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FEDERAL REGISTER

Vol. 80 Wednesday,
No. 23 February 4, 2015

Pages 5895–6428

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture

7 CFR Part 3434

RIN 0524–AA39

Hispanic-Serving Agricultural Colleges and Universities (HSACU)

AGENCY: National Institute of Food and Agriculture, USDA.

ACTION: Final rule.

SUMMARY: This rule updates the list of institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2014, and ending September 30, 2015.

DATES: This rule is effective February 4, 2015 and applicable October 1, 2014.

FOR FURTHER INFORMATION CONTACT: Lisa DePaolo; Policy Specialist; National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2272; 1400 Independence Avenue SW., Washington, DC 20250–2272; Voice: 202–401–5061; Fax: 202–401–7752; Email: *ldepaolo@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

HSACU Institutions for Fiscal Year 2015

This rule makes changes to the existing list of institutions in Appendix B of 7 CFR part 3434. The list of institutions is amended to reflect the institutions that are granted HSACU certification by the Secretary and are eligible for HSACU programs for the period starting October 1, 2014, and ending September 30, 2015.

Certification Process

As stated in 7 CFR 3434.4, an institution must meet the following criteria to receive HSACU certification: (1) Be a Hispanic-Serving Institution (HSI), (2) offer agriculture-related degrees, (3) not appear on the Excluded Parties List, (4) be accredited, and (5) award at least 15% of agriculture-related degrees to Hispanic students over the two most recent academic years.

NIFA obtained the latest report from the U.S. Department of Education's National Center for Education Statistics that lists all HSIs and the degrees conferred by these institutions (completions data) during the 2012–13 academic year. NIFA used this report to identify HSIs that conferred a degree in an instructional program that appears in Appendix A of 7 CFR part 3434 and to confirm that over the 2011–12 and 2012–13 academic years at least 15% of the degrees in agriculture-related fields were awarded to Hispanic students. NIFA further confirmed that these institutions were nationally accredited and did not have any exclusions listed in the System for Award Management (*https://www.sam.gov*).

The updated list of HSACUs is based on (1) completions data from 2011–12 and 2012–13, and (2) enrollment data from Fall 2013. NIFA identified 101 institutions that met the eligibility criteria to receive HSACU certification for FY 2015 (October 1, 2014 to September 30, 2015).

Declaration of Intent To Apply for NLGCA Designation

As set forth in Section 7101 of the Agricultural Act of 2014 (Pub. L. 113–79), which amends 7 U.S.C. 3103, an institution that is eligible to be designated as an HSACU may notify the Secretary of its intent not to be considered an HSACU. To opt out of designation as an HSACU, an authorized official at the institution must submit a declaration of intent not to be considered an HSACU to NIFA by email at *NLGCA.status@nifa.usda.gov.* In accordance with Section 7101, a declaration by an institution not to be considered an HSACU shall remain in effect until September 30, 2018. Institutions that opt out of HSACU designation will have the option to apply for designation as a Non-Land Grant College of Agriculture (NLGCA) institution. To be eligible for NLGCA designation, institutions must be public colleges or universities offering baccalaureate or higher degrees in the study of food and agricultural sciences, as defined in 7 U.S.C. 3103. An online form to apply for NLGCA designation is available at *www.nifa.usda.gov/form/form.html.*

In FY 2014, three institutions opted out of their HSACU designation and received NLGCA designation, hence they are excluded from the FY 2015 HSACU list.

Appeal Process

As set forth in 7 CFR 3434.8, NIFA will permit HSIs that are not granted HSACU certification to submit an appeal within 30 days of the publication of this notice.

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. This rule also is exempt from the provisions of Executive Order 12866. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.,* or the Congressional Review Act, 5 U.S.C. 801 *et seq.,* and thus is exempt from the provisions of those Acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 3434

Administrative practice and procedure; Agricultural research, education, extension; Hispanic-Serving Institutions; Federal assistance.

Title 7, chapter XXXIV of the Code of Federal Regulations is amended accordingly as set forth below:

PART 3434—HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES CERTIFICATION PROCESS

■ 1. The authority citation for part 3434 continues to read as follows:

Authority: 7 U.S.C. 3103.

■ 2. Revise Appendix B to part 3434 to read as follows:

Appendix B to Part 3434—List of HSACU Institutions, 2014–2015

The institutions listed in this appendix are granted HSACU certification by the Secretary and are eligible for HSACU programs for the

period starting October 1, 2014, and ending September 30, 2015. Institutions are listed alphabetically under the state of the school's location, with the campus indicated where applicable.

Arizona (4)

Cochise College
Glendale Community College
Phoenix College
Pima Community College

California (39)

Allan Hancock College
Antioch University-Los Angeles
Bakersfield College
California State University—Channel Islands
California State University—East Bay
California State University—Fresno
California State University—San Bernardino
Chaffey College
College of San Mateo
College of the Desert
College of the Sequoias
Fullerton College
Golden West College
Hartnell College
Imperial Valley College
Long Beach City College
Los Angeles City College
Los Angeles Pierce College
Mendocino College
Merced College
MiraCosta College
Modesto Junior College
Monterey Peninsula College
Mt. San Antonio College
Mt. San Jacinto Community College District
National University
Orange Coast College
Pacific Union College
Porterville College
Reedley College
San Diego Mesa College
San Joaquin Delta College
Santa Ana College
Santa Barbara City College
Southwestern College
University of California—Riverside
Victor Valley College
West Hills College Coalinga
Whittier College

Colorado (1)

Trinidad State Junior College

Florida (3)

Florida International University
Miami Dade College
Nova Southeastern University

Illinois (2)

City Colleges of Chicago—Harold Washington College
Dominican University

Nevada (1)

College of Southern Nevada

New Mexico (8)

Eastern New Mexico University—Main Campus
Mesalands Community College
New Mexico Highlands University
New Mexico Institute of Mining and Technology
Northern New Mexico College
Santa Fe Community College
University of New Mexico—Main Campus
Western New Mexico University

New York (4)

CUNY Bronx Community College
CUNY LaGuardia Community College
CUNY Lehman College
SUNY Westchester Community College

Puerto Rico (15)

Bayamon Central University
Instituto Tecnologico de Puerto Rico—Manati
Inter American University of Puerto Rico—Aguadilla
Inter American University of Puerto Rico—Bayamon
Inter American University of Puerto Rico—Metro
Inter American University of Puerto Rico—Ponce
Inter American University of Puerto Rico—San German
Pontifical Catholic University of Puerto Rico—Ponce
Universidad Del Turabo
Universidad Metropolitana
University of Puerto Rico—Arecibo
University of Puerto Rico—Humacao
University of Puerto Rico—Medical Sciences Campus
University of Puerto Rico—Rio Piedras Campus
University of Puerto Rico—Utuado

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Houston Community College
Lee College
Midland College
Palo Alto College
Richland College
Saint Edward's University
St. Mary's University
San Antonio College
Southwest Texas Junior College
Texas A&M International University
Texas A&M University—Corpus Christi
Texas A&M University—Kingsville
Texas State Technical College—Harlingen
Texas State University
University of Texas at Arlington
University of Texas at Brownsville
University of Texas at El Paso
University of Texas at San Antonio
University of Texas—Pan American
University of Houston
University of the Incarnate Word

Washington (3)

Big Bend Community College
Columbia Basin College
Wenatchee Valley College

Done in Washington, DC, this 23rd day of January, 2015.

Sonny Ramaswamy,

Director, National Institute of Food and Agriculture.

[FR Doc. 2015–02143 Filed 2–3–15; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2009–BT–TP–0016]

RIN 1904–AB99

Energy Conservation Program: Test Procedures for Fluorescent Lamp Ballasts

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: On October 21, 2014, the U.S. Department of Energy (DOE) issued a notice of proposed rulemaking (NOPR) to amend the test procedures for fluorescent lamp ballasts. That NOPR serves as the basis for this action. This final rule amends DOE's regulations concerning the test procedures for the measurement of energy consumption for fluorescent lamp ballasts. Specifically, these amendments clarify the requirement to use the test procedures in Appendix Q1 to demonstrate compliance with the energy conservation standards that apply to fluorescent lamp ballasts manufactured on or after November 14, 2014. These revisions follow the intent of the fluorescent lamp ballast test procedure final rule to support any new or revised energy conservation standards at the time those standards require compliance. This final rule also corrects the formula for power factor, which contained a mathematical error as adopted in that final rule.

DATES: The effective date of this rule is March 6, 2015. Compliance will be mandatory starting August 3, 2015.

ADDRESSES: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at regulations.gov. All documents in the docket are listed in the regulations.gov index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/62.* This Web page will contain a link to the docket for this notice on the regulations.gov site. The regulations.gov Web page will contain simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to review the docket, contact Ms. Brenda

Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *fluorescent_lamp_ballasts@ee.doe.gov.*

Ms. Sarah Butler, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–1777. Email: *Sarah.Butler@hq.doe.gov.*

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I. Authority and Background

Title III, Part B [1] of the Energy Policy and Conservation Act of 1975 (''EPCA'' or, ''the Act''), Public Law 94–163 (42 U.S.C. 6291–6309, as codified) sets forth a variety of provisions designed to improve energy efficiency and established the ''Energy Conservation Program for Consumer Products Other Than Automobiles.'' [2] These include fluorescent lamp ballasts, the subject of this notice. (42 U.S.C. 6292(a)(13))

Under EPCA, the energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for (1) certifying to the Department of Energy (DOE) that their products comply with the applicable energy conservation standards adopted under EPCA, and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

DOE published a test procedure final rule on May 4, 2011 (hereafter the ''May 2011 test procedure final rule'') establishing revised active mode test procedures for fluorescent lamp ballasts. 76 FR 25211. The May 2011 test procedure final rule established appendix Q1 to subpart B of Title 10 of the Code of Federal Regulations (CFR) part 430. DOE also published a final rule adopting new and revised energy conservation standards for fluorescent lamp ballasts on November 14, 2011 (hereafter the ''November 2011 standards final rule''), which completed the second energy conservation standard rulemaking required under 42 U.S.C. 6295(g)(7). 76 FR 70548. The November 2011 standards final rule established the regulations located at 10 CFR 430.32(m)(8)–(10).

II. Synopsis of the Final Rule

This final rule amends the current DOE test procedures for fluorescent lamp ballasts. DOE discovered an error in the formula for power factor located in 10 CFR part 430, subpart B, appendix Q1. DOE is correcting that formula. DOE is also updating 10 CFR 430.23 to reflect the requirement to determine compliance with the November 2014 standards by testing in accordance with Appendix Q1. This revision follows the intent of the May 2011 test procedure final rule to support any new or revised energy conservation standards at the time those standards require compliance. 76 FR 25211, 25213 (May 4, 2011).

III. Discussion

In the November 2011 standards final rule, DOE amended existing energy conservation standards and adopted standards for additional ballasts. 76 FR 70548. The new and amended standards were based on ballast luminous efficiency (BLE) and apply to all products listed in the table of BLE standards, codified at 10 CFR 430.32(m)(8)(iii)(C). DOE required compliance with these BLE standards on November 14, 2014.

In the notice of proposed rulemaking (NOPR) published on October 21, 2014, DOE proposed two changes to the fluorescent lamp ballast test procedure. 79 FR 62894. First, DOE proposed to revise 10 CFR 430.23 to clarify the requirement to use the test procedures in Appendix Q1 to demonstrate compliance with the new and revised energy conservation standards that apply to fluorescent lamp ballasts manufactured on or after November 14, 2014, codified at 10 CFR 430.32(m)(8)–(10). DOE noted that these revisions follow the intent of the May 2011 test procedure final rule that new Appendix Q1 is to support the new and revised energy conservation standards adopted in the November 2011 standards final rule. DOE did not include these revisions at the time of the May 2011 test procedure final rule because the standards and associated compliance date of the subsequent standards final rule were not yet known. Second, DOE also proposed to revise Appendix Q1 to correct an error in the formula for calculating power factor as adopted in the May 2011 test procedure final rule.

The National Electrical Manufacturers Association (NEMA) commented that it supports the proposed changes to 10 CFR part 430 noting that the revisions improve and clarify the existing procedures. (NEMA, No. 25 at p. 1) [3] Based on the reasons provided in the NOPR and in light of no negative comments, DOE is adopting the revisions to 10 CFR 430.23 clarifying the requirements to use the test procedures in Appendix Q1 on or after November 14, 2014 and to Appendix Q1 correcting the power factor formula.

In any rulemaking to amend test procedures, DOE must determine to what extent, if any, the proposed test procedures would alter the measured energy efficiency of any covered products as determined under the existing test procedures. (42 U.S.C. 6293(e)(1)) Because the changes adopted in this final rule simply provide clarification, these revisions do not alter the measured energy efficiency of the covered products measured by this test procedure.

IV. Procedural Issues and Regulatory Review

A. Review Under Executive Order 12866

The Office of Management and Budget (OMB) has determined that test procedure rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866,

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated as Part A.

[2] All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012).

[3] A notation in the form ''NEMA, No. 25 at p. 1'' identifies a written comment that DOE has received and has included in the docket of this rulemaking. This particular notation refers to a comment: (1) Submitted by NEMA; (2) in document number 25 of the docket, and (3) on page 1 of that document.

Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

This rulemaking clarifies existing requirements for testing and compliance with energy conservation standards and does not change the burden associated with fluorescent lamp ballast regulations on any entity large or small. Therefore, DOE has determined that this rulemaking does not have a significant economic impact on a substantial number of small entities.

Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the Small Business Administration (SBA) for review under 5 U.S.C. 605(b). DOE certifies that this rule has no significant impact on a substantial number of small entities.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of fluorescent lamp ballasts must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for fluorescent lamp ballasts, including any amendments adopted for those test procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including fluorescent lamp ballasts. (76 FR 12422 (March 7, 2011). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

In this final rule, DOE amends its test procedure for fluorescent lamp ballasts. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and DOE's implementing regulations at 10 CFR part 1021. Specifically, this rule amends an existing rule without affecting the amount, quality or distribution of energy usage, and, therefore, will not result in any environmental impacts. Thus, this rulemaking is covered by Categorical Exclusion A5 under 10 CFR part 1021, subpart D, which applies to any rulemaking that interprets or amends an existing rule without changing the environmental effect of that rule. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined this final rule and determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297(d)) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820; also available at *http://energy.gov/gc/office-general-counsel.* DOE examined this final rule according to UMRA and its statement of policy and determined that the rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights'' 53 FR 8859 (March 18, 1988), that this regulation will not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action is not a significant regulatory action under Executive Order 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as a significant energy action by the Administrator of OIRA. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91; 42 U.S.C. 7101), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. (15 U.S.C. 788; FEAA) Section 32 essentially provides in relevant part that, where a proposed rule authorizes or requires use of commercial standards, the notice of proposed rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

This final rule does not revise the existing incorporation of industry standards regarding fluorescent lamp ballasts. Therefore, DOE concludes that the requirements of section 32(b) of the FEAA, (*i.e.,* that the standards were developed in a manner that fully provides for public participation, comment, and review) do not apply to this rulemaking.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

N. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on January 28, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE amends part 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.23 is amended by revising paragraph (q) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(q) *Fluorescent Lamp Ballasts.* (1) Calculate the estimated annual energy consumption (EAEC) for fluorescent lamp ballasts, expressed in kilowatt-hours per year, by multiplying together the following values:

(i) The input power in kilowatts measured in accordance with section 2.5.1.6 of appendix Q1 to this part; and

(ii) The representative average use cycle of 1,000 hours per year. Round the resulting product to the nearest kilowatt-hour per year.

(2) Calculate ballast luminous efficiency (BLE) using section 2.6.1 of appendix Q1 to this subpart.

(3) Calculate the estimated annual operating cost (EAOC) for fluorescent lamp ballasts, expressed in dollars per year, by multiplying together the following values:

(i) The representative average unit energy cost of electricity in dollars per kilowatt-hour as provided by the Secretary,

(ii) The representative average use cycle of 1,000 hours per year, and

(iii) The input power in kilowatts measured in accordance with section 2.5.1.6 of appendix Q1 to this part. Round the resulting product to the nearest dollar per year.

* * * * *

■ 3. Appendix Q1 to subpart B of part 430 is amended by revising section 2.6.2 to read as follows:

Appendix Q1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Fluorescent Lamp Ballasts

* * * * *

2.6.2. Calculate Power Factor (PF).

$$PF = \frac{Input\ Power}{Input\ Voltage\ \times Input\ Current}$$

Where:

Input power is determined in accordance with section 2.5.1.6 of this appendix, input voltage is determined in accordance with section 2.5.1.7 of this appendix, and input current is determined in accordance with section 2.5.1.8 of this appendix.

* * * * *

[FR Doc. 2015–02150 Filed 2–3–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0099; Directorate Identifier 2014–CE–039–AD; Amendment 39–18082; AD 2015–02–15]

RIN 2120–AA64

Airworthiness Directives; Quest Aircraft Design, LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Quest Aircraft Design, LLC Model KODIAK 100 airplanes. This AD requires inspecting the inboard upper and lower elevator skins for cracking, repairing cracks, and installing doublers. This AD was prompted by a report that fatigue cracks were found in the lower elevator skins. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective February 19, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 19, 2015.

We must receive comments on this AD by March 23, 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 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Quest Aircraft Design, LLC, 1200 Turbine Drive, Sandpoint, Idaho 83864; telephone: (208) 263–1111; toll free: (866) 263–1112; fax: (208) 263–1511; *CustomerService@QuestAircraft.com; www.questaircraft.com*. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2015–0099; or in person at the Docket Management Facility 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 Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jason Deutschman, Aerospace Engineer, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057; phone: (425) 917–6595; fax: (425) 917–6590; email: *jason.deutschman@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We received a report that an operator found two cracks in the lower elevator skin, one per elevator, while performing a preflight walk-around inspection on a Quest Aircraft Design, LLC Model KODIAK 100 airplane.

The trailing edge skin has a built-in joggle to maintain the aerodynamic profile of the surface in the presence of a skin lap. The joggle causes the skin to straighten under tension loads and buckle under compression loads. We have determined that secondary bending stresses at the joggle are the direct cause of the cracking.

This condition, if not corrected, could cause failure of the elevator skins to sustain limit load, which could result in loss of elevator control, elevator flutter, or loss of elevator. We are issuing this AD to correct the unsafe condition on these products.

Relevant Service Information

We reviewed Quest Aircraft KODIAK Mandatory Service Bulletin SB 14–09,

Revision 1, dated December 11, 2014, and Quest Aircraft Field Service Instruction, Elevator Doubler Installation, Elevator Serial Numbers 0001 through 0149, Report No. FSI–106, Revision 02, not dated. The service information describes procedures for inspecting the inboard upper and lower skins of the elevator cracking, repairing cracks, and installing doublers to prevent cracking from occuring. You can find this information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0099.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in the service information described previously.

FAA's Justification and 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 failure of the elevator skins to sustain limit load could result in loss of elevator control, elevator flutter, or loss of elevator. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2015–0099 and Directorate Identifier 2014–CE–039–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 because of 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 57 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the inboard upper and lower skins of the elevator for cracking.	.5 work-hour × $85 per hour = $42.50.	Not applicable	$42.50	$2,422.50
Install doublers	4 work-hours × $85 per hour = $340	Not applicable	340	19,380

We estimate the following costs to do any necessary repairs that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this repair:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair cracks to the inboard upper and lower skins of the elevator.	.5 work-hour × $85 per hour = $42.50	Not applicable	$42.50

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

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 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):

2015–02–15 Quest Aircraft Design, LLC: Amendment 39–18082; Docket No. FAA–2015–0099; Directorate Identifier 2014–CE–039–AD.

