89,574.

Dated: January 29, 2015.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–02060 Filed 2–2–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Funding Availability Under Supportive Services for Veteran Families Program

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice of Fund Availability (NOFA).

SUMMARY: VA is announcing the availability of funds for supportive services grants under the SSVF Program. This NOFA contains information concerning the SSVF Program, initial

supportive services grant application processes, and the amount of funding available.

Funding Opportunity Title: Supportive Services for Veteran Families Program.

Announcement Type: Initial.

Funding Opportunity Number: VA–SSVF–021015.

Catalog of Federal Domestic Assistance Number: 64.033, VA Supportive Services for Veteran Families Program.

The Department of Veterans Affairs (VA) is announcing the availability of funds for supportive services grants under the Supportive Services for Veteran Families (SSVF) Program. This NOFA contains information concerning the SSVF Program, initial supportive services grant application processes, and the amount of funding available. Awards made for supportive services grants will fund operations beginning October 1, 2015.

DATES: Applications for supportive services grants under the SSVF Program must be received by the SSVF Program Office by 4:00 p.m. Eastern Time on March 17, 2015. In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages, or other delivery-related problems.

ADDRESSES: *For a Copy of the Application Package:* Copies of the application can be downloaded directly from the SSVF Program Web site at: *www.va.gov/homeless/ssvf.asp.* Questions should be referred to the SSVF Program Office via phone at (877) 737–0111 (toll-free number) or via email at *SSVF@va.gov.* For detailed SSVF Program information and requirements, see Section 62 of Title 38, Code of Federal Regulations (38 CFR 62).

Submission of Application Package: Applicants are strongly encouraged to submit applications electronically following instructions found at *www.va.gov/homeless/ssvf.asp.* Alternatively applicants can mail in applications. If mailed, applicants must submit two completed, collated, hard copies of the application and two compact discs (CD) containing electronic versions of the entire application are required. Each application copy must (i) be fastened with a binder clip, and (ii) contain tabs listing the major sections of and exhibits to the application. Each CD must be labeled with the applicant's name and must contain an electronic copy of the entire application. A budget template must be attached in Excel format on the CD, but all other application materials may be attached in a PDF or other format. The application copies and CDs must be submitted to the following address: Supportive Services for Veteran Families Program Office National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104. Applicants must submit two hard copies and two CDs. Applications may not be sent by facsimile (FAX). Applications must be received in the SSVF Program Office by 4:00 p.m. Eastern Time on the application deadline date. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. See Section II.C. of this NOFA for maximum allowable grant amounts.

Technical Assistance: Information regarding how to obtain technical assistance with the preparation of an initial supportive services grant application is available on the SSVF Program Web site at: *http://www.va.gov/HOMELESS/SSVF.asp.*

FOR FURTHER INFORMATION CONTACT: Mr. John Kuhn, Supportive Services for Veteran Families Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737–0111 (this is a toll-free number); *SSVF@va.gov.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

A. *Purpose:* The SSVF Program's purpose is to provide supportive services grants to private non-profit organizations and consumer cooperatives, who will coordinate or provide supportive services to very low-income Veteran families who: (i) Are residing in permanent housing; (ii) are homeless and scheduled to become residents of permanent housing within a specified time period; or (iii) after exiting permanent housing within a specified time period, are seeking other housing that is responsive to such very low-income Veteran family's needs and preferences.

B. Funding Priorities: VA will provide approximately $300 million for existing grantees seeking to renew their grants.

C. *Definitions:* Part 62 of title 38, Code of Federal Regulations (38 CFR 62), contains definitions of terms used in the SSVF Program, eligibility criteria, and programmatic priorities. Respondents to this NOFA should base their proposals and applications on the requirements of part 62 as it exists today. In addition to the definitions and requirements included in those sections, this NOFA includes two program areas: Emergency Housing Assistance and General Housing Stability Assistance.

Emergency Housing Assistance means the provision of up to 30 days of temporary housing that does not require the participant to sign a lease or occupancy agreement. The cost cannot exceed the reasonable community standard for such housing. Emergency housing is limited to short-term commercial residences (private residences are not eligible for such funding) not already funded to provide on-demand emergency shelter (such as emergency congregate shelters). By authorizing the limited provision of SSVF-funded emergency housing, grantees will be able to ensure that participants do not become homeless while they transition to permanent housing or otherwise be put at risk, pending placement in permanent housing. Appropriate provision of emergency housing is limited to those cases in which no space is available at a community shelter that would be appropriate for placement of a family unit and where permanent housing has been identified but the participant cannot immediately be placed in that housing. In the event that longer term transitional housing or emergency housing is needed without such restrictions, VA offers community-based alternatives including the Grant and Per Diem Program and the Health Care for Homeless Veterans contract residential care program, as well as a variety of VA-based residential care programs.

General Housing Stability Assistance means the provision of goods or payment of expenses not included in other sections, but directly related to supporting a participant's housing stability. This is a category that may offer a maximum of $1,500 in assistance per participant. Such assistance, when not available through existing mainstream and community resources, may include: (i) Items necessary for a participant's life or safety that are provided to the participant by a grantee on a temporary basis in order to address the participant's emergency situation; (ii) expenses associated with gaining or keeping employment, such as obtaining uniforms, tools, certifications, and licenses; (iii) expenses associated with moving into permanent housing, such as obtaining basic kitchen utensils, bedding, and other supplies; and (iv)

expenses necessary for securing appropriate permanent housing, such as fees for applications, brokerage fees, or background checks.

D. *Approach:* Grantees will be expected to leverage supportive services grant funds to enhance the housing stability of very low-income Veteran families who are occupying permanent housing. In doing so, grantees are required to establish relationships with local community resources. Therefore, agencies must work through coordinated partnerships built either through formal agreements or the informal working relationships commonly found amongst strong social service providers. As part of the application, under 38 CFR 62.22(e), all applicants are strongly encouraged to provide letters of support from their respective VA Network Homeless Coordinator (or their designee). In addition, applicants are strongly encouraged to provide letters of support from the Continuums of Care (CoC) where they plan to deliver services that reflect the applicant's engagement in the CoC's efforts to coordinate services. CoCs may elect to provide VA with a rank order of their support in lieu of providing individual letters of support. A CoC is a community plan to organize and deliver housing and services to meet the needs of people who are homeless as they move to stable housing and maximize self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness (CoC locations and contact information can be found at the Department of Housing and Urban Development's (HUD) Web site, *http://www.hudhre.info/index.cfm?do=viewCocMaps*). This coordination should describe the applicant's participation in the CoC's coordinated assessment efforts (coordinated assessment refers to a common process for accessing homeless assistance services including: prevention, diversion, emergency shelter, transitional housing, rapid re-housing, supportive services and even permanent supportive housing). In addition, any applicant proposing to serve an Indian Tribal area is strongly encouraged to provide a letter of support from the relevant Indian Tribal Government. The aim of the provision of supportive services is to assist very low-income Veteran families residing in permanent housing to remain stably housed and to rapidly transition those not currently in permanent housing to stable housing. SSVF emphasizes the placement of homeless Veteran families who are described in regulation as (i) very low-income Veteran families who are homeless and scheduled to become residents of permanent housing within 90 days, and (ii) very low-income Veteran families who have exited permanent housing within the previous 90 days to seek other housing that is responsive to their needs and preferences. Accordingly, VA encourages eligible entities skilled in facilitating housing stability and experienced in operating rapid re-housing programs (*i.e.,* administering HUD's Homelessness Prevention and Rapid Re-Housing Program, HUD's Emergency Solution Grant (ESG), or other comparable Federal or community resources) to apply for supportive services grants. As a crisis intervention program, the SSVF Program is not intended to provide long-term support for participants, nor will it be able to address all of the financial and supportive services needs of participants that affect housing stability. Rather, when participants require long-term support, grantees should focus on connecting such participants to income supports, such as employment and mainstream Federal and community resources (*e.g.,* HUD–VA Supportive Housing program, HUD Housing Choice Voucher programs, McKinney-Vento funded supportive housing programs, Temporary Assistance for Needy Families (TANF), and Social Security Income/Social Security Disability Insurance (SSI/SSDI) etc.) that can provide ongoing support as required.