(a) Effective Date

This AD is effective February 19, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Quest Aircraft Design, LLC Model KODIAK 100 airplanes, all serial numbers, that are:

(1) Equipped with elevators with serial numbers 0001 through 0149; and

(2) certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 5522; Elevator Skins.

(e) Unsafe Condition

This AD was prompted by a report that fatigue cracks were found in the lower elevator skins. We are issuing this AD to correct the unsafe condition on these products.

(f) Compliance

Comply with this AD within the compliance times specified in paragraphs (g) through (j) of this AD, unless already done.

(g) Inspect the Elevator Skins for Cracking

At or before reaching 1,500 hours time in service (TIS) on the elevator or within the next 25 hours TIS after February 19, 2015 (the effective date of this AD), whichever occurs later, inspect the top and bottom of the elevator for cracking in the forward inboard end of the trailing edge skin, aft of the spar. Do the inspection following section 4. of Quest Aircraft Field Service Instruction, Elevator Doubler Installation, Elevator Serial Numbers 0001 through 0149, Report No. FSI–106, Revision 02, not dated, as specified in Quest Aircraft KODIAK Mandatory Service Bulletin SB 14–09, Revision 1, dated December 11, 2014.

Note 1 to paragraph (g) of this AD: Quest Aircraft Field Service Instruction, Elevator Doubler Installation, Elevator Serial Numbers 0001 through 0149, Report No. FSI–106, Revision 02, not dated, references Advisory Circular 43.13–1B, Section 2. The reference should state Advisory Circular 43.13–1B, chapter 5, section 2. You may find Advisory Circular 43.13–1B on the Internet at *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/99C827DB9BAAC81B86256B4500596C4E?OpenDocument&Highlight=43.13-1b.*

(h) Install Doublers

If no cracking was found during the inspection required in paragraph (g) of this AD, before further flight after the inspection, install doublers. Do the installation following section 5.1 of Quest Aircraft Field Service Instruction, Elevator Doubler Installation, Elevator Serial Numbers 0001 through 0149, Report No. FSI–106, Revision 02, not dated, as specified in Quest Aircraft KODIAK Mandatory Service Bulletin SB 14–09, Revision 1, dated December 11, 2014.

(i) Repair Cracked Elevator Skins and Install Doublers

If cracking was found during the inspection required in paragraph (g) of this AD, before further flight after the inspection, repair the cracks and install doublers, except as specified in paragraph (j). Do the repair and installation following section 5.2 of Quest Aircraft Field Service Instruction, Elevator Doubler Installation, Elevator Serial Numbers 0001 through 0149, Report No. FSI–106, Revision 02, not dated, as specified in Quest Aircraft KODIAK Mandatory Service Bulletin SB 14–09, Revision 1, dated December 11, 2014.

(j) Cracked Elevator Skins That Exceed Service Bulletin Repair Limits

If the cracking found during the inspection required in paragraph (g) of this AD exceeds the repair specified in paragraph (i) of this AD, before further flight, obtain an FAA-approved repair method from Quest Aircraft by contacting the Manager, Seattle Aircraft Certification Office (ACO), FAA, as specified in paragraph (k) of this AD. To use a repair method approved by the Manager of the Seattle ACO, the approval letter must specifically reference this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO, 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 manager of the ACO, send it to the attention of the person identified in paragraph (m) of this AD.

(2) 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.

(l) Related Information

For more information about this AD, contact Jason Deutschman, Aerospace Engineer, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057; phone: (425) 917–6595; fax: (425) 917–6590; email: *jason.deutschman@faa.gov.*

(m) 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 the AD specifies otherwise.

(i) Quest Aircraft KODIAK Mandatory Service Bulletin SB 14–09, Revision 1, dated December 11, 2014.

(ii) Quest Aircraft Field Service Instruction, Elevator Doubler Installation, Elevator Serial Numbers 0001 through 0149, Report No. FSI–106, Revision 02, not dated.

(3) For Quest Aircraft service information identified in this AD, contact Quest Aircraft Design, LLC, 1200 Turbine Drive, Sandpoint, Idaho 83864; telephone: (208) 263–1111; toll free: (866) 263–1112; fax: (208) 263–1511; *CustomerService@QuestAircraft.com; www.questaircraft.com.*

(4) You may view this service information at FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

(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 Kansas City, Missouri, on January 16, 2015.

Kelly A. Broadway,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–01196 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0446; Directorate Identifier 2013–NM–077–AD; Amendment 39–18069; AD 2015–02–02]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain

Bombardier, Inc. Model CL–215–6B11 (CL–215T Variant), and CL–215–6B11 (CL–415 Variant) airplanes. This AD was prompted by a report that, during a routine inspection, corrosion was discovered on the lower bearing of the rudder upper torque tube. This AD requires applying grease to the bearing; doing a general visual inspection of the expelled old grease for any contaminants, metal wear, and indication of corrosion, and replacing the bearing if necessary; and revising the maintenance or inspection program, as applicable, to incorporate the rudder spring tab operational test and a check of the rudder spring tab operation into the daily inspection. We are issuing this AD to prevent corroded bearings, which could result in a partial or total loss of axial support.

DATES: This AD becomes effective March 11, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0446* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

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.

FOR FURTHER INFORMATION CONTACT: Ricardo Garcia, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE 171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7331; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model CL–215–6B11 (CL–215T Variant), and CL–215–6B11 (CL–415 Variant) airplanes. The NPRM published in the **Federal Register** on July 15, 2014 (79 FR 41145).

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–08, dated March 12, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc. Model CL–215–6B11 (CL–215T Variant), and CL–215–6B11 (CL–415 Variant) airplanes. The MCAI states:

> During a routine inspection, corrosion was discovered on the Rudder Upper Torque Tube Lower bearing, part number (P/N) DAT48–64A. Corroded bearings may eventually result in a partial or total loss of axial support.
>
> As such, Bombardier has issued Service Bulletin (SB) 215–A3171 Rev. 1 and SB 215–A4452 Rev. 1, which provide instructions to refresh the lubrication in the bearing in order to inspect for corrosion and/or contaminants in the existing grease. These SBs will also incorporate an operational check to the 50 hour maintenance scheduled tasks, and a test of the Rudder Spring Tab operation into the Daily inspection or the aircrew Preflight Check.

Required actions include applying grease to the bearing, doing a general visual inspection of the expelled old grease for any contaminants, metal wear, and indication of corrosion, and replacing the bearing if necessary; revising the maintenance or inspection program, as applicable, to incorporate the rudder spring tab operational test; and revising the maintenance or inspection program, as applicable, to incorporate a check of the rudder spring tab operation into the daily inspection. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0446-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 41145, July 15, 2014) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 41145, July 15, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 41145, July 15, 2014).

Related Service Information

Bombardier, Inc. has issued Bombardier Alert Service Bulletin 215–A3171, Revision 1, dated January 25, 2012, and Bombardier Alert Service Bulletin 215–A4452, Revision 1, dated January 3, 2012. This service information describes applying grease to the bearing; doing a general visual inspection of the expelled old grease for any contaminants, metal wear, and indication of corrosion, and replacing the bearing if necessary; and revising the maintenance or inspection program, as applicable, to incorporate the rudder spring tab operational test and a check of the rudder spring tab operation into the daily inspection. You can find this information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0446.

Costs of Compliance

We estimate that this AD affects 5 airplanes of U.S. registry.

We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will be negligible. Based on these figures, we estimate the cost of this AD on U.S. operators to be $850, or $170 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0446;* or in person at the Docket Management Facility 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.

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):

2015–02–02 Bombardier, Inc.: Amendment 39–18069. Docket No. FAA–2014–0446; Directorate Identifier 2013–NM–077–AD.

(a) Effective Date

This AD becomes effective March 11, 2015.

(b) Affected ADs

None.

(c) Applicability

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

(1) Model CL–215–6B11 (CL–215T Variant) airplanes, serial numbers 1056 through 1125 inclusive.

(2) Model CL–215–6B11 (CL–415 Variant) airplanes, serial numbers 2001 through 2990 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Reason

This AD was prompted by a report that, during a routine inspection, corrosion was discovered on the lower bearing of the rudder upper torque tube. We are issuing this AD to prevent corroded bearings, which could result in a partial or total loss of axial support.

(f) Compliance

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

(g) Lubrication of the Rudder Upper Torque Tube Bearing

Within 3 months after the effective date of this AD, apply grease to the bearing, and do a general visual inspection of the expelled old grease for any contaminants (*i.e.* ashes, dust, and algae), metal wear, and indication of corrosion, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin 215–A3171, Revision 1, dated January 25, 2012 (for Model CL–215–6B11 (CL–215T Variant) airplanes); or Bombardier Alert Service Bulletin 215–A4452, Revision 1, dated January 3, 2012 (for Model CL–215–6B11 (CL–415 Variant) airplanes). If any contaminants (*i.e.,* ashes, dust, and algae), metal wear, or indication of corrosion are found, before further flight, replace the bearing with a new bearing, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin 215–A3171, Revision 1, dated January 25, 2012 (for Model CL–215–6B11 (CL–215T Variant) airplanes); or Bombardier Alert Service Bulletin 215–A4452, Revision 1, dated January 3, 2012 (for Model CL–215–6B11 (CL–415 Variant) airplanes). Repeat the inspection, thereafter, before and after each fire season or at intervals not to exceed 6 months, whichever occurs first.

Note 1 to paragraph (g) of this AD: It is suggested that paragraph (g) of this AD be carried out in conjunction with AD 2009–05–04, Amendment 39–15828 (74 FR 8860, February 27, 2009), as the task and task intervals are in the same general area.

(h) Operational Test

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate the rudder spring tab operational test, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin 215–A3171, Revision 1, dated January 25, 2012 (for Model CL–215–6B11 (CL–215T Variant) airplanes); or Bombardier Alert Service Bulletin 215–A4452, Revision 1, dated January 3, 2012 (for Model CL–215–6B11 (CL–415 Variant) airplanes).

(i) Daily Maintenance Procedure Check

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate a check of the rudder spring tab operation into the daily inspection, in accordance with the Accomplishment Instructions of Bombardier Alert Service Bulletin 215–A3171, Revision 1, dated January 25, 2012 (for Model CL–215–6B11 (CL–215T Variant) airplanes); or Bombardier Alert Service Bulletin 215–A4452, Revision 1, dated January 3, 2012 (for Model CL–215–6B11 (CL–415 Variant) airplanes).

(j) No Alternative Actions and Intervals

After accomplishment of the maintenance or inspection program revision required by paragraphs (h) and (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (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 Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–08, dated March 12, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0446-0002.*

(m) 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 215–A3171, Revision 1, dated January 25, 2012.

(ii) Bombardier Alert Service Bulletin 215–A4452, Revision 1, dated January 3, 2012.

(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 12, 2015.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–01187 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0540; Directorate Identifier 2014–NE–10–AD; Amendment 39–18074; AD 2015–02–07]

RIN 2120–AA64

Airworthiness Directives; Lycoming Engines Reciprocating Engines (Type Certificate previously held by Textron Lycoming Division, AVCO Corporation)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain serial number (S/N) Lycoming Engines reciprocating engines. This AD was prompted by propeller governor shaft set screws coming loose due to improper installation. We are issuing this AD to prevent the propeller governor shaft set screw from coming loose, causing damage to the engine and damage to the airplane.

DATES: This AD is effective March 11, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2015.

ADDRESSES: For service information identified in this AD, contact Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701; phone: 800–258–3279; fax: 570–327–7101; Internet: *www.lycoming.com/Lycoming/SUPPORT/TechnicalPublications/ServiceBulletins.aspx.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2014–0540; or in person at the Docket Management Facility 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 address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Norm Perenson, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7337; fax: 516–794–5531; email: *norman.perenson@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain S/N Lycoming Engines reciprocating engines. The NPRM published in the **Federal Register** on September 11, 2014 (79 FR 54218). The NPRM was prompted by events of propeller governor shaft set screws coming loose due to improper installation. If the set screws come loose, the engine may lose oil resulting in damage to the engine and damage to the airplane. The NPRM proposed to require application of Loctite 290, or equivalent, to the threads of the propeller governor shaft set screw at each installation of the set screw in addition to the peening of crankcase hole threads. We are issuing this AD to prevent the propeller governor shaft set screw from coming loose, causing damage to the engine and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 54218, September 11, 2014) or on the determination of the cost to the public.

We did however; find that we directed the use of LocTite 290, a commercial product by brand name. We changed the AD to remove the requirement to use any particular brand like LocTite 290, from this AD.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed.

Related Service Information

We reviewed Lycoming Engines Service Instruction No. 1343B, dated June 15, 2007. The service instruction describes procedures for application of sealant for the propeller governor shaft set screw and the peening of crankcase hole threads. You can find this information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0540.

Costs of Compliance

We estimate that this AD will affect about 2,330 engines installed on airplanes of U.S. registry. We also estimate that it will take about 0.1 hours per engine to comply with this AD. The average labor rate is $85 per hour. Prorated parts life will cost about $1 per engine. Based on these figures, we estimate the cost of this AD on U.S. operators to be $22,135.

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

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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, 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):

2015–02–07 Lycoming Engines (Type Certificate previously held by Textron Lycoming Division, AVCO Corporation): Amendment 39–18074; Docket No. FAA–2014–0540; Directorate Identifier 2014–NE–10–AD.

(a) Effective Date

This AD is effective March 11, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Lycoming Engines wide deck aerobatic reciprocating engines that have either an ''A'' or an ''E'' at the end of the serial number (*e.g.,* L–12345–51A, or L–12345–51E) and are equipped with a front-mounted propeller governor. Affected reciprocating engine models include, but are not limited to Lycoming Engines AEIO–320–D1B; AEIO–360–A1E, –A1E6, –B1H, –H1B; AEIO–540–D4A5, –D4B5, –D4D5, –L1B5, –L1B5D, –L1D5; AEIO–580–B1A; and IO–540–K1K5 (with aerobatic kit installed).

(d) Unsafe Condition

This AD was prompted by propeller governor shaft set screws coming loose due to improper installation. We are issuing this AD to prevent the propeller governor shaft set screw from coming loose, causing damage to the engine and damage to the airplane.

(e) Compliance

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

After the effective date of this AD, at each installation of the propeller governor shaft set screw, secure the set screw in place in accordance with the instructions of Lycoming Engines Service Instruction No. 1343B, dated June 15, 2007. Use a thread-locking, anaerobic, single-component sealing compound that meets military specification Mil–S–46163A, Type III, Grade R, and peen the crankcase hole threads.

(f) Alternative Methods of Compliance (AMOCs)

The Manager, New York Aircraft Certification Office, FAA, may approve AMOCs to this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(g) Related Information

(1) For more information about this AD, contact Norm Perenson, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine & Propeller Directorate, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7337; fax: 516–794–5531; email: *norman.perenson@faa.gov.*

(h) 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 the AD specifies otherwise.

(i) Lycoming Engines Service Instruction No. 1343B, dated June 15, 2007.

(ii) Reserved.

(3) For Lycoming Engines service information identified in this AD, contact Lycoming Engines, 652 Oliver Street, Williamsport, PA 17701; phone: 800–258–3279; fax: 570–327–7101; Internet: *http://www.lycoming.com/Lycoming/SUPPORT/TechnicalPublications/Service Instructions.aspx.*

(4) You may view this service information at FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may view this service information 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 Burlington, Massachusetts, on January 13, 2015.

Thomas A. Boudreau,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–01281 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28059; Directorate Identifier 2007–NE–13–AD; Amendment 39–18087; AD 2015–02–20]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding airworthiness directive (AD) 2013–15–10 that applies to certain Rolls-Royce plc (RR) RB211 turbofan engines. AD 2013–15–10 required inspecting the intermediate-pressure compressor (IPC) rotor shaft rear balance land for cracks. This AD requires inspecting the IPC rotor shaft rear balance land for cracks, eliminates a terminating action, expands one inspection, and eliminates certain other inspections. We are issuing this AD to detect cracking on the IPC rotor shaft rear balance land, which could lead to uncontained engine failure and damage to the airplane.

DATES: This AD is effective March 11, 2015.

The Director of the Federal Register approved the incorporation by reference (IBR) of certain publications listed in this AD as of March 11, 2015.

The Director of the Federal Register approved the IBR of certain other publications listed in this AD as of October 8, 2013 (78 FR 54149, September 3, 2013) and as of June 29, 2012 (77 FR 31176, May 25, 2012).

ADDRESSES: For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://*

www.rolls-royce.com/contact/civil_team.jsp; Internet: *https://www.aeromanager.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2007–28059; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kenneth Steeves, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7765; fax: 781–238–7199; email: *kenneth.steeves@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2013–15–10, Amendment 39–17526 (78 FR 54149, September 3, 2013), (''AD 2013–15–10''). AD 2013–15–10 applied to the specified products. The NPRM published in the **Federal Register** on September 11, 2014 (79 FR 54220). The NPRM proposed to retain the requirements of AD 2013–15–10 for inspecting the IPC rotor shaft rear balance land for cracks. The NPRM also proposed to require that the repetitive in-shop eddy current inspections (ECIs) in AD 2013–15–10 be performed even after modifying certain engines. The NPRM also proposed to eliminate repetitive on-wing inspections for certain other engines, and eliminate certain in-shop visual inspections for all engines.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 54220, September 11, 2014).

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes, *e.g.,* paragraph references and referencing the latest version of certain service information incorporated by reference.

Related Service Information

We reviewed RR Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AH059, dated December 11, 2012; RR Alert NMSB No. RB.211–72–AH058, Revision 1, dated July 7, 2014; RR Alert NMSB No. RB.211–72–AG270, Revision 4, dated March 21, 2011; RR Alert NMSB No. RB.211–72–AG085, Revision 2, dated July 7, 2011; RR Alert NMSB No. RB.211–72–AG264, Revision 5, dated March 21, 2011; and RR NMSB No. RB.211–72–G448, Revision 4, dated August 21, 2014. The service information describes procedures for performing borescope inspections and ECIs of the IPC rotor shaft rear balance land. You can find this information in the AD docket on the Internet at *http://www.regulations.gov/#!docketBrowser;rpp=25;po=0;D=FAA-2007-28059.*

Costs of Compliance

We estimate that this AD will affect about 136 engines installed on airplanes of U.S. registry. We also estimate that it will take about 14 hours per engine to perform the inspections required by this AD. The average labor rate is $85 per hour. Replacement parts are estimated to cost about $2,271 per engine. Based on these figures, we estimate the cost of the AD on U.S. operators to be $470,696.

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

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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, 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 part 39 of the Federal Aviation Regulations (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 removing airworthiness directive (AD) 2013–15–10, Amendment 39–17526 (78 FR 54149, September 3, 2013), and adding the following new AD:

2015–02–20 Rolls-Royce plc: Amendment 39–18087; Docket No. FAA–2007–28059; Directorate Identifier 2007–NE–13–AD.

(a) Effective Date

This AD is effective March 11, 2015.

(b) Affected ADs

This AD supersedes AD 2013–15–10, Amendment 39–17526 (78 FR 54149, September 3, 2013).

(c) Applicability

This AD applies to all Rolls-Royce plc (RR) RB211-Trent 553–61, 553A2–61, 556–61, 556A2–61, 556B–61, 556B2–61, 560–61, 560A2–61, 768–60, 772–60, 772B–60, 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, 895–17, 970–84, 970B–84, 972–84, 972B–

84, 977–84, 977B–84, and 980–84 turbofan engines.

(d) Unsafe Condition

This AD was prompted by reports of cracks in Trent 500, Trent 700, and Trent 800 intermediate-pressure compressor (IPC) rotor shaft rear balance lands and analysis that determined similar cracks may exist in Trent 900 engines. We are issuing this AD to detect cracking on the IPC rotor shaft rear balance land, which could lead to uncontained engine failure and damage to the airplane.