Assistance in obtaining or retaining permanent housing is a fundamental goal of the SSVF Program. Grantees must provide case management services in accordance with 38 CFR 62.31. Such case management should include tenant counseling, mediation with landlords and outreach to landlords.

E. *Authority:* Funding applied for under this NOFA is authorized by 38 U.S. Code (U.S.C.) 2044. VA implements the SSVF Program by regulation in 38 CFR part 62. Funds made available under this NOFA are subject to the requirements of the aforementioned regulations and other applicable laws and regulations.

F. *Requirements for the Use of Supportive Services Grant Funds:* The grantee's request for funding must be consistent with the limitations and uses of supportive services grant funds set forth in 38 CFR part 62 and this NOFA. In accordance with the regulations and this NOFA, the following requirements apply to supportive services grants awarded under this NOFA:

1. Grantees may use a maximum of 10 percent of supportive services grant funds for administrative costs identified in 38 CFR 62.70.

2. Grantees must use a minimum of 60 percent of the temporary financial assistance portion of their supportive services grant funds to serve very low-income Veteran families who qualify under 38 CFR 62.11. (**Note:** Grantees may request a waiver to decrease this minimum, as discussed in section V.B.3.a.)

3. Grantees may use a maximum of 50 percent of supportive services grant funds to provide the supportive service of temporary financial assistance paid directly to a third party on behalf of a participant for child care, emergency housing assistance, transportation, rental assistance, utility-fee payment assistance, security deposits, utility deposits, moving costs, and general housing stability assistance (which includes emergency supplies) in accordance with 38 CFR 62.33 and 38 CFR 62.34.

G. *Guidance for the Use of Supportive Services Grant Funds:* It is VA policy to support a ''Housing First'' model in addressing and ending homelessness. Housing First establishes housing stability as the primary intervention in working with homeless persons. The Housing First approach is based on research that shows that a homeless individual or household's first and primary need is to obtain stable housing, and that other issues that may affect the household can and should be addressed as housing is obtained. Research supports this approach as an effective means to end homelessness. Housing is not contingent on compliance with mandated therapies or services; instead, participants must comply with a standard lease agreement and are provided with the services and supports that are necessary to help them do so successfully.

Grantees must develop plans that will ensure that Veteran participants have the level of income and economic stability needed to remain in permanent housing after the conclusion of the SSVF intervention. Both employment and benefits assistance from VA and non-VA sources represent a significant underutilized source of income stability for homeless Veterans. The complexity of program rules and the stigma some associate with entitlement programs contributes to their lack of use. To this effect, grantees are encouraged to consider strategies that can lead to prompt and successful access to employment and benefits that are essential to retaining housing.

1. Consistent with the Housing First model supported by VA, grantees are expected to offer the following

supportive services: housing counseling; assisting participants in understanding leases; securing utilities; making moving arrangements; providing representative payee services concerning rent and utilities when needed; and mediation and outreach to property owners related to locating or retaining housing. Grantees may also assist participants by providing rental assistance, security or utility deposits, moving costs or emergency supplies; or using other Federal resources, such as the HUD's ESG, or supportive services grant funds subject to the limitations described in this NOFA and 38 CFR 62.34.

2. As SSVF is a short-term crisis intervention, grantees must develop plans that will produce sufficient income to sustain Veteran participants in permanent housing after the conclusion of the SSVF intervention. Grantees must ensure the availability of employment and vocational services either through the direct provision of these services or their availability through formal or informal service agreements. Agreements with Homeless Veteran Reintegration Programs funded by the U.S. Department of Labor are strongly encouraged. For participants unable to work due to disability, income must be established through available benefits programs.

3. Per 38 CFR 62.33, grantees must assist participants in obtaining public benefits. Grantees must screen all participants for eligibility for a broad range of entitlements such as TANF, Social Security, the Supplemental Nutrition Assistance Program (SNAP), the Low Income Home Energy Assistance Program (LIHEAP), the Earned Income Tax Credit (EITC), and local General Assistance programs. Grantees are expected to access the Substance Abuse and Mental Health Services Administration's SSI/SSDI Outreach, Access, and Recovery (SOAR) program either though community linkages or by training staff to deliver SOAR services. In addition, where available grantees should access information technology tools to support case managers in their efforts to link participants to benefits.

4. Grantees are encouraged to provide, or assist participants in obtaining, legal services relevant to issues that interfere with the participants' ability to obtain or retain permanent housing. (NOTE: Information regarding legal services provided may be protected from being released to the grantee or VA under attorney-client privilege.) Support for legal services can include paying for court filing fees to assist a participant with issues that interfere with the participant's ability to obtain or retain permanent housing or supportive services, including issues that affect the participant's employability and financial security. Grantees (in addition to employees and members of grantees) may represent participants before VA with respect to a claim for VA benefits, but only if they are recognized for that purpose pursuant to 38 U.S.C. Chapter 59. Further, the individual providing such representation must be accredited pursuant to 38 U.S.C. Chapter 59.

5. Access to mental health and addiction services are required by SSVF; however, grantees cannot fund these services directly through the SSVF grant. Therefore, applicants must demonstrate, through either formal or informal agreements, their ability to promote rapid access and engagement to mental health and addiction services for the Veteran and family members.

6. VA recognizes that extremely low-income Veterans, with incomes below 30 percent of the area median income, face greater barriers to permanent housing placement. Grantees should consider how they can support these participants.

7. Notwithstanding any other section in this part, grantees are not authorized to use SSVF funds to pay for the following: (i) Mortgage costs or costs needed by homeowners to assist with any fees, taxes, or other costs of refinancing; (ii) construction or the cost of housing rehabilitation; (iii) credit card bills or other consumer debt; (iv) medical or dental care and medicines; (v) mental health, substance use, or other therapeutic interventions designed to treat diagnostic conditions as defined in the Diagnostic and Statistical Manual of Mental Disorders (**Note:** Although SSVF grant funds cannot be used to pay for the treatment of mental health or substance use disorders, grantees are required to offer such services through formal coordinated relationships with VA and other community providers); (vi) home care and home health aides typically used to provide care in support of daily living activities (this includes care that is focused on treatment for an injury or illness, rehabilitation, or other assistance generally required to assist those with handicaps or other physical limitations); (vii) pet care; (viii) entertainment activities; (ix) direct cash assistance to program participants; or (x) court-ordered judgments or fines.

8. When serving participants who are residing in permanent housing, it is required that the defining question to ask is: ''Would this individual or family be homeless but for this assistance?'' The grantee must use a VA approved screening tool with criteria that targets those most at-risk of homelessness. To qualify for SSVF services, a participant who is served under Category 1 (homeless prevention) must not have sufficient resources or support networks (*e.g.*, family, friends, faith-based or other social networks) immediately available to prevent them from becoming homeless. To further qualify for services under Category 1, the grantee must document that the participant meets at least one of the following conditions:

(a) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(b) Is living in the home of another because of economic hardship;

(c) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(d) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;

(e) Is exiting a publicly funded institution or system of care (such as a health care facility, a mental health facility, or correctional institution) without a stable housing plan; or

(f) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved screening tool.

9. The TANF program may also be used to address the housing-related needs of families who are homeless or precariously housed and, along with providing ongoing basic assistance, provide an array of non-recurrent, short-term benefits and services. Such benefits and services may include short-term rental or mortgage assistance (to prevent eviction or help a homeless family secure housing), security and utility payments, moving assistance, motel and hotel vouchers, and case management services. For additional information on TANF and homelessness, please visit the following link to an Information Memorandum issued by the United States Department of Health and Human Services Administration for Children and Families, Office of Family Assistance, on February 20, 2013, titled, ''Use of TANF Funds to Serve Homeless Families and Families at Risk of Experiencing Homelessness'': *http://www.acf.hhs.gov/programs/ofa/resource/tanf-acf-im-2013-01.*

10. Where other funds from community resources are not readily available, grantees may choose to utilize

supportive services grants, to the extent described in this NOFA and in 38 CFR 62.33 and 62.34, to provide temporary financial assistance. Such assistance may, subject to the limitations in this NOFA and 38 CFR part 62, be paid directly to a third party on behalf of a participant for child care, transportation, family emergency housing assistance, rental assistance, utility-fee payment assistance, security or utility deposits, moving costs and general housing stability assistance as necessary.