(e) Compliance

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

(1) RB211-Trent 700 Engines—Rear Balance Land Inspections

(i) Within 625 cycles-in-service (CIS) after June 29, 2012, or before the next flight after the effective date of this AD, whichever occurs later, borescope inspect the IPC rotor shaft rear balance land. Use RR Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AG270, Revision 4, dated March 21, 2011, paragraphs 3.A.(2)(a) through 3.A.(2)(c) and 3.A.(3)(a) through 3.A.(3)(c) for in-shop procedures, or paragraphs 3.B.(2)(a) through 3.B.(2)(c) and 3.B.(4)(a) through 3.B.(4)(c), for on-wing procedures, to do the inspection.

(ii) Thereafter, repeat the inspection within every 625 cycles-since-last inspection (CSLI). You may count CSLI from the last borescope inspection or the last eddy current inspection (ECI), whichever occurred later.

(iii) At each shop visit after the effective date of this AD, perform an ECI of the IPC rotor shaft rear balance land. Use RR Alert NMSB No. RB.211–72–AG085, Revision 2, dated July 7, 2011, paragraphs 3.A. through 3.B., to do the inspection.

(iv) To meet the requirement of paragraph (e)(1)(i) of this AD, instead of a borescope inspection, you may perform an ECI using paragraph (e)(1)(iii) of this AD.

(2) RB211-Trent 800 Engines—Rear Balance Land Inspections

(i) Within 475 CIS after June 29, 2012, or before the next flight after the effective date of this AD, whichever occurs later, borescope inspect the IPC rotor shaft rear balance land. Use RR Alert NMSB No. RB.211–72–AG264, Revision 5, dated March 21, 2011, paragraphs 3.A.(2)(a) through 3.A.(2)(c) and 3.A.(3)(a) through 3.A.(3)(c), for in-shop procedures, or paragraphs 3.B.(2)(a) through 3.B.(2)(c) and 3.B.(4)(a) through 3.B.(4)(c), for on-wing procedures, to do the inspection.

(ii) Thereafter, repeat the inspection within every 475 CSLI. You may count CSLI from the last borescope inspection or the last ECI, whichever occurred later.

(iii) At each shop visit after the effective date of this AD, perform an ECI of the IPC rotor shaft rear balance land. Use RR Alert NMSB No. RB.211–72–AG085, Revision 2, dated July 7, 2011, paragraphs 3.A. through 3.B., to do the inspection.

(iv) To meet the requirement of paragraph (e)(2)(i) of this AD, instead of a borescope inspection, you may perform an ECI using paragraph (e)(2)(iii) of this AD.

(3) RB211-Trent 500 Engines—Rear Balance Land Inspections

(i) Within 340 CIS after October 8, 2013, or before the next flight after the effective date of this AD, whichever occurs later, borescope inspect the IPC rotor shaft rear balance land. Use RR Alert NMSB No. RB.211–72–AH058, Revision 1, dated July 7, 2014, paragraphs 3.A.(2)(a) through 3.A.(2)(c), 3.A.(3)(a) through 3.A.(3)(d), and 3.A.(5)(a) through 3.A.(5)(c), for on-wing procedures, to do the inspection.

(ii) Thereafter, repeat the inspection within every 340 CSLI. You may count CSLI from the last borescope inspection or the last ECI, whichever occurred later.

(iii) At each shop visit after the effective date of this AD, perform an ECI of the IPC rotor shaft rear balance land. Use RR NMSB No. RB.211–72–G448, Revision 4, dated August 21, 2014, paragraphs 3.D.(4) through 3.D.(5), 3.D.(6)(f) through 3.D.(7)(w), 3.D.(8)(f) through 3.D.(8)(w), and 3.D.(11) to do the inspection.

(iv) To meet the requirement of paragraph (e)(3)(i) of this AD, instead of a borescope inspection, you may perform an ECI using paragraph (e)(3)(iii) of this AD.

(4) RB211-Trent 900 Engines—Rear Balance Land Inspections

(i) Within 280 flight cycles after October 8, 2013, or before the next flight after the effective date of this AD, whichever occurs later, borescope inspect the IPC rotor shaft rear balance land. Use RR Alert NMSB No. RB.211–72–AH059, dated December 11, 2012, paragraphs 3.A.(2)(a) through 3.A.(2)(c), 3.A.(3)(a) through 3.A.(3)(d), and 3.A.(5)(a) through 3.A.(5)(c) for on-wing procedures, to do the inspection.

(ii) Thereafter, repeat the inspection within every 280 CSLI. You may count CSLI from the last borescope inspection or the last ECI, whichever occurred last.

(iii) At each shop visit after the effective date of this AD, perform an ECI of the IPC rotor shaft rear balance land. Use RR NMSB No. RB.211–72–G448, Revision 4, dated August 21, 2014, paragraphs 3.D.(4) through 3.D.(5), 3.D.(6)(f) through 3.D.(7)(w), 3.D.(8)(f) through 3.D.(8)(w), and 3.D.(11) to do the inspection.

(iv) To meet the requirement of paragraph (e)(4)(i) of this AD, instead of a borescope inspection, you may perform an ECI using paragraph (e)(4)(iii) of this AD.

(5) RB211-Trent 500, RB211-Trent 700, RB211-Trent 800, and RB211-Trent 900 Engines IPC Balance Weight Removal

(i) RB211-Trent 500 engines. At the next shop visit after the effective date of this AD, remove the IPC balance weights, part numbers (P/Ns) AS44695–150, AS44695–175, AS44695–200, AS44695–225, AS44695–250, AS44695–275, and AS44695–300.

(ii) RB211-Trent 700 engines. At the next shop visit after the effective date of this AD, remove the IPC balance weights, P/Ns AS44695–150, AS44695–175, AS44695–200, AS44695–225, AS44695–250, AS44695–275, and AS44695–300.

(iii) RB211-Trent 800 engines. At the next shop visit after the effective date of this AD, remove the IPC balance weights, P/Ns AS44695–150, AS44695–175, AS44695–200, AS44695–225, AS44695–250, AS44695–275, and AS44695–300.

(iv) RB211-Trent 900 engines. At the next shop visit after the effective date of this AD, remove the IPC balance weights, P/Ns AS44695–150, AS44695–175, AS44695–200, AS44695–225, AS44695–250, AS44695–275, and AS44695–300.

(v) Once you have removed the IPC balance weights, P/Ns AS44695–150, AS44695–175, AS44695–200, AS44695–225, AS44695–250, AS44695–275, and AS44695–300, do not re-install them on any IPC shaft rear balance land.

(6) RB211-Trent 500, RB211-Trent 700, RB211-Trent 800, and RB211-Trent 900 Engines—Terminating Action to Repetitive Borescope Inspections

(i) Removal of the IPC balance weights as described in paragraph (e)(5) of this AD terminates the repetitive borescope inspection requirements in paragraphs (e)(1) through (e)(4) of this AD. However, at each shop visit you must still do the ECI required by paragraphs (e)(1) through (e)(4) of this AD.

(ii) Reserved.

(f) Credit for Previous Actions

(1) RB211-Trent 700 Engines

(i) If you borescope inspected an RB211-Trent 700 engine, before the effective date of this AD, using RR Alert NMSB No. RB.211–72–AG270, Revision 1, dated December 14, 2009; or Revision 2, dated December 21, 2010; or Revision 3, dated February 25, 2011, you have met the requirements of paragraph (e)(1)(i) of this AD.

(ii) If you eddy current inspected an RB211-Trent 700 engine, before the effective date of this AD, using RR Alert NMSB No. RB.211–72–AG085, Revision 1, dated September 27, 2010, you met the ECI requirement of paragraph (e)(1)(iii) of this AD. However, you are still required to perform the repetitive inspections required by paragraphs (e)(1)(ii) and (e)(1)(iii) of this AD.

(2) RB211-Trent 800 Engines

(i) If you borescope inspected an RB211-Trent 800 engine, before the effective date of this AD, using RR Alert NMSB No. RB.211–72–AG264, Revision 3, dated December 21, 2010; or Revision 4, dated February 25, 2011, you met the requirements of paragraph (e)(2)(i) of this AD.

(ii) If you eddy current inspected an RB211-Trent 800 engine, before the effective date of this AD, using RR Alert NMSB No. RB.211–72–AG085, Revision 1, dated September 27, 2010, you met the ECI requirement of paragraph (e)(2)(iii) of this AD. However, you are still required to perform the repetitive inspections required by paragraphs (e)(2)(ii) and (e)(2)(iii) of this AD.

(3) RB211-Trent 500 Engines

(i) If you borescope inspected an RB211-Trent 500 engine, before the effective date of this AD, using RR Alert NMSB RB.211–72–AH058, dated December 13, 2012; or RR NMSB No. RB.211–72–G448, Revision 2, dated December 23, 2010; or Revision 3,

dated July 7, 2011, you met the requirement of paragraph (e)(3)(i) of this AD.

(ii) If you eddy current inspected an RB211-Trent 500 engine, before the effective date of this AD, using RR NMSB No. RB.211–72–G448, Revision 2, dated December 23, 2010; or Revision 3, dated July 7, 2011, you met the ECI requirement of paragraph (e)(3)(iii) of this AD. However, you are still required to perform the repetitive inspections required by paragraphs (e)(3)(ii) and (e)(3)(iii) of this AD.

(4) RB211-Trent 900 engines

(i) If you borescope inspected an RB211-Trent 900 engine, before the effective date of this AD, using RR Alert NMSB RB.211–72–AH059, dated December 11, 2012; or RR NMSB No. RB.211–72–G448, Revision 2, dated December 23, 2010; or Revision 3, dated July 7, 2011, you met the requirements of paragraph (e)(4)(i) of this AD.

(ii) If you eddy current inspected an RB211-Trent 900 engine, before the effective date of this AD, using RR NMSB No. RB.211–72–G448, Revision 2, dated December 23, 2010; or Revision 3, dated July 7, 2011, you met the ECI requirement of paragraph (e)(4)(iii) of this AD. However, you are still required to perform the repetitive inspections required by paragraphs (e)(4)(ii) and (e)(4)(iii) of this AD.

(g) Definition

For the purpose of this AD, a shop visit is defined as the introduction of an engine into the shop and disassembly sufficient to expose the IPC module rear face.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(i) Related Information

(1) For more information about this AD, contact Kenneth Steeves, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7765; fax: 781–238–7199; email: *kenneth.steeves@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2014–0152, dated June 20, 2014, and corrected on June 25, 2014, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!document Detail;D=FAA-2007-28059-0028.*

(j) 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 the AD specifies otherwise.

(3) The following service information was approved for IBR on March 11, 2015.

(i) Rolls-Royce plc (RR) Non-Modification Service Bulletin (NMSB) No. RB.211–72–G448, Revision 4, dated August 21, 2014.

(ii) RR Alert NMSB No. RB.211–72–AH058, Revision 1, dated July 7, 2014.

(4) The following service information was approved for IBR on October 8, 2013 (78 FR 54149, September 3, 2013).

(i) RR Alert NMSB No. RB.211–72–AH059, dated December 11, 2012.

(ii) Reserved.

(5) The following service information was approved for IBR on June 29, 2012, (77 FR 31176, May 25, 2012).

(i) RR Alert NMSB No. RB.211–72–AG270, Revision 4, dated March 21, 2011.

(ii) RR Alert NMSB No. RB.211–72–AG085, Revision 2, dated July 7, 2011.

(iii) RR Alert NMSB No. RB.211–72–AG264, Revision 5, dated March 21, 2011.

(6) For RR service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE24 8BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; email: *http://www.rolls-royce.com/contact/civil_team.jsp;* Internet: *https://www.aeromanager.com.*

(7) You may view this service information at FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(8) You may view this service information 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 Burlington, Massachusetts, on January 16, 2015.

Thomas A. Boudreau,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–01557 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0462; Directorate Identifier 2014–NE–06; Amendment 39–18075; AD 2015–02–08]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation Turboprop and Turbofan Engines (Type Certificate Previously Held by Allison Engine Company)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Rolls-Royce Corporation (RRC) AE 2100 series turboprop engines and AE 3007A and 3007C series turbofan engines. This AD was prompted by reports of pitting in the wheel bores and subsequent RRC analysis that concluded that lower life limits are needed for the affected turbine wheels. This AD requires a reduction for the approved life limits of the affected turbine wheels. This AD also requires an eddy current inspection (ECI) of certain RRC engines with affected turbine wheels. We are issuing this AD to prevent uncontained failure of the turbine wheels, damage to the engine, and damage to the airplane.

DATES: This AD is effective March 11, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 2015.

ADDRESSES: For service information identified in this AD, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB–01–06, Indianapolis, IN 46225; phone: 317–230–1667; email: *CMSEindyOSD@rolls-royce.com;* Internet: *www.rolls-royce.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2014–0462, or in person at the Docket Management Facility 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 address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Kyri Zaroyiannis, Aerospace Engineer, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–7836; fax: 847–294–7834; email: *kyri.zaroyiannis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain RRC AE 2100 series turboprop engines and AE 3007A and 3007C series turbofan engines. The NPRM published in the **Federal Register** on October 2, 2014 (79 FR

59461). The NPRM was prompted by reports of pitting in the wheel bores and subsequent RRC analysis that concluded that lower life limits are needed for the affected turbine wheels. The NPRM proposed to require reducing the approved life limits of the affected turbine wheels and performing an ECI of certain RRC engines with affected turbine wheels. We are issuing this AD to prevent uncontained failure of the turbine wheels, damage to the engine, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comment received. An anonymous commenter supported the NPRM (79 FR 59461, October 2, 2014).

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes, *e.g.,* verb tense changes and word changes appropriate to a final rule. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 59461, October 2, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 59461, October 2, 2014).

Related Service Information

We reviewed:

- Rolls-Royce (RR) Alert Service Bulletin (ASB) No. AE 2100D2–A–72–085, dated July 25, 2013.
- RR ASB No. AE 2100D3–A–72–277, dated July 25, 2013.
- RR ASB No. AE 2100P–A–72–019, dated July 25, 2013.
- RR ASB No. AE 3007A–A–72–407, Revision 1, dated August 29, 2014.
- RR ASB No. AE 3007A–A–72–408, Revision 1, dated August 29, 2014.
- RR ASB No. AE 3007C–A–72–316, dated December 6, 2013.

These service bulletins describe procedures for inspecting high-pressure turbine (HPT) stage 2 wheels and identify life-limit reduction for all affected HPT wheels. You can find this information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0462.

Costs of Compliance

We estimate that this AD will affect 664 engines installed on airplanes of U.S. registry. We also estimate that it will take about 1 hour to perform an ECI in the bore of the turbine wheel for affected engines. The average labor rate is $85 per hour. We estimate the pro-rated replacement cost would be $30,688 for a 1st stage gas generator turbine wheel; $63,693 for a HPT stage 1 wheel; $13,941 for an HPT stage 2 wheel; and $13,186 for a 4th stage turbine wheel. We also estimate that these parts would be replaced during an engine shop visit at no additional labor cost. Based on these figures, we estimate the total cost of this AD on U.S. operators to be $11,317,969.

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

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 DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction, 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):

2015–02–08 Roll-Royce Corporation (Type Certificate previously held by Allison Engine Company): Amendment 39–18075; Docket No. FAA–2014–0462; Directorate Identifier 2014–NE–06–AD.

(a) Effective Date

This AD is effective March 11, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Corporation (RRC) AE 2100D2, 2100D2A, 2100D3, and 2100P turboprop engines and AE 3007A1, A1/1, A1/3, A1E, A1P, A2, A3, C, C1, and C2 turbofan engines:

(1) With an installed 1st stage gas generator turbine wheel, part number (P/N) 23079946, 23088906, or 23089692, all serial numbers (S/Ns) listed in Table 2 and Table 3 of RRC Alert Service Bulletin (ASB) No. AE 2100D2–A–72–085, dated July 25, 2013; and in Table 2 and Table 3 of RRC ASB No. AE 2100D3–A–72–277, dated July 25, 2013.

(2) With an installed high-pressure turbine (HPT) stage 1 or HPT stage 2 wheel, P/N 23079946, 23088906, 23088784, 23084520, 23084781, 23088817, or 23088818, all S/Ns listed in Table 1 through Table 7 of RRC ASB No. AE 3007A–A–72–407, Revision 1, dated August 29, 2014, except those S/Ns excluded by Table 1, Table 2, Table 4, and Table 5 of RRC ASB No. AE 3007A–A–72–407, Revision 1, dated August 29, 2014.

(3) With an installed HPT stage 2 wheel, P/N 23084520 or 23088818, all S/Ns listed in Table 1 and Table 2 of RRC ASB No. AE 3007C–A–72–316, dated December 6, 2013, except those S/Ns excluded by Table 1 of RRC ASB No. AE 3007C–A–72–316, dated December 6, 2013.

(4) With an installed 4th stage turbine wheel, P/N 23083536, all S/Ns listed in Table 2 of RRC ASB No. AE 2100P–A–72–019, dated July 25, 2013.

(d) Unsafe Condition

This AD was prompted by reports of pitting in the wheel bores and subsequent RRC analysis that concluded that lower life

limits are needed for the affected turbine wheels. We are issuing this AD to prevent uncontained failure of the turbine wheels, damage to the engine, and damage to the airplane.

(e) Compliance

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

(1) For all RRC AE 3007A1, A1/1, A1/3, A1E, A1P, and A3 series engines with an HPT stage 2 wheel P/N and S/N identified in RRC ASB No. AE 3007A–A–72–408, Revision 1, dated August 29, 2014, at each shop visit after the effective date of this AD, eddy current inspect the bore of the affected HPT stage 2 wheels. Use RRC ASB No. AE 3007A–A–72–408, Revision 1, August 29, 2014, to do the inspection. Do not return to service any wheel that fails the inspection required by this AD.

(2) Thirty days after the effective date of this AD, do not return to service any engine that has a turbine wheel with a P/N and an S/N listed in any of the following RRC ASBs whose wheel life exceeds the new life limits identified in the following RRC ASBs:

(i) RRC ASB No. AE 2100D2–A–72–085, dated July 25, 2013;

(ii) RRC ASB No. AE 2100D3–A–72–277, dated July 25, 2013;

(iii) RRC ASB No. AE 2100P–A–72–019, dated July 25, 2013;

(iv) RRC ASB No. AE 3007A–A–72–407, Revision 1, dated August 29, 2014; or

(v) RRC ASB No. AE 3007C–A–72–316, dated December 6, 2013.

(f) Installation Prohibition

Thirty days after the effective date of this AD, do not install an affected wheel, as identified in paragraph (c) of this AD, into any RRC AE 3007C2 engine.

(g) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges, except that the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance is not an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Chicago Aircraft Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request.

(i) Related Information

For more information about this AD, contact Kyri Zaroyiannis, Aerospace Engineer, Chicago Aircraft Certification Office, Small Airplane Directorate, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–7836; fax: 847–294–7834; email: *kyri.zaroyiannis@faa.gov.*

(j) 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 the AD specifies otherwise.

(i) Rolls-Royce Alert Service Bulletin (ASB) No. AE 2100D2–A–72–085, dated July 25, 2013.

(ii) Rolls-Royce ASB No. AE 2100D3–A–72–277, dated July 25, 2013.

(iii) Rolls-Royce ASB No. AE 2100P–A–72–019, dated July 25, 2013.

(iv) Rolls-Royce ASB No. AE 3007A–A–72–407, Revision 1, dated August 29, 2014.

(v) Rolls-Royce ASB No. AE 3007A–A–72–408, Revision 1, dated August 29, 2014.