II. Award Information

A. *Overview:* This NOFA announces the availability of funds for supportive services grants under the SSVF Program and pertains to proposals for renewal of existing supportive services grant programs. New applications for SSVF grant awards will not be funded through this NOFA. Up to $300 million will be available through this NOFA.

B. *Funding:* To be eligible for renewal of a supportive services grant, the grantee's program concept must be substantially the same with the program concept of the grantee's current grant award. Renewal applications can request funding that is equal to or less than their current award. If sufficient funding is available, VA may provide an increase of up to 2 percent from the previous year's award. Any percentage increase, if provided, will be awarded uniformly to all grant recipients regardless of their grant award.

C. *Allocation of Funds:* Funding will be awarded under this NOFA to existing grantees for a 1 to 3-year period beginning October 1, 2015. The following requirements apply to supportive services grants awarded under this NOFA:

1. In response to this NOFA, applicants can only submit renewal applications for existing awards.

2. Each grant request cannot exceed the current award, unless proposing to expand services into an adjacent county(ies) or CoC currently unserved by any SSVF grantee. All requests to expand services must propose services in conformance with the existing grant. Additional funds can be requested to support such expansion, but requests are limited to 20 percent of the existing award.

3. Those applicants seeking to expand service areas, as described in II.C.2, must include a narrative description of this expansion. This narrative description is not to exceed one page. The narrative must include the name of the county(ies) and CoC to be served, demonstrate the need for such expansion, and the projected cost per household. Requests to expand services into areas adjacent to existing grant service areas will be considered independently to the existing grant renewal request, so that the renewal may be funded without the inclusion of the proposed expansion.

4. Applicants may request an amount less than their current award (this will not be considered a substantial change to the program concept).

5. If grantee failed to use all of awarded funds in the previous fiscal year (2014), VA may elect to limit renewal award to the amount of funds used in the previous fiscal year.

6. Applicants should fill out separate applications for each supportive services renewal funding request.

D. *Supportive Services Grant Award Period:* Grant awards are generally made for a 1-year period, although selected grants may be eligible for a 3-year award (see VI.C.6). All grants are eligible to be renewed subject to available appropriations.

III. Eligibility Information

A. *Eligible Applicants:* In order to be eligible, an applicant must qualify as a private non-profit organization (section 501(c)(3) or 501(c)(19) tax exempt status is required) or a consumer cooperative as defined in 38 U.S.C. 2044(f). In addition, tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) are eligible.

B. *Cost Sharing or Matching:* None.

IV. Application and Submission Information

A. *Address to Request Application Package:* Download directly from the SSVF Program Web site at *www.va.gov/homeless/ssvf.asp* or send a written request for an application to SSVF Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104. Any questions regarding this process should be referred to the SSVF Program Office via phone at (877) 737–0111 (toll-free number) or via email at *SSVF@va.gov.* For detailed SSVF Program information and requirements, see 38 CFR part 62.

B. *Content and Form of Application:* Applicants are strongly encouraged to submit applications electronically following instructions found at *www.va.gov/homeless/ssvf.asp.* Alternatively applicants can mail in applications. If mailed, applicants must submit two completed collated, hard copies of the application and two compact discs (CD) containing electronic versions of the entire application are required. Each application copy must (i) be fastened with a binder clip, and (ii) contain tabs listing the major sections of and exhibits to the application. Each CD must be labeled with the applicant's name and must contain an electronic copy of the entire application. A budget template must be attached in Excel format on the CD, but all other application materials may be attached in a PDF or other format.

C. *Submission Dates and Times:* Applications for supportive services grants under the SSVF Program must be received by the SSVF Program Office by 4:00 p.m. Eastern Time on March 17, 2015. Awards made for supportive services grants will fund operations beginning October 1, 2015. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. Additionally, in the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages, or other delivery-related problems.

D. *Intergovernmental Review:* This section is not applicable to the SSVF Program.

E. *Funding Restrictions:* Approximately $300 million may be awarded depending on funding availability and subject to available appropriations for initial supportive services grants to be funded under this NOFA. Applicants should fill out separate applications for each supportive services funding request. Funding will be awarded under this NOFA to existing grantees for a 1 to 3-year period beginning October 1, 2015.