(vi) Rolls-Royce ASB No. AE 3007C–A–72–316, dated December 6, 2013.

(3) For RRC service information identified in this AD, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB–01–06, Indianapolis, IN 46225; phone: 317–230–1667; email: *CMSEindyOSD@rolls-royce.com;* Internet: *www.rolls-royce.com.*

(4) You may view this service information at FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may view this service information 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 Burlington, Massachusetts, on January 13, 2015.

Thomas A. Boudreau,

Acting Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–01282 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0138; Directorate Identifier 2013–NM–020–AD; Amendment 39–18086; AD 2015–02–19]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 95–24–04 for all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes; and Model A300 C4–605R Variant F airplanes. AD 95–24–04 required inspections to detect cracks at the aft spar web of the wings, and repair if necessary. This new AD reduces certain compliance times, and expands the applicability. This AD was prompted by a determination that the inspection threshold and interval must be reduced to allow timely detection of cracks and accomplishment of applicable repairs, because of cracking in the rear spar web of the wings between certain ribs due to fatigue-related high shear stress. We are issuing this AD to detect and correct fatigue-related cracking, which could result in reduced structural integrity of the wing.

DATES: This AD becomes effective March 11, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2015.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of December 27, 1995 (60 FR 58213, November 27, 1995).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0138;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.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.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995). AD 95–24–04 applied to all Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes; and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The NPRM

published in the **Federal Register** on March 12, 2014 (79 FR 13944).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0013R1, dated February 20, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes; and Model A300 C4–605R Variant F airplanes. The MCAI states:

Wing fatigue tests carried out by Airbus revealed cracks on the vertical web of the rear spar between Ribs 1 and 2. Similar cracks in the same area were reportedly found by A300 aeroplane operators. In all cases, the cracks ran from the tip of the build slot to the nearest adjacent bolt hole.

This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.

To address this unsafe condition, DGAC [Direction Générale de l'Aviation Civile] France issued * * * [an AD] to require an eddy current inspection of the aft face of the wing rear spar in the area adjacent to the build slot on Left Hand (LH) and Right Hand (RH) wings.

Since that [French] AD was issued, a fleet survey and updated fatigue and damage tolerance analysis were performed in order to substantiate the second A300–600 Extended Service Goal (ESG2) exercise. The results of the survey and analysis showed that the inspection threshold and interval must be reduced to allow timely detection of cracks and accomplishment of an applicable corrective action.

Prompted by these findings, Airbus issued Airbus Service Bulletin (SB) A300–57–6059 Revision 04.

For the reasons described above, this [EASA] AD retains the requirements of DGAC France AD 1997–375–239(B)R3, which is superseded, but redefines the thresholds and intervals. This [EASA] AD also expands the applicability to aeroplanes on which Airbus modification (mod) 12102 has been embodied in production and to aeroplanes on which Airbus SB A300–57–6063 (Airbus mod 11130) has been embodied in service.

* * * * *

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0138-0003.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 13944, March 12, 2014) and the FAA's response to each comment.

Request To Clarify Applicability

UPS requested confirmation that Model A300 F4–622R airplanes, which have Airbus Modification 12102 embodied, do not require inspection per the NPRM (79 FR 13944, March 12, 2014).

We agree to clarify the applicability. Model A300 F4–622R airplanes are not included in the applicability of this AD. No change is necessary to this AD in this regard.

Requests To Clarify Inspection Threshold

UPS and FedEx requested clarification of the inspection threshold for post-modification 11130 (Airbus Service Bulletin A300–57–6063) airplanes. The commenters asked if the inspection threshold is from time of modification embodiment or if it is based on total flight cycles.

We agree that clarification is necessary. The inspection threshold for post-modification 11130 (Airbus Service Bulletin A300–57–6063) airplanes is determined from point of embodiment of Modification 11130, and is not based on total flight cycles. We have added this clarification to paragraph (l)(1) of this AD.

Request To Revise Certain Compliance Times

UPS requested that we revise the compliance times in paragraph (l) of the NPRM (79 FR 13944, March 12, 2014) to use the same methodology and consistency used in the compliance time intervals specified in paragraphs (g) through (j) of the proposed AD. UPS stated that it disagrees with using the average flight time compliance methodology and it believes that, in this case, thresholds and repetitive intervals should be based on wing loading differences between passenger-configuration and freighter-configuration airplanes.

We disagree with the commenter's request to revise the specified compliance times. The commenter did not provide data to substantiate different airplane utilization and the effect on the identified unsafe condition. The specific values suggested by the commenter are not supported by the fatigue and damage tolerance analysis accomplished by Airbus. The average flight time methodology was supported by EASA. The FAA has confidence that the unsafe condition will be addressed in an appropriate time frame. Under the provisions of paragraph (p)(1) of this AD, we will consider requests for approval of an alternative method of compliance (AMOC) if sufficient data are submitted to substantiate different airplane utilization. We have not changed this AD in this regard.

Request To Remove Repair Approval Requirement

FedEx acknowledged that repair approvals must specifically ''refer to this AD,'' but made no specific request.

UPS requested that we remove the statement ''For a repair method to be approved, the repair approval must specifically refer to this AD'' from paragraphs (k)(2) and (n) of the NPRM (79 FR 13944, March 12, 2014). UPS stated that the NPRM indicates that this requirement is due to the potential for doing inadequate repairs. UPS asserted that no examples are included in the NPRM to demonstrate where inadequate repairs were made, and that the proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages or other approved EASA documents are acceptable for approving minor deviations (corrective actions) needed during accomplishment of a mandated Airbus service bulletin. UPS also stated that this repair requirement will result in an increase in AMOC requests to the FAA, and will likely result in delays to other FAA services and activities.

We concur with UPS's request to remove from this AD the requirement that repair approvals must specifically refer to this AD.

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD. The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In the NPRM (79 FR 13944, March 12, 2014), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to this FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as

applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

UPS specifically stated the following in its comments to the NPRM (79 FR 13944, March 12, 2014): ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed that paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, EASA, or Airbus's EASA DOA.

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the manufacturer that do not contain the DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

This clarification does not remove flexibility afforded previously by the Airworthy Product paragraph. Consistent with long-standing FAA policy, such flexibility was never intended for required actions. This is also consistent with the recommendation of the Airworthiness Directive Implementation Aviation Rulemaking Committee to increase flexibility in complying with ADs by identifying those actions in manufacturers' service instructions that are ''Required for Compliance'' with ADs. We continue to work with manufacturers to implement this recommendation. But once we determine that an action is required, any deviation from the requirement must be approved as an alternative method of compliance.

Commenters to an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013) pointed out that in many cases the foreign manufacturer's service bulletin and the foreign authority's MCAI may have been issued some time before the FAA AD. Therefore, the DOA may have provided U.S. operators with an approved repair, developed with full awareness of the unsafe condition, before the FAA AD is issued. Under these circumstances, to comply with the FAA AD, the operator would be required to go back to the manufacturer's DOA and obtain a new approval document, adding time and expense to the compliance process with no safety benefit.

Based on these comments, we removed the requirement that the DAH-provided repair specifically refer to this AD from paragraphs (k)(2) and (n) of this AD. Before adopting such a requirement, the FAA will coordinate with affected DAHs and verify they are prepared to implement means to ensure that their repair approvals consider the unsafe condition addressed in the AD. Any such requirements will be adopted through the normal AD rulemaking process, including notice-and-comment procedures, when appropriate.

We have also decided not to include a generic reference to either the ''delegated agent'' or the ''DAH with State of Design Authority design organization approval,'' but instead we will provide the specific delegation approval granted by the State of Design Authority for the DAH.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 13944, March 12, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 13944, March 12, 2014).

Related Service Information

We reviewed Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. The service information describes procedures for repetitive inspections and repair of the wing rear spar. You can find this information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0138.

Costs of Compliance

We estimate that this AD affects 71 airplanes of U.S. registry.

The actions that were required by AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), and are retained in this AD take about 3 work-hours per inspection cycle, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 95–24–04 is $255 per product for each inspection cycle.

We also estimate that it will take about 3 work-hours per product to comply with the new 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 $18,105 per inspection cycle, or $255 per product for each inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

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.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0138;* or in person at the Docket Management Facility 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.

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 removing Airworthiness Directive (AD) 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), and adding the following new AD:

2015–02–19 Airbus: Amendment 39–18086. Docket No. FAA–2014–0138; Directorate Identifier 2013–NM–020–AD.

(a) Effective Date

This AD becomes effective March 11, 2015.

(b) Affected ADs

This AD replaces AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995).

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 F4–605R airplanes.

(5) Model A300 C4–605R Variant F airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a determination that the inspection compliance time and interval must be reduced to allow timely detection of cracks and accomplishment of applicable repairs if necessary because of cracking in the rear spar web of the wings between certain ribs due to fatigue-related high shear stress. We are issuing this AD to detect and correct fatigue-related cracking, which could result in reduced structural integrity of the wing.

(f) Compliance

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

(g) Retained Inspection of Model A300 B2 Series Airplanes

This paragraph restates the requirements of paragraph (a) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300 B2 series airplanes: Prior to the accumulation of 18,000 total flight cycles, or within 1,400 flight cycles after December 27, 1995 (the effective date of AD 95–24–04), whichever occurs later, perform a high frequency eddy current (HFEC) inspection to detect cracks at the aft spar web of the wings, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 5,000 flight cycles.

(h) Retained Inspection of Model A300 B4–103 and B4–2C Airplanes

This paragraph restates the requirements of paragraph (b) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300 B4–103 and B4–2C airplanes: Prior to the accumulation of 19,000 total flight cycles, or within 1,400 flight cycles after December 27, 1995 (the effective date of AD 95–24–04), whichever occurs later, perform an HFEC inspection to detect cracks at the aft spar web of the wings, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 6,000 flight cycles.

(i) Retained Inspection of Model A300 B4–200 Airplanes

This paragraph restates the requirements of paragraph (c) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300 B4–200 airplanes: Prior to the accumulation of 17,000 total flight cycles, or within 1,400 flight cycles after December 27, 1995 (the effective date of AD 95–24–04), whichever occurs later, perform an HFEC inspection to detect cracks at the aft spar web of the wings, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 5,000 flight cycles.

(j) Retained Inspection of Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R Airplanes

This paragraph restates the requirements of paragraph (d) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with no changes. For Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, and F4–605R airplanes: Prior to the accumulation of 21,600 flight cycles, perform an HFEC inspection to detect cracks at the aft spar web of the wings, in accordance with Airbus Service Bulletin A300–57–6059, dated August 12, 1994. Repeat the inspection thereafter at intervals not to exceed 5,700 flight cycles. Accomplishment of the initial inspection required by paragraph (l) of this AD terminates the requirements of this paragraph.

(k) Retained Repairs

This paragraph restates the requirements of paragraph (e) of AD 95–24–04, Amendment 39–9436 (60 FR 58213, November 27, 1995), with new actions and with specific delegation approval language in paragraph (k)(2) of this AD.

(1) Before the effective date of this AD, if any crack is detected during any inspection required by paragraphs (g) through (j) of this AD: Prior to further flight, repair the crack, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994; or Airbus Service Bulletin A300–57–6059, dated August 12, 1994; as applicable; or in accordance with a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA.

(2) As of the effective date of this AD, if any crack is detected during any inspection required by paragraphs (g) through (j) of this AD: Before further flight, repair the crack, in accordance with Airbus Service Bulletin A300–57–0213, dated August 12, 1994; or Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011; as applicable; except if Airbus Service Bulletin A300–57–0213, dated August 12, 1994; or Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011; specifies to contact Airbus for an approved repair, before further flight, repair the crack using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the European Aviation Safety Agency (EASA); or

Airbus's EASA design organization approval (DOA).

(l) New Repetitive Inspections

For airplanes identified in paragraphs (c)(2) through (c)(5) of this AD: At the later of the times specified in paragraphs (l)(1) and (l)(2) of this AD, perform an HFEC inspection to detect cracks of the aft face of the wing rear spar web in the area adjacent to the build slot, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Repeat the inspection thereafter at the applicable time specified in Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, except as specified in paragraph (m) of this AD. Accomplishment of the initial inspection required by this paragraph terminates the requirements of paragraph (j) of this AD.

(1) At the earlier of the applicable times specified in the ''Threshold Inspection'' column in table 1 through table 4 of paragraph 1.E., ''Compliance,'' of Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies ''(FH)'' and ''(FC)'' in the ''Threshold Inspection'' columns, this AD specifies ''total flight hours'' and ''total flight cycles.'' The inspection threshold for airplanes on which Airbus Modification 11130 (Airbus Service Bulletin A300–57–6063) has been done is determined from the point of embodiment of Airbus Modification 11130, and is not based on total flight cycles.

(2) At the earlier of the applicable times specified in the ''Grace Period'' column in table 1 through table 4 of paragraph 1.E., ''Compliance,'' of Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies ''(FH)'' and ''(FC)'' in the ''Grace Period'' columns, this AD specifies ''flight hours'' and ''flight cycles.'' Where Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies a grace period, this AD requires compliance within the specified time after the effective date of this AD.

(m) Compliance Time Exceptions

The repetitive inspection required by paragraph (l) of this AD must be accomplished at the earlier of the applicable times specified in the ''Repeat Interval'' column of table 1 through table 4 of Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies ''(FC)'' and ''(FH)'' in the ''Repeat Interval'' columns, this AD specifies ''flight hours'' and ''flight cycles.''

(n) New Repair

If any crack is detected during any inspection required by paragraph (l) of this AD: Before further flight, repair the crack, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011. Where Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011, specifies to contact Airbus for an approved repair: Before further flight, repair the crack using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; the EASA; or Airbus's EASA DOA. Repair of any cracking, as required by this paragraph, does not terminate the repetitive inspections required by paragraph (l) of this AD.

(o) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraphs (j) and (k) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6059, dated August 12, 1994.

(2) This paragraph provides credit for the actions required by paragraphs (j), (k), (l), and (n) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–57–6059, Revision 03, dated October 25, 1999, which is not incorporated by reference in this AD.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, International Branch, 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 International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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: As of the effective date of this AD, 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, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0013R1, dated February 20, 2013, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0138-0003.*

(2) Service information identified in this AD that is not incorporated by reference in this AD is available at the addresses specified in paragraphs (r)(5) and (r)(6) 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.

(3) The following service information was approved for IBR on effective March 11, 2015.

(i) Airbus Service Bulletin A300–57–6059, Revision 04, dated February 22, 2011.

(ii) Reserved.

(4) The following service information was approved for IBR on December 27, 1995 (60 FR 58213, November 27, 1995).

(i) Airbus Service Bulletin A300–57–0213, dated August 12, 1994.

(ii) Airbus Service Bulletin A300–57–6059, dated August 12, 1994.

(5) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.*

(6) 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.

(7) 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 15, 2015.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–01188 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0344; Directorate Identifier 2014–NM–034–AD; Amendment 39–18095; AD 2015–02–26]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–24–13 for certain The Boeing Company Model 737–100, –200, –200C, –300,

–400, –500, –600, –700, –700C, –800, and –900 series airplanes. AD 2013–24–13 required replacing the pivot link assembly for certain airplanes, replacing the seat track link assemblies or modifying the existing seat track link assembly for certain airplanes, or modifying the existing seat track link assembly fastener for certain other airplanes. AD 2013–24–13 also required inspecting, changing, or repairing the seat track link assembly for certain other airplanes. Since we issued AD 2013–24–13, a certain paragraph reference in that AD was found to be mis-identified; this AD corrects this paragraph reference. We are issuing this AD to prevent seat detachment in an emergency landing, which could cause injury to occupants of the passenger compartment and affect emergency egress.

DATES: This AD is effective March 11, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of January 7, 2014 (78 FR 72558, December 3, 2013).

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.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.

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–2014–0344; or in person at the Docket Management Facility 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 address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sarah Piccola, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6483; fax: 425–917–6590; email: *sarah.piccola@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013). AD 2013–24–13 applied to certain The Boeing Company Model 737–100, –200, –200C, –300, –400, –500, –600, –700, –700C, –800, and –900 series airplanes. The NPRM published in the **Federal Register** on July 2, 2014 (79 FR 37676). The NPRM was prompted by the discovery that a paragraph reference was mis-identified in AD 2013–24–13. The NPRM proposed to continue to require replacing the pivot link assembly for certain airplanes, replacing the seat track link assemblies or modifying the existing seat track link assembly for certain airplanes, or modifying the existing seat track link assembly fastener for certain other airplanes. The NPRM also proposed to continue to require inspecting, changing, or repairing the seat track link assembly for certain other airplanes. We are issuing this AD to prevent seat detachment in an emergency landing, which could cause injury to occupants of the passenger compartment and affect emergency egress.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 37676, July 2, 2014) and the FAA's response to each comment.

Boeing stated that it concurred with the content of the NPRM (79 FR 37676, July 2, 2014).

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificates (STC) ST00830SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/408E012E008616A7862578880060456C?OpenDocument&Highlight=st00830se*) and STC ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/ebd1cec7b301293e86257cb30045557a/$FILE/ST01219SE.pdf*) does not affect the accomplishment of the manufacturer's service instructions.

Request To Withdraw the NPRM (79 FR 37676, July 2, 2014)

KLM Royal Dutch Airlines (KLM) requested that the NPRM (79 FR 37676, July 2, 2014) be withdrawn. KLM stated that superseding AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013), with another AD having a different AD number would be an unnecessary burden to operators of Model 737–600, –700, –800, and –900 series airplanes. KLM stated that the main reason for superseding AD 2013–24–13 was because of a typographical error that only affects operators of Model 737–100, –200, –300, –400, and –500 series airplanes. KLM suggested that the FAA issue an alternative method of compliance (AMOC) letter for the operators of Model 737–100, –200, –300, –400, and –500 series airplanes, instead of superseding AD 2013–24–13.

We do not agree to withdraw the NPRM (79 FR 37676, July 2, 2014). An AMOC letter to address this situation is not appropriate. Paragraph (i) of AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013), included a cross-reference to paragraph (g)(3) of that AD, but should have referred to paragraph (g)(4) of that AD. By changing this incorrect reference in the NPRM to ''paragraph (g)(4),'' an additional concurrent action is required for airplanes identified as Group 5 in Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013. Therefore, notice and opportunity for public comment was necessary. We added a clarifying phrase in paragraph (i) of this AD explaining that there is a corrected paragraph reference (*i.e.,* ''(g)(3)'' was changed to ''(g)(4)''), which results in a new concurrent action for Group 5 airplanes.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 37676, July 2, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 37676, July 2, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Costs of Compliance

We estimate that this AD affects 1,281 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	U.S. airplanes	Cost on U.S. operators
Replacement or modification [retained actions from AD 2013-24-13, Amendment 39–17687 (78 FR 72558, December 3, 2013)].	Up to 41 work-hours × $85 per hour = $3,485.	Up to $15,478.	Up to $18,963.	1,281	Up to $24,291,603.
Concurrent installation or modification (Groups 1, 2, 4, and 5 airplanes) [retained actions from AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013)]. [1]	Up to 60 work-hours × $85 per hour = $5,100.	Up to $18,089.	Up to $23,189.	214	Up to $4,962,446.

[1] We have received no definitive data that would enable us to provide a cost estimate for the actions required for airplanes in Group 6 identified in Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013.

This new AD adds no new costs to affected operators.

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 have 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 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 removing Airworthiness Directive (AD) 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013), and adding the following new AD:

2015–02–26 The Boeing Company: Amendment 39–18095; Docket No. FAA–2014–0344; Directorate Identifier 2014–NM–034–AD.

(a) Effective Date

This AD is effective March 11, 2015.

(b) Affected ADs

This AD replaces AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013).