F. *Other Submission Requirements:*

1. Applicants may apply only as renewal applicants using the application designed for renewal grants.

2. If applicants are proposing to expand services into counties or CoCs adjacent to their current services area, they must submit a separate budget for the expanded service area in addition to the budget for the renewal of the existing grant service area.

3. At the discretion of VA, multiple grant proposals submitted by the same lead agency may be combined into a single grant award if the proposals provide services to contiguous areas.

4. Additional supportive services grant application requirements are specified in the initial application package. Submission of an incorrect or incomplete application package will result in the application being rejected during threshold review. The application packages must contain all required forms and certifications. Selections will be made based on criteria described in 38 CFR part 62 and this NOFA. Applicants and grantees will be notified of any additional information needed to confirm or clarify information provided in the application and the deadline by which to submit such information. Applicants are strongly encouraged to submit applications electronically. If mailed, applications and CDs must be submitted to the following address: SSVF Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104. Applicants must submit two hard copies and two CDs. Applications may not be sent by facsimile (FAX).

V. Application Review Information

A. *Criteria:*

1. VA will only score applicants that meet the following threshold requirements:

(a) The application is filed within the time period established in the NOFA, and any additional information or documentation requested by VA under 38 CFR 62.20(c) is provided within the time frame established by VA;

(b) The application is completed in all parts;

(c) The applicant is an eligible entity;

(d) The activities for which the supportive services grant is requested are eligible for funding under this part;

(e) The applicant's proposed participants are eligible to receive supportive services under this part;

(f) The applicant agrees to comply with the requirements of this part;

(g) The applicant does not have an outstanding obligation to the Federal Government that is in arrears and does not have an overdue or unsatisfactory response to an audit; and

(h) The applicant is not in default by failing to meet the requirements for any previous Federal assistance.

2. VA will use the following criteria to score grantees applying for renewal of a supportive services grant:

(a) VA will award up to 55 points based on the success of the grantee's program.

(b) VA will award up to 30 points based on the cost-effectiveness of the grantee's program.

(c) VA will award up to 15 points based on the extent to which the grantee's program complies with Supportive Services for Veteran Families Program goals and requirements.

3. VA will use the following process to select applicants to receive supportive services grants: VA will score all applicants that meet the threshold requirements set forth in 38 CFR 62.21 using the scoring criteria set forth in 38 CFR 62.22.

B. *Review and Selection Process:* VA will review all supportive services grant applications in response to this NOFA according to the following steps:

1. Score all applications that meet the threshold requirements described in 38 CFR 62.21.

2. Rank those applications who score at least 75 cumulative points and receive at least one point under each of the categories identified for renewal applicants in 38 CFR 62.24. The applications will be ranked in order from highest to lowest scores in accordance with 38 CFR 62.25.

3. Utilize the ranked scores of applications as the primary basis for selection. However, in accordance with 38 CFR 62.23(d), VA will also utilize the following considerations to select applicants for funding:

(a) Give preference to applications that provide or coordinate the provision of supportive services for very low-income Veteran families transitioning from homelessness to permanent housing. Consistent with this preference, applicants are required to spend no less than 60 percent of all budgeted temporary financial assistance on participants occupying permanent housing as defined in 38 CFR 62.11(a)(2) and (a)(3). Waivers to this 60 percent requirement may be requested when grantees can demonstrate significant local progress towards eliminating homelessness in the target service area. Waiver requests must include data from authoritative sources such as HUD's Annual Homeless Assessment Report, annual Point-In-Time Counts and evidence of decreased demand for emergency shelter and transitional housing. Waivers for the 60 percent requirement may also be requested for services provided to rural Indian tribal areas and other rural areas where shelter capacity is insufficient to meet local need.

(b) To the extent practicable, ensure that supportive services grants are equitably distributed across geographic regions, including rural communities and tribal lands. This equitable distribution criteria will be used to ensure that SSVF resources are provided to those communities with the highest need as identified by authoritative sources such as HUD's Annual Homeless Assessment Report, annual Point-In-Time Counts and VA Homeless Registry data.