(c) Applicability

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

(1) The Boeing Company Model 737–100, –200, –200C, –300,—400, and –500 series airplanes, as identified in Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013.

(2) The Boeing Company Model 737–600, –700, –700C, –800, and –900 series airplanes, as identified in Boeing Service Bulletin 737–53–1244, Revision 5, dated July 27, 2011.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report that a Boeing study found that the seat track attachment of body station 520 flexible joint is structurally deficient in resisting a 9g forward emergency load condition in certain seating configurations. We are issuing this AD to prevent seat detachment in an emergency landing, which could cause injury to occupants of the passenger compartment and affect emergency egress.

(f) Compliance

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

(g) Retained Repair or Replacement of Seat Track Link Assembly or Seat Track Link Assembly Fastener, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013), with no changes. Within 60 months after January 7, 2014 (the effective date of AD 2013–24–13), do the actions specified in paragraph (g)(1), (g)(2), (g)(3), or (g)(4) of this AD, as applicable.

(1) For Model 737–600, –700, 700C, –800, and –900 series airplanes: Install new, improved pivot link assemblies, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–53–1244, Revision 5, dated July 27, 2011.

(2) For airplanes in Groups 1, 2, 3, and 4, as identified in Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013: Replace the seat track link assembly, in accordance with the Accomplishment Instructions of Boeing

Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013.

(3) For airplanes in Group 6, as identified in Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013: Inspect, change, or repair the seat track link assembly, as applicable, using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

(4) For airplanes in Group 5, as identified in Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013: Modify the existing seat track link assembly fastener, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013.

(h) Retained Optional Modification of Seat Track Link Assembly, With No Changes

This paragraph restates the provisions of paragraph (h) of AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013), with no changes. In lieu of the replacement specified in paragraph (g)(2) of this AD, doing the optional modification of the seat track link assembly, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013, is acceptable for compliance with the requirements of paragraph (g)(2) of this AD, provided the modification is done within the compliance time specified in paragraph (g) of this AD.

(i) Retained Concurrent Actions, With New Concurrent Action for Group 5 Airplanes

This paragraph restates the requirements of paragraph (i) of AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013), with a corrected paragraph reference (*i.e.,* ''(g)(3)'' was changed to ''(g)(4)''), which results in a new concurrent action for Group 5 airplanes. For airplanes in Groups 1, 2, 4, and 5, as identified in Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013: Before or concurrently with the accomplishment of the actions specified in paragraph (g)(2) or (g)(4) of this AD, install a new seat track link assembly or modify the seat track link assembly, as applicable, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–53–1120, Revision 1, dated May 13, 1993.

(j) Retained Credit for Previous Actions, With No Changes

This paragraph restates the credit provisions specified in paragraph (j) of AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013), with no changes.

(1) This paragraph provides credit for the actions required by paragraph (g)(1) of this AD, if those actions were performed before January 7, 2014 (the effective date of AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013)), using Boeing Service Bulletin 737–53–1244, dated April 17, 2003; Revision 1, dated May 29, 2003; Revision 2, dated March 15, 2007; or Revision 3, dated December 4, 2008; which are not incorporated by reference in this AD.

(2) This paragraph provides credit for the actions required by paragraphs (g)(2) and (g)(4) of this AD, if those actions were performed before January 7, 2014 (the effective date of AD 2013–24–13, Amendment 39–17687 (78 FR 72558, December 3, 2013)), using Boeing Special Attention Service Bulletin 737–53–1260, dated May 7, 2007, which is not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), 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 manager of the ACO, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by The Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane and 14 CFR 25.571, Amendment 45, and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact Sarah Piccola, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6483; fax: 425–917–6590; email: *sarah.piccola@faa.gov*.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(4) and (m)(5) of this AD.

(m) 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 the AD specifies otherwise.

(3) The following service information was approved for IBR on January 7, 2014 (78 FR 72558, December 3, 2013).

(i) Boeing Service Bulletin 737–53–1120, Revision 1, dated May 13, 1993.

(ii) Boeing Service Bulletin 737–53–1244, Revision 5, dated July 27, 2011.

(iii) Boeing Special Attention Service Bulletin 737–53–1260, Revision 1, dated May 23, 2013.

(4) For information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*.

(5) You may view this service information at 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.

(6) 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 21, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02074 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2000–7360; Amdt. No. 91–335]

RIN 2120–AK59

Removal of Special Federal Aviation Regulation No. 87—Prohibition Against Certain Flights Within the Territory and Airspace of Ethiopia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Immediately adopted final rule.

SUMMARY: This action removes the prohibition against certain flights within the territory and airspace of Ethiopia contained in Special Federal Aviation Regulation (SFAR) No. 87 from the Code of Federal Regulations (CFR). The prohibition only applied to flight operations within the territory and airspace of Ethiopia north of 12 degrees north latitude conducted by United States (U.S.) air carriers or commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, unless that person was engaged in the operation of a U.S.-registered aircraft for a foreign air carrier; and operators using an aircraft registered in the United States, except where the operator of such aircraft was a foreign air carrier. The FAA has now determined that the safety and security situation that prompted the above flight prohibition has significantly improved, and that it is safe for U.S. civil flights to be operated within the entire territory and airspace of Ethiopia, subject to the approval of and in accordance with the

conditions established by the appropriate authorities of Ethiopia.

DATES: This final rule is effective on *February 4, 2015.*

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Will Gonzalez, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone 202–267–8166; email *will.gonzalez@faa.gov.*

For legal questions concerning this action, contact Robert Frenzel, Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7638; email *robert.frenzel@faa.gov.*

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption

Title 5, United States Code (U.S.C.) § 553(b)(3)(B) authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' In this instance, the FAA finds that notice and public comment to this immediately adopted final rule, as well as any delay in the effective date of this rule, are unnecessary and contrary to the public interest. This is a relieving rule; with publication of this final rule, persons described in paragraph 1 of SFAR No. 87,[1] who have been prohibited from flying within the territory and airspace of Ethiopia north of 12 degrees north latitude, will no longer be subject to that prohibition. The removal of this prohibition will allow such persons to operate anywhere in the territory and airspace of Ethiopia, subject to the approval of and in accordance with the conditions established by the appropriate authorities of Ethiopia. The FAA has determined that the safety and security situation which prompted the FAA to issue SFAR No. 87 has significantly improved, and that it is safe for flight operations by persons described in paragraph 1 of SFAR No. 87 to resume, subject to the approval of and in accordance with the conditions established by the appropriate authorities of Ethiopia. Delaying the effective date of this action, which the FAA expects to be non-controversial, would unnecessarily limit the activities and economic opportunities of persons described in paragraph 1 of SFAR No. 87, as well as persons to whom they provide service.

Authority for This Rulemaking

The FAA is responsible for the safety of flight in the United States and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. The FAA's authority to issue rules on aviation safety is found in title 49, U.S. Code. Subtitle I, section 106(f) and (g), describe the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise his authority consistently with the obligations of the U.S. Government under international agreements.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security. This regulation is within the scope of that authority, because it removes the prohibition on flight operations in the territory and airspace of Ethiopia north of 12 degrees north latitude by persons described in paragraph 1 of SFAR No. 87 on the basis of the changed safety and security situation, thereby allowing such persons to operate anywhere in the territory and airspace of Ethiopia, subject to the approval of and in accordance with the conditions established by the appropriate authorities of Ethiopia.

I. Overview of Immediately Adopted Final Rule

This action removes SFAR No. 87 from the CFR. SFAR No. 87 prohibited flight operations within the territory and airspace of Ethiopia north of 12 degrees north latitude by the persons described in paragraph 1 of the rule. SFAR No. 87 imposed no restrictions on operations in the territory and airspace of Ethiopia south of 12 degrees north latitude. The FAA has determined that the safety and security situation that prompted the FAA to issue SFAR No. 87 has significantly improved, and that it is safe for flights by persons described in paragraph 1 of the rule to resume, subject to the approval of and in accordance with the conditions established by the appropriate authorities of Ethiopia. The FAA finds this action necessary to allow persons described in paragraph 1 of SFAR No. 87 to perform flight operations within the territory and airspace of Ethiopia north of 12 degrees north latitude.

II. Background

The FAA issued SFAR No. 87 on May 12, 2000 (published May 16, 2000, at 65 FR 31214), due to concerns regarding potential hazards to U.S. civil flight operations within the territory and airspace of Ethiopia north of 12 degrees north latitude. In 1998, a military conflict had erupted between Ethiopia and Eritrea over the exact demarcation of the border between the two countries. On April 30, 2000, peace talks between Ethiopia and Eritrea failed, and the border dispute again escalated to the point where open hostilities began. Armed forces of both countries, which included modern surface-to-air missile systems and interceptor aircraft capable of engaging aircraft at cruising altitudes, were engaged in hostilities near their common border. The FAA was concerned that civil aircraft operating in the region could be threatened by the conflict.

Even in the event of a cease-fire, the FAA was concerned that the heightened state of readiness maintained by the military forces of Ethiopia posed an imminent threat to civil aircraft operations in the area. Prior to their May 2000 mobilization, Ethiopian air defense forces had maintained an already high state of readiness during a prior cease-fire that threatened civil aircraft operating in the northern portion of Ethiopia. The August 29, 1999, downing by Ethiopian military forces of a U.S.-registered Learjet operating in the area, which they had mistaken for an Eritrean reconnaissance aircraft, was evidence of the seriousness of the threat. When it issued SFAR No. 87, the FAA observed that Ethiopia had issued temporary Notices to Airmen (NOTAMs) closing certain routes in the Addis Ababa Flight Information Region. However, the FAA noted that neither the Ethiopian civil aviation authority nor the Ethiopian military had issued formal warnings by NOTAM, in the Ethiopian Aeronautical Information Publication (AIP), or in

[1] Paragraph 1 of SFAR No. 87 states:

''1. *Applicability.* This Special Federal Aviation Regulation (SFAR) No. 87 applies to all U.S. air carriers or commercial operators, all persons exercising the privileges of an airman certificate issued by the FAA unless that person is engaged in the operation of a U.S.-registered aircraft for a foreign air carrier, and all operators using aircraft registered in the United States except where the operator of such aircraft is a foreign air carrier.''

some other forum, of the potentially catastrophic consequences of flying on routes temporarily removed from service. Further, the Government of Ethiopia had rejected the FAA's recommendation to establish a true ''no fly'' or ''danger'' zone. The FAA also could not assure that an adequate level of coordination existed between civil air traffic authorities and air defense commanders for civil aircraft overflight, including military rules of engagement, in the event an aircraft strayed from its assigned route of flight. Any lack of coordination could have put aircraft operating over northern Ethiopia at risk of being misidentified by military forces as a threat. Finally, there was no assurance that Ethiopia would follow international standards and recommended practices for the interception and identification of unidentified aircraft in its airspace.

The operational environment for U.S. civil aviation in the area of Ethiopia to which SFAR No. 87 applied has changed significantly since May 2000, which is when the last major military conflict between Ethiopia and Eritrea took place. The following month, the two countries signed a cessation of hostilities agreement. While there are continuing tensions which have led to periodic exchanges of military weapons fire across the Ethiopia-Eritrea border, there have been no further air defense engagements against aircraft. In addition, the Ethiopian government closed certain air routes that cross the border between Ethiopia and Eritrea, and restricted other routes from use by overflying international flights. Ethiopia also closed a portion of an air route running near the border within Ethiopian airspace.

On September 20, 2013, the FAA received a petition for exemption from SFAR No. 87 from Mente, LLC (FAA Docket No. FAA–2013–0839). The FAA requested additional information, and Mente submitted it on November 25, 2013. Mente voluntarily submitted further information on May 20, 2014. The petition requested that the FAA allow Mente to operate flights within the territory and airspace of Ethiopia north of 12 degrees north latitude in support of the philanthropic activities of a U.S. charitable foundation. In part due to the FAA's recognition of the changed operational environment for U.S. civil aviation in northern Ethiopia, on July 8, 2014, the FAA granted Mente's petition for exemption.

On the basis of the above information, the FAA believes that the persons described in paragraph 1 of SFAR No. 87 may now operate safely in the territory and airspace of Ethiopia north of 12 degrees north latitude, subject to the approval of and in accordance with the conditions established by the appropriate authorities of Ethiopia. By this final rule, SFAR No. 87 is removed from title 14 of the Code of Federal Regulations, part 91.

III. Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 601 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (Pub. L. 96–39) (19 U.S.C. Chapter 13), prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

Department of Transportation Order (DOT) 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits a statement to that effect and the basis for it to be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows:

Flight operations in the territory and airspace of Ethiopia north of 12 degrees north latitude by persons described in paragraph 1 of SFAR No. 87 were prohibited because of the threat posed to U.S. civil aviation by the conflict between Ethiopia and Eritrea, as well as the heightened state of readiness maintained by the military forces of Ethiopia and the lack of adequate public warnings to civil aviation by the Government of Ethiopia. As described in the Background section of this final rule, the operational environment for U.S. civil aviation in Ethiopia north of 12 degrees north latitude has changed significantly since May 2000, and the FAA believes that persons previously prohibited from operating in that area may now operate safely there, subject to the approval of and in accordance with the conditions established by the appropriate authorities of Ethiopia. The removal of SFAR No. 87 will eliminate the need to fly around the entire area of northern Ethiopia to which the rule applied and to avoid operations in that area even where such operations are permitted by the appropriate authorities of Ethiopia. Accordingly, this rule is cost relieving and, therefore, cost beneficial.

In conducting these analyses, FAA has determined that this final rule is not a ''significant regulatory action,'' as defined in section 3(f) of Executive Order 12866. The rule is also not ''significant'' as defined in DOT's Regulatory Policies and Procedures. The final rule will not have a significant economic impact on a substantial number of small entities, will not create unnecessary obstacles to international trade and will not impose an unfunded mandate on state, local, or tribal governments, or on the private sector.

A. Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354, ''RFA''), 5 U.S.C. 601 *et seq.,* establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory

flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, § 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This rule is cost relieving because it allows more direct flights, which reduces fuel costs. Therefore, as provided in § 605(b), the head of the FAA certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

B. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39, 19 U.S.C. Chapter 13), as amended, prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this final rule and determined that it will remove a prohibition on flight operations within the territory and airspace of Ethiopia north of 12 degrees north latitude. This action does not impose any new regulatory requirements. Therefore, the rule creates no obstacles to the foreign commerce of the United States and is in compliance with the Trade Agreements Act.

C. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $151.0 million in lieu of $100 million. This final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501 *et seq.*) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this immediately adopted final rule.

E. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation (the ''Chicago Convention''), it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this proposed regulation.

F. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (''NEPA'') (Pub. L. 91–190, 42 U.S.C. Chapter 55) in the absence of extraordinary circumstances. The FAA has reviewed the removal of SFAR No. 87 and determined that this action is categorically excluded from further environmental review according to FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures,'' paragraph 312(f). The FAA has examined possible extraordinary circumstances and determined that no such circumstances exist. After careful and thorough consideration of the proposed action, the FAA finds that the proposed Federal action does not require preparation of an EA or EIS in accordance with the requirements of NEPA, Council on Environmental Quality regulations, and FAA Order 1050.1E.

IV. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this immediately adopted final rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this immediately adopted final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that this rule is not a ''significant energy action'' under the executive order, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

V. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

1. Search the Federal Document Management System (FDMS) Portal (*http://www.regulations.gov*);
2. Visit the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or
3. Access the Government Printing Office's Web page at: *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104–121) (set forth as

a note to 5 U.S.C. 601), as amended, requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** section at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Ethiopia.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of Title 14, Code of Federal Regulations as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 is amended to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

Special Federal Aviation Regulation No. 87—[Removed]

■ 2. Remove SFAR No. 87 from part 91.

Issued under authority provided by 49 U.S.C. 106(f), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), in Washington, DC, on January 27, 2015.

Michael P. Huerta,

Administrator.

[FR Doc. 2015–02193 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 151, 155, 156, and 157

[Docket No. USCG–2010–0194]

RIN 1625–AB57

MARPOL Annex I Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: In this final rule the Coast Guard is updating our regulations to harmonize U.S. regulations with international conventions regarding oil pollution. We are amending the regulations covering Title 33: Navigation and Navigable Waters to align with recent amendments to Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, which were adopted by the International Maritime Organization's Marine Environment Protection Committee during its 52nd, 54th, 55th, and 59th sessions. This final rule also amends sections of the Vessel Response Plan regulations to include the Safety of Life at Sea Material Safety Data Sheets as an equivalent hazardous communications standard.

DATES: This final rule is effective May 5, 2015. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on May 5, 2015.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0194 and are available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2010–0194 in the ''Search'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LCDR William Nabach, Office of Operating and Environmental Standards (CG–OES–2), Coast Guard; telephone 202–372–1386, email *William.A.Nabach@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

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I. Abbreviations

APPS Act to Prevent Pollution from Ships
CFR Code of Federal Regulations
COI Collection of Information
COTP Captain of the Port
FR Federal Register
GHS Globally Harmonized System of Classification and Labeling of Chemicals
HCS Hazard Communication Standard
IMO International Maritime Organization
MARPOL 73/78 International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating to that Convention
MSC IMO Maritime Safety Committee
MSDS Material Safety Data Sheets
MEPC IMO Marine Environment Protection Committee
NPRM Notice of Proposed Rulemaking
OCIMF Oil Companies International Marine Forum
OCMI Officer in Charge, Marine Inspection
OSHA Occupation Safety and Health Administration
POAC Person in Overall Advisory Control
PSC Port state control
§ Section symbol
SDS Safety Data Sheets
SOLAS 1974 International Convention for the Safety of Life at Sea 1974
STBL Ship to be Lightered
SS Service Ship
STS Ship-to-Ship transfer
U.S.C. United States Code

II. Regulatory History

On April 9, 2012, the Coast Guard published a notice of proposed rulemaking (NPRM) entitled MARPOL Annex I Amendments in the **Federal Register** (77 FR 21360). The Coast Guard also published a notice on July 26, 2012 (77 FR 43741) extending the public comment period for an additional 60 days so that the public had time to review the Regulatory Assessment that was added to the docket shortly after the NPRM was published.

We received 12 comment letters with 31 discrete comments on the proposed rule. No public meeting was requested and none was held.

III. Background

Protection of the marine environment and maritime safety are two of the primary missions of the Coast Guard. Specific Coast Guard regulations are designed to minimize the amount of pollution produced by ships at sea and to protect mariners. Many of the Coast

Guard's pollution control regulations implement the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978, relating to that Convention (MARPOL 73/78). Similarly, many mariner safety regulations incorporate provisions from the International Convention for the Safety of Life at Sea, as amended (SOLAS 1974), to which the U.S. is also a signatory nation.

A. MARPOL 73/78

MARPOL 73/78 is an international agreement prepared under the direction of the International Maritime Organization (IMO), a United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships. It is the main international convention covering prevention of pollution of the marine environment by ships from either operational or accidental causes.

MARPOL 73/78 is a combination of two international agreements adopted in 1973 and 1978 and revised by subsequent amendments. The International Convention for the Prevention of Pollution from Ships, adopted on November 2, 1973 (1973 Convention), covered pollution by oil, chemicals, harmful substances in packaged form, sewage, and garbage. The Protocol of 1978, which amended the 1973 Convention, was adopted in February 1978, in response to a spate of tanker accidents that occurred in 1976 and 1977. MARPOL 73/78 entered into force on October 2, 1983. Annex I of MARPOL 73/78, Regulations for the Prevention of Pollution by Oil (Annex I) contains provisions intended to minimize both operational and accidental oil pollution from vessels.