4. Subject to the considerations noted in paragraph B.3 above, VA will fund the highest-ranked applications for which funding is available.

VI. Award Administration Information

A. *Award Notices:* Although subject to change, the SSVF Program Office expects to announce grant recipients for all applicants in the fourth quarter of fiscal year 2015 with grants beginning October 1, 2015. Prior to executing a funding agreement, VA will contact the applicants and make known the amount of proposed funding and verify that the applicant would still like the funding. Once VA verifies that the applicant is still seeking funding, VA will execute an agreement and make payments to the grant recipient in accordance with 38 CFR part 62 and other applicable provisions of this NOFA.

B. *Administrative and National Policy Requirements:* It is VA policy to support a ''Housing First'' model in addressing and ending homelessness. Housing First establishes housing stability as the primary intervention in working with homeless persons. The Housing First approach is based on research that shows that a homeless individual or household's first and primary need is to obtain stable housing, and that other issues that may affect the household can and should be addressed as housing is obtained. Housing is not contingent on compliance with services; instead, participants must comply with a standard lease agreement and are provided with the services and supports that are necessary to help them do so successfully. Research supports this approach as an effective means to end homelessness.

Consistent with the Housing First model supported by VA, grantees are expected to offer the following supportive services: housing counseling; assisting participants in understanding leases; securing utilities; making moving arrangements; providing representative payee services concerning rent and utilities when needed; and mediation and outreach to property owners related to locating or retaining housing. Grantees may also assist participants by providing rental assistance, security or utility deposits, moving costs or emergency supplies, using other Federal resources, such as the ESG, or supportive services grant funds to the extent described in this NOFA and 38 CFR 62.34.

As SSVF grants cannot be used to fund treatment for mental health or substance use disorders, applicants must provide evidence that they can provide access to such services to all program participants through formal and informal agreements with community providers.

C. *Reporting:* VA places great emphasis on the responsibility and accountability of grantees. As described in 38 CFR 62.63 and 62.71, VA has procedures in place to monitor supportive services provided to participants and outcomes associated with the supportive services provided under the SSVF Program. Applicants should be aware of the following:

1. Upon execution of a supportive services grant agreement with VA, grantees will have a VA regional coordinator assigned by the SSVF Program Office who will provide oversight and monitor supportive services provided to participants.

2. Grantees will be required to enter data into a Homeless Management Information System (HMIS) Web-based software application. This data will consist of information on the participants served and types of supportive services provided by grantees. Grantees must treat the data for activities funded by the SSVF Program separate from that of activities funded by other programs. Grantees will be required to work with their HMIS Administrators to export client-level data for activities funded by the SSVF Program to VA on at least a monthly basis.

3. VA shall complete annual monitoring evaluations of each grantee. Monitoring will also include the submittal of quarterly and annual financial and performance reports by the grantee. The grantee will be expected to demonstrate adherence to the grantee's proposed program concept, as described in the grantee's application. All grantees are subject to audits conducted by the VA Financial Services Center.

4. Grantees will be required to provide each participant with a satisfaction survey which can be submitted by the participant directly to VA, within 45 to 60 days of the participant's entry into the grantee's program and again within 30 days of such participant's pending exit from the grantee's program. In all cases there should be a minimum of 30 days between administration of the two surveys. In cases when a brief SSVF intervention results in the first survey being administered within 30 days of exit, only one survey shall be provided.

5. Grantees will be assessed based on their ability to meet critical performance measures. In addition to meeting program requirements defined by the regulations and NOFA, grantees will be assessed on their ability to place participants into housing and the housing retention rates of participants served. Higher placement for homeless participants and higher housing retention rates for at-risk participants are expected for very-low income Veteran families when compared to extremely low-income Veteran families with incomes below 30 percent of the area median income.