Annex I is implemented in U.S. law through the Act to Prevent Pollution from Ships (APPS) (Pub. L. 96–478, Oct. 21, 1980, 94 Stat. 2297), codified at 33 U.S.C. 1901 *et seq.* Under 33 U.S.C. 1902, 1903, and Department of Homeland Security Delegation No. 0170.1, the Coast Guard has the authority to draft regulations to implement the MARPOL 73/78 and the amendments thereunder, with respect to U.S. vessels and foreign vessels within U.S. navigable waters or exclusive economic zone. The Coast Guard implements MARPOL 73/78 through regulations in 33 CFR parts 151, 155, 156, and 157.

Amendments to MARPOL 73/78 are made through the resolution drafting and adoption process within the Marine Environment Protection Committee (MEPC) of IMO. The United States takes part in revising and updating MARPOL 73/78 by sending delegates to MEPC. These delegates negotiate with delegates of other signatory nations to support the U.S. position regarding pollution from ships.

Since the last revision of Coast Guard regulations implementing Annex I in 2001, (66 FR 55571), there have been numerous amendments to the international standards. This means that the Coast Guard regulations in the CFR and the provisions of Annex I are not currently aligned. The MEPC revised Annex I in the following resolutions:

- MEPC.117(52) (October 15, 2004): This resolution revised all of Annex I and adopted new Annex I Regulations 22 and 23. Regulation 22 requires that every tanker of 5,000 deadweight tons or more, constructed on or after January 1, 2007, meet minimum standards of pump-room bottom protection, while Regulation 23 requires that every tanker delivered on or after January 1, 2010, must meet the standard for accidental oil outflow performance. MEPC.117(52) became effective January 1, 2007.
- MEPC.141(54) (March 24, 2006): This resolution adopted Annex I Regulation 12A, which contains requirements for the protected location of oil fuel tanks and performance standards for accidental oil fuel outflow for all ships delivered on or after August 1, 2010. This resolution became effective August 1, 2007.
- MEPC.154(55) (October 13, 2006): In this resolution, the MEPC adopted the Southern South African Waters as a special area, which prohibits the discharge of bilge water and oil in the defined area. This resolution entered into force on March 4, 2008.
- MEPC.186(59) (July 17, 2009): This resolution adopted a new Chapter 8 (consisting of Regulations 40, 41, and 42) to Annex I to prevent pollution during transfer of oil cargo between oil tankers at sea. In addition, it added a requirement for a Ship-to-Ship transfer (STS) operations plan. This entered into force on January 1, 2011, and applies to STS Operations in which at least one of the involved oil tankers is of 150 gross tons or more.
- MEPC.187(59) (July 17, 2009): This resolution amended Annex I Regulations 1, 12, 13, 17, and 38 by altering definitions relating to oil residue, and by adding requirements to Regulation 12 that ships over 400 gross tons contain sludge tanks that meet certain specifications. It also amended International Oil Pollution Prevention Certificate Forms A and B to include a section regarding the means for retention and disposal of oil residues, and added new recordkeeping requirements prescribing entries in the Oil Record Book for bunkering of fuel or bulk lubricating oil or any failure of oil filtering equipment. This resolution entered into force on January 1, 2011.

With this final rule, and as required by the APPS, the Coast Guard aligns our regulations in 33 CFR parts 151, 155, 156, and 157 with international standards in Annex I regarding oil pollution from ships. Aligning the U.S. domestic regulations with international standards decreases the risk that U.S. vessels will be subject to Port State Control (PSC) enforcement measures while engaged in international trade.

On August 27, 2007, we published a notice (72 FR 49013), announcing our policy for resolving conflicts between our regulations and the Annex I amendments. The policy remains in effect via 33 U.S.C. 1903 until our regulations are aligned with the amendments to MARPOL 73/78. Our goal in this rulemaking is to align the regulations in the CFR with those in Annex I, and thus promote consistent and homogenous enforcement of Annex I through revisions to 33 CFR parts 151, 155, 156, and 157.

B. SOLAS 1974

In addition to revisions to MARPOL 73/78, we have not yet integrated some revisions to the SOLAS 1974 agreement into 46 CFR part 197. The Coast Guard represents the United States as a signatory nation of SOLAS 1974, which specifies standards for the safe operation of ships at sea. Under 46 U.S.C. 3306, 46 U.S.C. 3703, and Department of Homeland Security Delegation No. 0170.1, the Coast Guard has authority to prescribe necessary rules and regulations to implement the provisions of SOLAS 1974. These sections include authority over the inspection of vessels and the carriage of liquid bulk dangerous cargoes. The Coast Guard implements SOLAS 1974, in part, through regulations in 46 CFR part 197.

Like MARPOL 73/78, SOLAS 1974 is amended by resolution of an IMO Committee, in this case the Maritime Safety Committee (MSC). In resolution MSC.150(77), the 77th Session of the MSC urged that beginning in June 2003, governments ensure the supply and carriage of Material Safety Data Sheets (MSDS) for Annex I cargoes and marine fuels. The 83rd session of MSC amended SOLAS 1974 by adding Regulation 5–1 to Chapter VI, stating that ''Ships carrying Annex I cargoes, as defined in Appendix I to Annex I of [MARPOL 73/78], and marine fuel oils shall be provided with a MSDS prior to the loading of such cargoes based on the recommendations developed by IMO.''

The 86th session of the MSC further amended the SOLAS 1974 into clear and concise language to ensure a common understanding and unambiguous implementation of SOLAS Regulation VI/5–1. SOLAS Regulation VI/5–1 entered into force internationally on July 1, 2009.

IV. Discussion of Comments and Changes

As stated previously, the Coast Guard received 12 comment letters in response to the NPRM, consisting of 31 discrete comments. Those comments provided detailed and informative perspective on the proposed rule and the associated economic analysis, and have been instrumental in developing this final rule. In this section, we discuss the comments by grouping them generally into four categories: (a) The implementation of MARPOL Annex I Regulations 40–42 (STS Operations and Lightering); (b) The changes to the Oil Record Book; (c) The proposal to incorporate a requirement to carry MSDS on board; and (d) A general category for other comments. In each section, we describe the proposal from the NPRM, the comments received, and the changes, if any, made to the final rule in light of those comments.

A. STS Operations

One of the primary proposed actions in the NPRM was to incorporate the new regulations governing the STS of oil stored as cargo. The existing 33 CFR part 156 already contained regulatory requirements for lightering operations, but the scope of what is considered 'lightering' under the current regulations in Part 156 and the scope of what is defined as 'STS Operations' in MARPOL Annex I are slightly different. For that reason, as discussed extensively in the preamble to the NPRM, we proposed to include two sets of requirements in Part 156, one that would set out the requirements for STS Operations as described by MARPOL, and one that would cover the remaining lightering operations. To that end, we included requirements for both in Part 156.

We received several comment letters discussing the proposal to separate the two requirements. These letters contained a series of discrete comments on numerous aspects of the proposed changes. The Coast Guard appreciates these comments and has incorporated them into the finalized version of the rule where warranted. The specific issues addressed in the comments are laid out below.

1. Conforming Edits to Part 156, Subparts B and C

Several commenters stated that with the separation of what had previously been called lightering operations into two distinct categories, ''lightering'' and ''STS Operations,'' the proposed regulatory changes omitted some necessary conforming edits to subparts B and C. They made several recommendations intended to ensure that certain existing requirements that should apply to STS Operations are not inadvertently omitted. In response to those suggestions, we have reexamined the proposed text of Part 156 and made changes that we believe will accurately encompass the changes described in the NPRM.

The NPRM proposed to reorganize Part 156 slightly to reflect the dichotomy between lightering and STS Operations. The existing regulatory text contains Subpart B, ''Special Requirements for Lightering of Oil and Hazardous Material Cargoes,'' and subpart C, ''Lightering Zones and Operational Requirements for the Gulf of Mexico,'' both of which simply apply the current definition of lightering operations. However, as the comments pointed out, with the addition of STS Operations as a separate operation, certain conforming edits to the terminology and applicability in those sections need to be made to ensure the sections apply to the appropriate operations.

Two commenters stated that the difference between lightering and STS Operations is confusing, and that the two terms had historically meant the same thing. While we sympathize with the confusion, MARPOL Annex I applies only to transfers of oil, and only when one of the vessels at issue is 150 GT or larger. While this definition is similar to lightering, it is not identical. We have endeavored to make the regulatory differences between lightering and STS Operations clear in this rule, and the commenters have proposed some ways in which we can do this, specifically by adjusting the language throughout subparts B and C of part 156 to specifically indicate where the sections apply to lightering and STS Operations. In this final rule, we have made numerous conforming edits in these parts to better indicate which requirements apply to the various types of operations. These edits make clear that the requirements of subpart C apply to STS Operations as well continue to apply to lightering.

Two commenters recommended that § 156.225, ''Designation of Lightering Zones,'' be modified to refer to lightering and STS Operations. This section currently reads, ''[w]hen a lightering zone has been designated, lightering operations in a given geographic area may only be conducted within the designated lightering zone.'' However, the specific rules in effect in lightering zones and prohibited areas are not intended to be used in lightering operations only, but apply to STS Operations as well. For that reason, we are adopting the commenters' recommendation to include a reference to STS Operations in the text of § 156.225.

Two commenters also recommended that an applicability section be added to Subpart C. Subpart C lists various geographic areas and accompanying lightering zones, as well as prohibited areas where lightering operations are forbidden due to environmental and safety concerns. In the NPRM, we inadvertently did not include an editorial change to § 156.310, ''Prohibited areas,'' that would have included STS Operations in the list of prohibited operations. Thus, in response to the commenters, we are adding a reference to STS Operations in that section. As stated above, we have also made numerous edits throughout subpart C to make clear that the operational requirements apply to STS Operations as well as lightering operations.

2. Qualifications of the POAC—§ 156.410

One comment we received suggested that we alter the wording in paragraph 156.410(f), which relates to the responsibilities of the person in overall advisory control (POAC) of an STS Operation. The proposed text, based on MARPOL Annex I Regulation 41, paragraph 4, states that the POAC shall be qualified to perform all relevant duties, taking into account the qualifications found in the best practice guidelines from the IMO Manual on oil pollution. The commenter suggested that we add language emphasizing that the appointment of the POAC himself is equally important.

While we agree that it is important that a qualified POAC be appointed, the existing proposed regulatory text already requires this type of appointment. We do not agree that there is a reason to deviate from the existing text of the MARPOL Annex I language in this matter.

3. Notification Requirements for STS Operations—§ 156.415

Two commenters raised objections to a provision in § 156.415(a) requiring a 48-hour advance notification of STS

Operations. The commenters stated that this is not current practice, and that such a notice period would be impracticable and/or could lead to very high additional costs associated with under-utilization of service ships (SS). One commenter stated that scheduling oil transfer operations requires absolute flexibility, and that as a result of weather conditions, logistical delays, channel closures, terminal delays, or other issues can require changing the identified SS at the last minute. The commenter also stated that it is common practice to nominate and clear at least three vessels for each STS Operation to ensure that a suitable vessel is available when the ship to be lightered (STBL) arrives at the designated STS Operation location. In light of these facts, the commenters recommended that the Coast Guard limit the advance notice required for the SS to 24 hours, while maintaining the 48-hour requirement for the STBL.

The requirement for a 48-hour advance notification derives specifically from the text of Regulation 42, ''Notification,'' of Annex I. Paragraph 1 of that regulation reads:

> Each oil tanker subject to this chapter that plans STS operations within the territorial sea, or the exclusive economic zone of a Party to the present Convention shall notify that Party not less than 48 hours in advance of the scheduled STS operations. Where, in an exceptional case, all of the information specified in paragraph 2 is not available not less than 48 hours in advance, the oil tanker discharging the oil cargo shall notify the Party to the present Convention, not less than 48 hours in advance that an STS operation will occur and the information specified in paragraph 2 shall be provided to the Party at the earliest opportunity.

Given the unambiguous requirement of a 48-hour notice period in Annex I, we are maintaining that requirement.

However, we do realize that while Regulation 42 requires the 48-hour period, it does provide for an exception for instances in which some details of the transfer, including information about the SS, are not available 48 hours in advance of the STS Operation. This exception was not reflected in the proposed regulatory text, but we are including it in the final rule as § 156.415(f). That text will permit an oil tanker to delay transmitting the required information to the Captain of the Port (COTP) until the information is available, as long as the known information about the transfer is provided at least 48 hours in advance of the STS Operation.

This change will address the commenters' concerns regarding the flexibility required to conduct STS Operations without incurring supply chain interruptions, idle time, or compromising on-time performance. Instead, the STBL must transmit only as much information required by § 156.415(a) as is known at least 48 hours before the scheduled STS Operation. The remaining information must be transmitted when the final details have been worked out in accordance with paragraph (f) of this Final Rule. While the text of Regulation 42 indicates that such subsequent notification would be used ''in an exceptional case,'' we expect that in some areas where oil cargo is frequently transferred, the use of this supplemental notification procedure would be used commonly.

One commenter stated that, because each SS needs to be reviewed by the customer for requisite approval under their vetting approval system before conducting an STS Operation, it is common practice to nominate at least three vessels for each STS Operation to ensure that a suitable, approved vessel will be available when the STLB arrives at the designated position for the STS Operation. In such a case, where details of multiple contingent operations need to be tentatively worked out, the Coast Guard would expect that these contingent details be transmitted to the COTP at least 48 hours prior to the STS Operation in accordance with paragraph (a). Once final details have been worked out, they must be transmitted to the COTP in accordance with paragraph (f) of this Final Rule.

The modification of the strict 48-hour advance notice requirement also causes us to re-evaluate the provision, which in the NPRM was proposed § 156.415(g), that required the master, owner, or agent of each oil tanker planning to conduct STS Operations in a designated lightering zone to provide 24 hours advance notice to the nearest COTP, rather than the 48-hour period for other U.S. waters. One commenter pointed out that only a very small percentage of STS Operations conducted in the U.S. is conducted in the designated lightering zones. Furthermore, the commenter noted that the lightering zones were intended to be used primarily by single-hulled vessels, and that most STS Operations are performed by double-hulled tankers that are not required to make use of lightering zones. Based on this information, as well as the reduced notification requirements with the addition of the new § 156.415(f) we have re-evaluated whether the different notification standards for lightering zones and other zones within the U.S. are necessary.

Upon review, we also note that the basis for the 24-hour notification requirement in proposed paragraph (g) appears to be erroneous. In the NPRM, we stated that ''[t]he proposed regulatory text [in § 156.415(g)] differs from Regulation 42 for oil tankers planning to conduct STS Operations in designated lightering areas, where a 24-hour advance notice of STS Operations to the nearest COTP specified in the existing § 156.215 would be used instead of the 48-hour notice specified in Regulation 42'' (77 FR at 21364). However, on a second look, § 156.215, which governs pre-arrival notices for lightering operations, is not exclusive to lightering zones, but applies to arrival at a lightering location or zone. Nor do we see any reason to apply that lightering requirement to STS Operations in lieu of the 48-hour requirement in Annex I.

While several commenters supported the proposal to allow a 24-hour notification requirement, in lieu of a 48-hour one, in lightering zones, they requested that the 24-hour requirement be extended to all STS Operations in the U.S. While we agree with the commenter that there should be no difference in the notice requirements based on whether the STS Operation takes place in a lightering zone, we are obligated to implement the 48-hour requirement from Annex I. However, because we are adding the ability to provide information relating to the SS in a supplemental notification, in accordance with the new § 156.415(f), we believe that this will provide even more flexibility than the proposed 24-hour notice requirement. For these reasons, we are not incorporating the proposed § 156.415(g) into the final rule.

4. Reporting of Oil Discharges—§ 156.420

Two commenters discussed the Coast Guard's proposal, in § 156.420(b), that would require the receiving vessel to report an incident of a discharge of oil during STS Operations. The commenters suggested that the Coast Guard instead require the responsible party, that is, the party that caused the discharge, to notify the Coast Guard of the event. One commenter also made an alternative suggestion, which is that either party sighting oil discharge in the water should report the sighting to the Coast Guard, although such a report would not constitute an assumption of responsibility for the incident.

In proposing the language for § 156.420, the Coast Guard had used the language from § 156.220 as a model. Section 156.220 requires that the ''service vessel,'' that is, the SS in a lightering operation, report the

discharge of oil or hazardous material. To maintain consistency, we proposed to require that the SS in an STS Operation be subject to the same requirement.

The objections to this proposal were based upon the concept that reporting the discharge would imply that the reporting party is responsible for the discharge, and therefore, a requirement to report the discharge is tantamount to an admission of responsibility for the incident. We note that because the responsibility for reporting was proposed to be placed on the SS at all times, it was not meant to assume that the receiving vessel would be responsible for all discharges. The purpose of the notification requirements in subparts B and D of part 156 is not to assign responsibility, but rather to ensure immediate notification to the Coast Guard of any discharges to allow us to provide a timely response. Nonetheless, we are modifying the language of this section to remove any indication that the notification implies responsibility for a discharge incident.

We believe that the alternative recommendation proposed by one commenter offers the best regulatory structure. This recommendation was that the Person in Overall Advisory Control (POAC) of the STS Operation should be required to make the report. Such a report would not constitute an admission of responsibility for the spill by either party involved. This requirement would ensure that a timely report is made and allow the Coast Guard to mount a rapid response to the incident if necessary.

Two alternative suggestions from commenters were not adopted for various reasons. One suggestion was that the responsible party would be required to report the discharge. This was rejected because delays in assigning responsibility could delay the reporting of the incident. Another suggestion was that both parties should be required to report the incident. This was rejected because the extra report is superfluous and the requirement could result in unnecessary burden from reporting. We believe that having the POAC report the incident, without assigning responsibility, is the best approach.

5. Editorial Changes to Subpart D of Part 156

In addition to the substantive changes, we are making some editorial changes to Subpart D of part 156. One commenter noted that proposed § 156.415(a)(3) and (a)(6) are duplicative. We agree and are removing paragraph (a)(6). Additionally, we noticed that there was no paragraph (b) in § 156.415, which we have corrected. That section has been renumbered accordingly.

6. Incorporation by Reference

Two commenters suggested that industry standards incorporated by reference should be incorporated without specific reference to the date and edition. They noted that some of the standards are updated regularly, and thus would become out of date if they were updated after publication of this final rule.

We are not accepting the commenters' proposals. The Administrative Procedure Act requires that the Coast Guard provide notice and solicit comments before substantively altering its regulation, a requirement that applies to the adoption of standards incorporated by reference (See 5 U.S.C. 553). While we will endeavor to promptly update the regulations if we determine that the incorporation of new standards will be beneficial, such actions will be undertaken in accordance with the applicable legal requirements.

B. Oil Record Book

After publication of the NPRM, we included a proposed version of the Oil Record Book in the docket (USCG–2010–0194–0015) that would incorporate some of the changes to the Code of Federal Regulations proposed in this rule. One commenter provided a series of suggested changes to the proposed Oil Record Book. Additionally, since the publication of the NPRM, the Coast Guard has considered how to integrate additional IMO guidance and policy considerations. Since these deliberations are still ongoing, we are not publishing an updated version of the Oil Record Book in conjunction with this rulemaking. The Coast Guard will consider comments received on the subject when deliberating future updates.

C. SOLAS Material Safety Data Sheets

Several commenters raised a variety of issues relating to the Coast Guard's proposal to require vessels subject to the International Convention for the Safety of Life at Sea 1974 (SOLAS) carry SOLAS Material Safety Data Sheets (MSDSs), as defined under MSC.286(86). MSDSs and Safety Data Sheets (SDSs) are a widely used system for cataloging information on chemicals, chemical compounds, and chemical mixtures. The data sheets include a variety of information about the physical characteristics of the substance, such as toxicity, flammability, and explosiveness. These documents may also include instructions for the safe use of and potential hazards associated with a particular material or product, such as specific firefighting measures to be used with the substance. Most data sheets are formatted as charts divided into sixteen sections that seek to provide the reader with quick access to information regarding the hazardous substance they might encounter. These data sheets are required by U.S. regulations and international conventions anywhere chemicals are being used or transported.

SOLAS was published in 1974 and entered into force with the United States as a party in 1980. This Convention sought to address a broad array of safety issues ranging from lifeboat requirements to safety of navigation schemes to be implemented by nations as port state control measures. Under SOLAS, amendments to the technical appendices are considered to be tacitly accepted by the parties to the convention if the amendment is adopted without sufficient objections from nations party to the convention, and the SOLAS MSDS recommendations are contained in one such appendix. The International Maritime Organization (IMO), a specialized agency of the United Nations, serves to oversee and amend SOLAS as part of the IMO's mission to enhance the safety and security of shipping and the prevention of marine pollution by ships.

The Maritime Safety Committee, which is a sub-committee of the IMO, developed SOLAS MSDS provisions as an amendment to SOLAS. In 2009, the MSC adopted the amendments to chapter VI ''Carriage of Cargoes'' of SOLAS 1974 (MSC.239(83)). Those amendments included Regulation 5–1 requiring that vessels carrying oil or oil fuel, as defined in regulation 1 of MARPOL 73/78 be provided with a SOLAS MSDS. In June of 2009, the MSC adopted resolution MSC.286(86), which contains an appendix providing a model MSDS with requirements for each section entitled ''Recommendations for Material Safety Data Sheets (MSDS) for MARPOL Annex I Oil Cargo and Oil Fuel.'' These amendments became effective on January 1, 2011.

In the NPRM, the Coast Guard proposed implementing the SOLAS MSDS requirements for Annex I cargoes and fuels for U.S. vessels and all vessels operating in the navigable waters of the U.S. to which the SOLAS requirements apply. We stated that by aligning the U.S. regulations with international standards, compliant U.S. vessels would encounter fewer difficulties when engaged in international trade. We also

proposed, in Appendices A and B of 46 CFR 197, Subpart D, a non-mandatory example of an MSDS for marine use, taken from MSC.286(86). Because we proposed to apply a SOLAS requirement only to vessels to which SOLAS already applied, we did not believe that vessels would incur any additional costs as a result of these changes. This lack of anticipated costs was why this proposal was given brief treatment in the preliminary regulatory analysis.

Multiple commenters disputed this analysis, and suggested that we had erred in assuming that all vessels indicated would already comply with the proposed requirements. The commenters stated that the proposed requirements, including the items in the non-mandatory Appendices, differed from the standard SDSs used by many industries in the U.S. and around the world, and that compliance with the proposed Coast Guard regulations would be costly and redundant.

The commenters argued that the SOLAS MSDSs that were proposed in the NPRM are similar, but not identical to, widely-used SDSs promulgated by the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals (GHS), as well as the Hazard Communication Standard (HCS) regulations recently promulgated by the Occupational Health and Safety Administration (OSHA) of the Department of Labor under 29 CFR 1910.1200, and that a requirement to use SOLAS MSDSs would create an expensive, redundant requirement that offered little or no marginal safety benefit.[1] In general, petroleum industry companies prepare SDSs to meet the legal requirements of the countries in which they market and distribute materials. According to the commenters, the legal requirements of such countries are moving toward an internationally harmonized system—the GHS, because uniform content is designed to improve effective hazard communication.

Commenters also raised concerns about the proposed requirement to post MSDSs in the working language of the crew, as translation of complex and highly technical MSDSs into various languages could have significant costs. Finally, one commenter suggested that the Coast Guard had not adequately justified the proposed requirement for MSDSs.

Based on these comments, we have reconsidered the proposed requirement to label harmful chemicals in this rulemaking. Considering the widespread use of the OSHA HCS and the GHS-standard SDSs, and the extensive guidance available regarding those formats, we have decided not to finalize the proposed requirement for an MSDS from MSC.286(86).

However, we note that regulations requiring information on the ''name, description, physical and chemical characteristics, health and safety hazards, and spill and firefighting procedures for the oil cargo aboard the vessel'' are part of the existing Vessel Response Plan requirements in 33 CFR 155.1035(j)(10), 33 CFR 155.1040(k)(10), 33 CFR 155.1045(j)(6), and 33 CFR 155.5035(j)(10). Currently, we consider SDSs compliant with 29 CFR 1910.1200 (OSHA-compliant) to meet these requirements. In this final rule, we are adding language to sections 155.1035, 155.1040, 155.1045, and 155.5035 that shows we consider the SOLAS MSDS to meet the requirements found in the response plan regulations. Therefore, we are amending those documents mentioned as appropriate in meeting those regulations to include the SOLAS MSDS as defined by MSC.286(86). We note that this does not constitute a requirement to use SOLAS MSDSs, but does explicitly permit their use in providing the required information per the VRP regulations.

We believe that providing this option will give maximum flexibility to industry while making the hazard information available to maritime personnel. Furthermore, we consider the use of the SOLAS 74 MSC. 286(86) format, which contains low reporting threshold quantities of benzene, hydrogen sulfide, and sulfur, to provide maritime personnel with clear, concise and accurate information on the health and environmental effects of toxic substances carried on board.

Furthermore, we are removing the proposed requirement that the MSDS must be provided in English, as well as the working language of the crew. We believe that introducing a regulatory requirement that differs, even slightly, from the widely-used Safety Data Sheets could present unneeded difficulties with little safety benefits. While we still believe that we should incorporate a requirement for safety data sheets into our regulations, we will consult with OSHA and other agencies to integrate a standard for maritime SDSs in any future rulemakings.

We also received one comment that argued that the NPRM was procedurally flawed with regard to the proposed MSDS requirement, an argument that we believe is based on several misperceptions of the proposal. Specifically, the commenter argued that the proposal to require an MSDS was vague, unconstitutional, and would create uncertainties and liability if finalized. We disagree with the commenter's characterization of the proposal.

The vagueness argument was based on the idea that the information contained in MSC.286(86) did not provide guidance on what should be inserted into an MSDS for a topic on which no information is available. Thus, an operator might leave the space blank, insert a statement that no information is available, or perform certain research or chemical analysis. This uncertainty, according to the commenter, rendered the proposed section unconstitutionally vague, as it failed to give sufficient guidance to those subject to it and those who would enforce it. In response, we would note that while questions about the interpretation or enforcement of a proposal are appropriate to ask, the mere fact that questions exist does not constitute unconstitutional vagueness.

The commenter also argued that the proposed section is an ex post facto rule due to the July 1, 2011 date given with regard to carriage of MSDSs. We believe that the commenter has misinterpreted the proposal, and note that the proposal would not become effective until after publication of a final rule. We believe that the confusion may stem from the language in proposed § 197.820(a), which read ''Each vessel subject to SOLAS 1974 must carry a Material Safety Data Sheet (MSDS) for each Annex I cargo and ship fuel carried in bulk after January 1, 2011.'' While the date listed would have a delaying effect if the final rule had been made effective before January 1, 2011, it would not create a retroactive requirement.

Finally, the commenter also stated that the NPRM would unfairly expose shipping and transport interests to a significant risk of tort liability, as regulatory standards can be viewed as setting a minimum level of care, and that these uncertainties would be further exacerbated if the Coast Guard were to adopt the SDS requirements in proposed § 197.820. It is unclear

[1] OSHA published a final rule on hazard communications in the **Federal Register** (77 FR 17574, March 6, 2012), which modified its Hazard Communication Standard to align with the GHS. It did so to enhance the effectiveness of the HCS which ensures that employees are apprised of the chemical hazards to which they may be exposed, and to reduce the incidence of chemical-related occupational illnesses and injuries. In addition to OSHA, several other agencies were active during the development of a harmonized SDS format for the GHS, including the Environmental Protection Agency, the Consumer Product Safety Commission, and Department of Transportation. While the Coast Guard was not active in the GHS development process, we believe that the harmonized format still contains a highly effective means to reduce the incidence of chemical-related injuries.

specifically to what risk the commenter was referring. Regardless, we are aware of no basis to conclude that displaying a safety data sheet, whether or not it is required by regulation, negates the responsibility to exercise reasonable care.

D. Other Issues Raised in Comments

We received several additional comments to the NPRM that are discussed in this section. One commenter supported the proposed rule, stating that the harmonization of U.S. regulations and international conventions will hopefully prevent accidents such as oil spills in the Gulf of Mexico. Another commenter supported the proposed rule, noting that increased fuel tank protection can help prevent oil spills. An additional commenter expressed support that the Oil Record Book requirements, fuel tank protection standards, STS Operations guidelines, pump room protections, and oil outflow performance requirements would all help to reduce pollution at sea. We appreciate these supportive comments and believe that the requirements implemented by this final rule will help to prevent oil pollution at sea.

In the NPRM, we included a discussion regarding the possibility of requiring non-oceangoing ships of 400 gross tons or larger to install oily bilge water holding tanks. We asked a series of questions regarding their use on vessels, costs, and alternatives to holding tanks. While we did not receive specific economic data, one commenter did include a discussion regarding the necessity of oily bilge water retention tanks and oily water separators and the effect on the maritime environment. The comment noted that in cases where bilge water is treated with an oily water separator, it can still contain other substances that are environmentally harmful if discharged overboard. These substances include volatile organic compounds, semi-volatile organics, salts, and contaminants such as soaps, detergents, and degreasers that can bypass the oily water separator system. The commenter recommended that an emulsion breaking bilge water cleaning system can alleviate these problems, but would also require the use of a storage tank.

Given the lack of economic data regarding the bilge water holding systems, as well as the additional information regarding oily water separators, we are not including in this final rule a provision to require non-oceangoing ships to have oily bilge water holding tanks. However, we do intend to continue this research and may propose a more detailed program for handling bilge discharge depending on the information collected in the future.

V. Incorporation by Reference

The Director of the Federal Register has approved the material in §§155.140, 156.111, and 157.02 for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. Copies of the material are available from the sources listed in that section.

VI. Regulatory Analyses

We developed this final rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes or executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility.

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' as supplemented by Executive Order 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. Nonetheless, we developed an analysis of the costs and benefits of this final rule to ascertain its probable impacts on industry. This regulatory assessment (''Regulatory Analysis'') is available in the docket where indicated in section A of this preamble. A summary of the Regulatory Analysis follows:

The proposed rule contains provisions to codify the 2004, 2006 and 2009 Amendments to Annex I in the Code of Federal Regulations. These provisions are designed to harmonize U.S. regulations with international standards.

In the NPRM (77 FR 21360, April 9, 2012), detailed descriptions of the proposed CFR changes are described in Section V. Discussion of Comments and Changes of this preamble. A summary of the regulatory analysis is shown in Table 1 below.

TABLE 1—SUMMARY OF THE REGULATORY ANALYSIS

Category	Summary (harmonization)
Total Affected Population *	~4,029 current and future U.S. flag ships with 1,768 U.S. current owners or operators.
Costs (7% discount rate)	$2.9 mil (annualized), $20.3 mil (10-year).
Unquantified Benefits	Compliance with internationally enforced standards where non-compliance could result in Port State Control interventions and detentions or delays. General reduction of the risk of oil discharges in the marine environment. 33 CFR 151.25 improves the availability of information on certain processes and equipment. 33 CFR 151.360–370 prevents the direct discharge of oily sludge residue and indirect discharge through oily bilge water. 33 CFR 151.400–420 helps to ensure STS Operations are conducted safely and that an apparatus is in place to mitigate environmental damage.

* The total affected population shown in this table refers to the sum of the affected population for each individual requirement. An individual ship may be subject to multiple requirements. If there is no overlap of requirements, the affected population would be a maximum of 4,029 new and existing ships. If there is overlap of requirements, the total affected population could be less.

1. The Affected Population

The individual provisions of the proposed rule affect different populations of U.S. flag ships. A summary of the affected population is shown in Table 2.

TABLE 2—AFFECTED POPULATIONS U.S. FLAG SHIPS

Provision	Population affected	Current affected population	New ships delivered during the 10-year period of analysis	Total number of ships
Additional Oil Record Book entry requirements.	All inspected ships bunkering fuel or lubricating oil.	1,672	273	1,945
Valve separating the sludge tank drains from the bilge system.	Oceangoing Ships 400 gross tons and over	1,044	225	1,269
Preparation of STS Operations Plans and STS Reporting.	Tankers and Tank ships	512	303	815

Source: USCG MISLE database.

2. Costs

While some of the provisions in this final rule reflect existing industry standards that have been implemented in advance of internationally agreed upon dates, the remaining provisions will generate costs for owners and operators of affected ships.

The recurring costs represent additional operating expenses for required Oil Record Book entries and recordkeeping; for the continuing costs of plan revisions, training, and notifications associated with Ship-to-Ship (STS) oil-transfer operations plans (STS Operations Plans).

The non-recurring costs are of two types: The cost of required equipment and its installation, including various valves and drain modifications; and the cost of the initial preparation and training required to implement STS Operations Plans.

The primary cost estimate of the proposed rule is displayed in Table 3 and results in a total cost of $24.2 million (undiscounted) for the ten year period of analysis. This cost estimate was prepared assuming no ships currently comply with any of the provisions of the proposed rule. In present value terms, the total cost estimate is $19.8 million using a 3-percent discount rate and $20.3 million using a 7-percent discount rate. Annualized costs are $2.3 million per year at 3 percent and $2.9 million per year at 7 percent.

TABLE 3—COSTS SUMMARY BY YEAR ($ MILLIONS) TO U.S. FLAG SHIPS

	Undiscounted	Discounted	
		7 percent	3 percent
Year 1	$10.1	$9.6	$9.8
Year 2	1.3	1.2	1.2
Year 3	1.4	1.2	1.2
Year 4	1.5	1.2	1.1
Year 5	1.5	1.2	1.1
Year 6	1.6	1.2	1.1
Year 7	1.6	1.2	1.1
Year 8	1.7	1.2	1.1
Year 9	1.7	1.2	1.1
Year 10	1.8	1.2	1.0
Total	24.2	20.3	19.8
Annualized		2.9	2.3

Please refer to Appendices B through E in the Regulatory Analysis for the annual costs. Costs are broken out by section and by population.

Table 4 displays the unit costs per vessel and outlines the per vessel costs for the provisions.

TABLE 4—UNIT COSTS (UNDISCOUNTED) FOR U.S. FLAG SHIPS

Section	Description	Per ship costs
33 CFR 151.25	Oil Recordkeeping books	$443
33 CFR 155.360	Oceangoing Ships 400 GT to 10,000 Gross Tons—Valves	5,400
33 CFR 155.370	Oceangoing Ships above 10,000 Gross Tons—Valves	7,549
33 CFR 155.400–420	STS Operations Plans	5,409
	STS Training	2,148
	STS Notifications	16

3. Benefits

The benefits of the proposed rule include harmonization and compliance with internationally enforced standards and the reduction of risks of oil pollution, as well as improved mariner safety.

Functional benefits of each provision of the proposed rule are shown in Table 5.

TABLE 5—FUNCTIONAL BENEFITS

Provision	Beneficial impact on oil spill risk reduction
33 CFR 151.25—This provision would establish new recordkeeping requirements for the Oil Record Book: A requirement to make an entry for the bunkering of fuel or bulk lubricating oil; a requirement to make an entry for any failure of oil filtering equipment; and a requirement to make an entry for any failure of the oil discharge monitoring and control system.	This provision will reduce the risk of oil spills by improving the availability of information on certain processes and equipment. For example, the additional entry for the bunkering of fuel or bulk lubricating oil would help to track the use and disposal of oil and oil residues. The other two additional entries would capture equipment failures for all ships with an Oil Record Book.
33 CFR 155.360–370 This provision requires that these ships have a separate designated pump for the oil residue tank (sludge tank) and that this sludge disposal system (pump and tank) must be segregated from the bilge system except for manually operated drains with visual monitoring of settled water that lead to an oily bilge water tank or a bilge well. Any nonconformity would require a ship in this group to purchase and install appropriate equipment.	This provision will reduce the risk of oil spills by ensuring segregation of oily sludge residue from the bilge system. These measures prevent the direct discharge of oily sludge residue and the indirect discharge through oily bilge water.
33 CFR 156.400–420 This provision requires that oil tankers transferring oil cargoes between ships at sea (Ship-to-Ship (STS) transfers of oil) have an STS Operations Plan meeting specific IMO standards.	This provision will reduce the risk of oil spills by requiring that oil tankers engaging in STS Operations provide the relevant MARPOL 73/78 party with 48 hours' notice of STS Operations. This includes information regarding the location, time, and duration of the STS Operations, oil type and quantity, identification of the STS Operations service provider, and confirmation that there is a compliant STS Operations Plan. Providing this information helps to ensure that STS Operations are conducted safely and that an apparatus is in place to mitigate environmental damage should a spill occur.

The purpose of the proposed rule is to harmonize Coast Guard regulations with new provisions of MARPOL 73/78 to which the United States is a signatory. Compliance with these Conventions is, in itself, a benefit to all ships on international routes because the failure to comply with these international standards for pollution prevention and safety would subject the non-compliant ship to PSCs. Coast Guard incorporation of these provisions is also a requirement of U.S. law, APPS 33 U.S.C. 1901–1915 (2002), which implements and codifies the MARPOL agreements into U.S. law. Thus, this rulemaking seeks to reduce regulatory uncertainty.

Port State Controls may include detention of a ship in a foreign port until the identified deficiencies are rectified. Delays of this type can be costly to the owner/operator of a ship. For example, the Paris Memorandum on Port State Control Annual Report (Paris Memorandum) for 2009 indicated that 27 oil tankers were detained worldwide under PSCs; 17 of these tankers (63 percent) were detained for violations of Annex I. With charter rates for oil tankers averaging $31,700 per day, even short delays under PSCs can result in substantial costs. None of these deficient ships were U.S. flag vessels because of the adherence to international standards enforced by the Coast Guard. With this proposed rule the Coast Guard intends to ensure that no ambiguities exist between MARPOL 73/78 and the regulatory requirements of the CFR.

The Paris Memorandum for 2009, the latest year for which there are data, also indicated that 3,764 ships that were inspected worldwide under PSCs had deficiencies regarding Annex I requirements. Additionally, 15,800 ships were found deficient regarding safety and firefighting standards (SOLAS requirements). As with oil tankers (noted above) none of these deficient ships were U.S. flag vessels because of the adherence to international standards enforced by the Coast Guard.

We examined the risk reduction using a break even analysis of the oil spill amount that would need to be prevented in order for the benefits to equal the total regulatory cost of this rule. From historical data,[2] we determined there was an average of 5,583 barrels of oil spilled annually from U.S. flagged SOLAS ships over the 2001–2010 period. To calculate the annual monetary value of remediating damages from oil spills, we used a cost of $10,700 per barrel of oil based on an analysis of expenditures from the Oil Spill Liability Trust Fund. Consequently, the costs of oil spill damages averaged $59.7 million per year (undiscounted) over the 2001–2010 period. Please refer to the Regulatory Analysis for further details.

The 7 percent annualized cost of this rule is $2.89 million. With average annual costs of oil spill damages of $59.7 million (undiscounted), the provisions would have to reduce the volume of oil spills by 4.85 percent ($2.89 million/$59.7 million) in order to achieve a breakeven.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

A Final Regulatory Flexibility Analysis discussing the impact of this proposed rule on small entities is available in the docket by following the directions in the **ADDRESSES** section of this preamble. A summary of the analysis follows. There are an estimated 1,768 U.S. entities that would be affected by this proposed rule and these entities operate a maximum of 3,228 existing ships. We chose a random sample of 296 entities and evaluated these against the applicable standard for determining whether the entity was

[2] U.S. Coast Guard MISLE data, 2001 to 2010, oil spilled from U.S. flagged, SOLAS vessels.

small (*i.e.,* SBA size standards for businesses and RFA standards for governments and not-for-profits). Table 6 provides the size determinations of the sample population.