6. Organizations receiving renewal awards and that have had ongoing SSVF program operation for at least 1 year (as measured by the start of initial SSVF services until March 17, 2015) may be eligible for a 3-year award. Grantees meeting outcome goals defined by VA and in substantial compliance with their grant agreements (defined by meeting targets and having no outstanding corrective action plans) and who, in addition, receive 3-year accreditation from the Commission on Accreditation of Rehabilitation Facilities in Employment and Community Services (CARF), a 3-year accreditation from the Joint Commission in Rapid Re-Housing and Prevention, or a 4-year accreditation from the Council on Accreditation's (COA) accreditation in Case Management services are eligible for a 3-year grant renewal pending funding availability (NOTE: Multi-year awards are contingent on funding availability). If awarded a multiple year renewal, grantees may be eligible for funding increases as defined in NOFAs that correspond to years 2 and 3 of their renewal funding.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: John Kuhn, Supportive SSVF Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737–0111 (this is a toll-free number); *SSVF@va.gov.*

VIII. Other Information

A. *VA Goals and Objectives for Funds Awarded Under this NOFA:* In accordance with 38 CFR 62.22(b)(6), VA will evaluate an applicant's ability to meet VA goals and objectives for the SSVF Program. VA goals and objectives include the provision of supportive services designed to enhance the housing stability and independent living skills of very low-income Veteran families occupying permanent housing across geographic regions. For purposes of this NOFA, VA goals and objectives also include the provision of supportive services designed to rapidly re-house or prevent homelessness among people in the following target populations who also meet all requirements for being part of a very low-income Veteran family occupying permanent housing:

1. Veteran families earning less than 30 percent of area median income as most recently published by HUD for programs under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (*http://www.huduser.org*).

2. Veterans with at least one dependent family member.

3. Veterans returning from Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn.

4. Veteran families located in a community, as defined by HUD's CoC, or a county not currently served by a SSVF grantee.

5. Veteran families located in a community, as defined by HUD's CoC, where current level of SSVF services is not sufficient to meet demand of Category 2 and 3 (currently homeless) Veteran families.

6. Veteran families located in a rural area.

7. Veteran families located on Indian Tribal Property.

B. *Payments of Supportive Services Grant Funds:* Grantees will receive payments electronically through the U.S. Department of Health and Human Services Payment Management System. Grantees will have the ability to request payments as frequently as they choose subject to the following limitations:

1. During the first quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 35 percent of the total supportive services grant award without written approval by VA.

2. By the end of the second quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 60 percent of the total supportive services grant award without written approval by VA.

3. By the end of the third quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 80 percent of the total supportive services grant award without written approval by VA.

4. By the end of the fourth quarter of the grantee's supportive services annualized grant award period, the grantee's cumulative requests for supportive services grant funds may not

exceed 100 percent of the total supportive services grant award.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on January 28, 2015, for publication.

Dated: January 29, 2015.

Michael P. Shores,

Chief Impact Analyst, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

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Federal Register

Vol. 80, No. 22

Tuesday, February 3, 2015

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FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5451–5664 2
5665–5894 3

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

5 CFR
532 5451
Proposed Rules:
532 5487
Ch. XLII 5715

9 CFR
78 5665
97 5665

12 CFR
217 5666
Proposed Rules:
217 5694
225 5694
238 5694

14 CFR
39 ..... 5452, 5454, 5670
Proposed Rules:
39 5489

15 CFR
Proposed Rules:
922 5699

16 CFR
Proposed Rules:
Ch. I 5713
500 5491
502 5491
1120 5701

20 CFR
Proposed Rules:
Ch. IV 5715
Ch. V 5715
Ch. VI 5715
Ch. VII 5715
Ch. IX 5715

21 CFR
870 5674

29 CFR
2520 5626
Proposed Rules:
Subtitle A 5715
Ch. II 5715
Ch. IV 5715
Ch. V 5715
Ch. XVII 5715
Ch. XXV 5715

30 CFR
Proposed Rules:
Ch. I 5715

33 CFR
117 5457

39 CFR
20 ..... 5683, 5688
111 5691

40 CFR
9 5457
52 5471
60 5475
61 5475
62 5483
63 5475
721 5457
Proposed Rules:
52 5497
60 5498
61 5498
63 5498

41 CFR
Proposed Rules:
Ch. 50 5715
Ch. 60 5715
Ch. 61 5715

45 CFR
1611 5485
Proposed Rules:
1640 5716

48 CFR
Proposed Rules:
Ch. 29 5715

50 CFR
679 5692
Proposed Rules:
17 5719
300 5719
226 5499
680 5499

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 15, 2015

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