TABLE 6—NUMBER OF ENTITIES IMPACTED BY THE PROPOSED RULE

Entities below the threshold	113
Entities above the threshold	78
Government below the threshold	1
Government above the threshold	4
N/A	100
Total	296

We analyzed revenue impacts for the implementation year as that is the highest impact on small entities. First year costs include costs for additional required Oil Record Book entries, equipment purchase and installation costs, costs associated with the STS Operations Plan preparation and crew training, and the additional notification to the Coast Guard that an STS Operation will occur.

This proposed rule has many provisions that would affect different types of vessels and therefore, businesses' revenue impacts would vary according to the number and type of vessel owned. Table 7 provides the list of per vessel cost by provision.

TABLE 7—POTENTIAL VESSEL COST

Section	Description	Per ship costs
33 CFR 151.25	Oil Recordkeeping Books	$443
33 CFR 155.360	Oceangoing Ships 400 GT to 10,000 Gross Tons—Valves	5,400
33 CFR 155.370	Oceangoing Ships above 10,000 Gross Tons—Valves	7,549
33 CFR 155.400–420	STS Plans	5,409
	STS Training	2,148
	STS Notifications	16

To measure the impact on small entities we distinguished which provision each entities subscribed to and then attributed the per company costs based on those provisions. In other words, the per ship cost ranged from $443 (recordkeeping costs only) to $8,016 (recordkeeping and STS Operation costs) depending on which provision(s) the entity fell under. Table 8 provides the percent impacts on revenue that the provision(s) will have on entities.

TABLE 8—ESTIMATED PERCENT OF THE REVENUE IMPACT OF THE FINAL RULE

Impact range	Number of entities	Percent
<1%	90	80
1%–< 3%	14	12
3% or greater	9	8
Sum	113	100

In the NPRM, we certified under 5 U.S.C. 605(b) that the proposed rule would not have a significant economic impact on a substantial number of small entities and we requested public comments on this certification. We received one comment on the economic analysis of the 48-hour notification. However, because we modified the 48-hour notification to allow for more than one notification, we deemed this cost as an additional collection of information rather than a significant change in industry practice or a significant cost burden to industry.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

D. Collection of Information

This final rule would not require a new Collection of Information (COI) request under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) but would increase the burden hours under three existing collections of information.

1. *Information Collection Request:* OMB control number 1625–0009 (Oil Record Book for Ships).

Title: Oil Record Book for Ships [33 CFR part 151.25].

Summary of the Information Collection Request: The Coast Guard uses the information recorded in the Oil Record Book to verify sightings of actual violations of the Act to Prevent Pollution from Ships (APPS), to determine the level of compliance with MARPOL 73/78, and as a means of reinforcing the discharge provisions. The actual recording of discharge information reinforces the intent of the regulations. Unless this information is recorded, the Coast Guard would have to rely solely on actual sightings of oil discharges for enforcement. Violation of the law may go undetected resulting in continued pollution of the sea by oil. The Coast Guard would have no method of determining the level of compliance with regulations.

Use of Information: The Coast Guard uses the information recorded in the Oil Record Book to verify sightings of actual violations of the APPS, to determine the level of compliance with MARPOL 73/78, and as a means of reinforcing the discharge provisions.

Description of the Respondents: Oil tankers and tank barges of 150 gross tons and above; ships of 400 gross tons and above other than oil tankers (including freight barges equipped to discharge oil or oil mixtures); manned fixed or floating drilling rigs, except those that are not equipped to discharge oil or oil mixtures, or rigs that are in compliance with the National Pollutant Discharge Elimination System (NPDES) permit; and manned fixed or floating drilling platforms over 400 gross tons, primarily Mobile Offshore Drilling Units (MODUs) over 400 gross tons.

Number of Respondents: The number of respondents is 1,672.

Frequency of Response: The frequency of response is occasional reports for recordkeeping and reporting.

Burden of Response: The increase in burden hours is from the current estimated 540 entries per ship per year for oil tankers and tank barges to 762 entries per year; and from 180 entries per ship per year for non-oil ships to 254 entries per year.

Estimate of Total Annual Burden: The rule will increase the total annual burden by approximately 8,314 hours to 28,535 hours. The current annual burden for this collection is 20,221 hours.

2. *Information Collection Request:* OMB control number 1625–0041 (MARPOL Related Documents STS Operations Plan)

Title: Various International Agreement Pollution Prevention Certificates and Documents, and Equivalency Certificates [33 CFR 156. 400–420 Subpart D—Prevention of Pollution During Transfer of Oil Cargo Between Oil Tankers at Sea].

Summary of the Information Collection Request: This rule will modify an existing collection of information. The Coast Guard is requiring oil tankers and tank barges of 150 gross tons and above, that engage in transfers of oil at sea, to comply with an international agreement (MARPOL Annex I) to which the U.S. is a contracting party. These requirements would add a new subsection that will reduce the possibility of an accidental oil spill/discharge during a STS oil-transfer operation.

Use of Information: This is procedural information that each ship involved in STS operations must follow in order to be in compliance with the new Chapter 8 of the 2009 Amendments to MARPOL.

Description of the Respondents: Oil tankers of 150 gross tons and above and each other U.S. ship of 400 gross tons and above; that engages on international voyages to ports or off-shore terminals under the jurisdiction of other parties to MARPOL 73/78. This ICR will apply to oil tankers and tank barges who engage in STS operations.

Number of Respondents: The total number of respondents in this COI is 1,556, of which this rule will affect a subset of 512 ships.

Frequency of Response: The frequency of response is a non-recurring burden for the initial preparation of an STS Operations Plan and the recurring annual burden for updates to the plan and familiarization (training) of responsible persons.

Burden of Response: The rule will increase the total annual burden by a non-recurring requirement of approximately 69,120 hours for preparation of the STS Operations Plan and a recurring burden of approximately 2,048 hours. The current annual burden for this collection is 2,738 hours.

3. *Information Collection Request:* OMB control number 1625–0042 (Ship-to-Ship Operations, 48-hour Advanced Notification).

Title: Requirements for Lightering of Oil and Hazardous Material Cargoes

Summary of the Information Collection Request: This rule would modify an existing collection of information, found in Title 33 CFR 156.200–330. These provisions will add a new section 156.400 which requires oil tankers and tank barges of 150 gross tons and above, that engage in transfers of oil at sea, to comply with an international agreement (MARPOL Annex I) to which the U.S. is a contracting party and in order to reduce the possibility of an accidental oil spill/discharge during a STS oil-transfer operation.

Use of Information: The purpose of this collection is to inform the local Coast Guard Captain of the Port of the time and place of an STS Operation.

Description of the Respondents: This ICR will apply to oil tankers and tank barges who engage in lightering or transfers of dangerous cargoes at sea. This ICR will add tank barges of 150 gross tons and above, that engage in STS operations.

Number of Respondents: The number of respondents affected by this rule will be 512 ships, a subset of the current 779 respondents.

Frequency of Response: The frequency of response is a recurring annual burden for notifications regarding transfers of oil.

Burden of Response: The rule will increase the total annual burden by a recurring burden of approximately 133 hours. The current annual burden for this collection is 217 hours.

E. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this final rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132. Our analysis is explained below.

The U.S. Supreme Court has long recognized the field preemptive impact of the Federal regulatory regime for inspected vessels. See, *e.g., Kelly* v. *Washington ex rel Foss Co.,* 302 U.S. 1 (1937) and the consolidated cases of *United States* v. *Locke* and *Intertanko* v. *Locke,* 529 U.S. 89, 113–116 (2000). Therefore, Coast Guard regulations issued under the authority of 33 U.S.C. 1903 and 46 U.S.C. 3306 in the areas of design, construction, alteration, operation, hulls, fittings, equipment, appliances, propulsion machinery, auxiliary machinery, piping, and material safety labeling have preemptive effect over State regulation in these fields, regardless of whether the Coast Guard has issued regulations on the subject or not, and regardless of the existence of conflict between the State and Coast Guard regulation. For this reason, we do not believe that this rule has Federalism implications.

In the NPRM, we invited affected State and local governments and their representative national organizations to indicate their desire for participation and consultation in this rulemaking process by submitting comments on the proposed rule. We also noted we would document the extent of our consultation with State and local officials that submit comments, summarize the nature of concerns raised by State or local governments and our response, and state the extent to which the concerns of State and local officials have been met. We did not receive any comments from State or local governments.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights''.

H. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, ''Civil Justice Reform'', to minimize litigation, eliminate ambiguity, and reduce burden.

I. Protection of Children

We have analyzed this rule under Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks''. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

We have analyzed this rule under Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

L. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule uses the following voluntary consensus standards:

1. Ship to Ship Transfer Guide, Petroleum;
2. Manual on Oil Pollution, Section I: Pollution; and
3. Guide to Helicopter/Ship Operations.

The sections that reference these standards and the locations where these standards are available are listed in 33 CFR 155.140, 33 CFR 156.111, and 33 CFR 157.02.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded under section 2.B.2, figure 2–1, paragraph (34)(a) of the Instruction and under section 6(a) and (b) of the ''Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy'' (67 FR 48244, July 23, 2002). This rule involves regulations which are editorial or procedural; Regulations concerning vessel operation safety standards; and congressionally mandated regulations. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under the **ADDRESSES** section of this preamble.

List of Subjects

33 CFR Part 151

Administrative practice and procedure, Oil pollution, Penalties, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 155

Alaska, Hazardous substances, Incorporation by reference, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 156

Hazardous substances, Incorporation by reference, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

33 CFR Part 157

Cargo vessels, Incorporation by reference, Oil pollution, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR parts 151, 155, 156, and 157 as follows:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE, MUNICIPAL OR COMMERCIAL WASTE, AND BALLAST WATER

■ 1. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1321, 1903, 1908; 46 U.S.C. 6101; Pub. L. 104–227 (110 Stat. 3034); E.O. 12777, 3 CFR, 1991 Comp. p. 351; Department of Homeland Security Delegation No. 170.1.

■ 2. Amend § 151.05 as follows:

■ a. Designate in alphabetical order the definitions for ''Oil-like NLS'' and ''Oil tanker'';

■ b. Revise the definition for ''Oil residue''; and

■ c. Add definitions in alphabetical order for ''Oil residue (sludge)'', ''Oil residue (sludge) tank'', ''Oily bilge water'', and ''Oily bilge water holding tank''.

The revision and additions read as follows:

§ 151.05 Definitions.

* * * * *

Oil residue means oil cargo residue.

Oil residue (sludge) means the residual waste oil products generated during the normal operation of a ship such as those resulting from the purification of fuel or lubricating oil for main or auxiliary machinery, separated waste oil from oil filtering equipment, waste oil collected in drip trays, and waste hydraulic and lubricating oils.

Oil residue (sludge) tank means a tank which holds oil residue (sludge) from which sludge may be disposed directly through the standard discharge connection or any other approved means of disposal.

* * * * *

Oily bilge water means water which may be contaminated by oil resulting from things such as leakage or maintenance work in machinery spaces. Any liquid entering the bilge system including bilge wells, bilge piping, tank top or bilge holding tanks is considered oily bilge water.

Oily bilge water holding tank means a tank collecting oily bilge water prior to its discharge, transfer or disposal.

* * * * *

■ 3. In § 151.13, revise paragraph (a) to read as follows:

§ 151.13 Special areas for Annex I of MARPOL 73/78.

(a) For the purposes of §§ 151.09 through 151.25 of this subpart, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulfs area, the Gulf of Aden, the Antarctic area, the

North West European waters, the Oman area of the Arabian Sea, and the Southern South African Waters, which are described in § 151.06 of this subpart. The discharge restrictions are effective in the Mediterranean Sea, Baltic Sea, Black Sea, and the Antarctic area.

* * * * *

■ 4. In § 151.25, revise paragraphs (d)(3) and (4), add paragraphs (d)(5) and (6), revise paragraphs (e)(9) and (10), and add paragraph (e)(11) to read as follows:

§ 151.25 Oil Record Book.

* * * * *

(d) * * *

(3) Disposal of oil residue;

(4) Discharge overboard or disposal otherwise of bilge water that has accumulated in machinery spaces;

(5) Bunkering of fuel or bulk lubricating oil; and

(6) Any failure, and the reasons for, of the oil filtering equipment.

(e) * * *

(9) Closing of valves necessary for isolation of dedicated clean ballast tanks from cargo and stripping lines after slop tank discharge operations;

(10) Disposal of oil residue; and

(11) Any failure of, and the reasons for, the oil discharge monitoring and control system.

* * * * *

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

■ 5. The authority citation for part 155 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j), 1903; 46 U.S.C. 3703; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Sections 155.100 through 155.130, 150.350 through 155.400, 155.430, 155.440, 155.470, 155.1030(j) and (k), and 155.1065(g) are also issued under 33 U.S.C. 1903(b). Section 155.490 also issued under section 4110(b) of Pub. L. 101–380. Sections 155.1110 through 155.1150 also issued under 33 U.S.C. 2735.

■ 6. In § 155.140, add paragraph (d)(6) to read as follows:

§ 155.140 Incorporation by reference.

* * * * *

(d) * * *

(6) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 3—Requirements for machinery spaces of all ships, Part A-Construction, Regulation 12A, ''Oil fuel tank protection'', incorporation by reference approved for § 155.250 (Annex I, Regulation 12A).

* * * * *

■ 7. Add § 155.250 to read as follows:

§ 155.250 Oil fuel tank protection.

Each ship with an aggregate oil fuel capacity of 600 cubic meters or more that is delivered on or after August 1, 2010, must meet the minimum standard of oil fuel tank protection required by Annex I, Regulation 12A (incorporated by reference, see § 155.140).

■ 8. In § 155.360, revise paragraph (a)(1), add paragraph (a)(3), revise paragraph (b) introductory text, and add paragraph (b)(3) to read as follows:

§ 155.360 Oily mixture (bilge slops) discharges on oceangoing ships of 400 gross tons and above but less than 10,000 gross tons, excluding ships that carry ballast water in their fuel oil tanks.

(a)(1) Except as provided in paragraph (a)(3) of this section, no person may operate an oceangoing ship of 400 gross tons and above but less than 10,000 gross tons, excluding a ship that carries ballast water in its fuel oil tanks, unless it is fitted with approved 15 parts per million (ppm) oily-water separating equipment for the processing of oily mixtures from bilges or fuel oil tank ballast.

* * * * *

(3) Any ship certified under the International Code of Safety for High-Speed Craft engaged on a scheduled service with a turn-around time not exceeding 24 hours and covering also non-passenger/cargo-carrying relocation voyages for these ships need not be provided with oil filtering equipment. These ships must be fitted with an oily bilge water holding tank having a volume adequate for the total retention onboard of the oily bilge water. All oily bilge water must be retained onboard for subsequent discharge to reception facilities.

(b) No person may operate a ship under this section unless it is fitted with an oil residue (sludge) tank or tanks of adequate capacity to receive the oil residue that cannot be dealt with otherwise.

* * * * *

(3) Ships subject to this section must—

(i) Be provided with a designated pump for disposal that is capable of taking suction from the oil residue (sludge) tank(s); and

(ii) Have no discharge connections to the bilge system, oily bilge water holding tank(s), tank top or oily water separators except that the tank(s) may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system.

* * * * *

■ 9. In § 155.370, revise paragraph (a) introductory text, add paragraph (a)(5), revise paragraph (b) introductory text, and add paragraph (b)(3) to read as follows:

§ 155.370 Oily mixture (bilge slops)/fuel oil tank ballast water discharges on oceangoing ships of 10,000 gross tons and above and oceangoing ships of 400 gross tons and above that carry ballast water in their fuel oil tanks.

(a) Except as provided in paragraph (a)(5) of this section, no person may operate an oceangoing ship of 10,000 gross tons and above, or any oceangoing ship of 400 gross tons and above, that carries ballast water in its fuel oil tanks, unless it has—

* * * * *

(5) Any ship certified under the International Code of Safety for High-Speed Craft engaged on a scheduled service with a turn-around time not exceeding 24 hours and covering also non-passenger/cargo-carrying relocation voyages for these ships need not be provided with oil filtering equipment. These ships must be fitted with an oily bilge water holding tank having a volume adequate for the total retention onboard of the oily bilge water. All oily bilge water must be retained onboard for subsequent discharge to reception facilities.

* * * * *

(b) No person may operate a ship under this section unless it is fitted with an oil residue (sludge) tank or tanks of adequate capacity to receive the oil residue that cannot be dealt with otherwise.

* * * * *

(3) Ships subject to this section must—

(i) Be provided with a designated pump for disposal that is capable of taking suction from the oil residue (sludge) tank(s); and

(ii) Have no discharge connections to the bilge system, oily bilge water holding tank(s), tank top or oily water separators except that the tank(s) may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system.

* * * * *

§ 155.1035 [Amended]

■ 10. In paragraph (j)(10), after the text ''29 CFR 1910.1200,'' add the text ''SOLAS 74 regulation VI/5–1,''.

§ 155.1040 [Amended]

■ 11. In paragraph (k)(10), after the text ''29 CFR 1910.1200,'' add the text ''SOLAS 74 regulation VI/5–1,''.

§ 155.1045 [Amended]

■ 12. In paragraph (j)(6), after the text ''29 CFR 1910.1200,'' add the text ''SOLAS 74 regulation VI/5–1,''.

§ 155.5035 [Amended]

■ 13. In paragraph (j)(10), after the text ''29 CFR 1910.1200,'' add the text ''SOLAS 74 regulation VI/5–1,''.

PART 156—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

■ 14. The authority citation for part 156 continues to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3703a, 3715, 6101; E.O. 11735, 3 CFR 1971–1975 Comp., p. 793. Section 156.120(bb) is also issued under 46 U.S.C. 3703.

■ 15. Revise § 156.111 to read as follows:

§ 156.111 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Vessel Activities (CG–CVC), 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593, telephone 202–372–1251, and is available from the sources listed below. It is also available for inspection 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/code_of_federal_regulations/ibr_locations.html.*

(b) International Chamber of Shipping, 12 Carthusian Street, London EC1M 6EB, England, telephone +44 20 7417 8844, *http://www.marisec.org/.*

(1) Guide to Helicopter/Ship Operations, Fourth Edition, 2008, incorporation by reference approved for § 156.330(c).

(2) [Reserved]

(c) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, telephone +44(0)20 7735 7611, *http://www.imo.org/.*

(1) Manual on Oil Pollution, Section I: Prevention, Second Edition, 2011, incorporation by reference approved for § 156.410(c) and (f).

(2) [Reserved]

(d) Oil Companies International Marine Forum (OCIMF), 15th Floor, 96 Victoria Street, London SW1E 5JW, England, telephone +44(0)20 7654 1200, *http://www.ocimf.com/.*

(1) Ship to Ship Transfer Guide, (Petroleum), Fourth Edition, 2005, incorporation by reference approved for § 156.330(b), § 156.410(c) and 156.410(f).

(2) [Reserved]

§ 156.200 [Amended]

■ 16. In § 156.200 after the words ''when conducting response activities'' add the words '', or to tank vessels of 150 gross tons or more engaged in the transfer of oil cargo between tank vessels at sea on or after April 1, 2012.''.

■ 17. In § 156.205 revise the definition of ''Lightering or Lightering operation'' to read as follows:

§ 156.205 Definitions.

* * * * *

Lightering or *Lightering operation* means the transfer of a cargo of oil in bulk from one oil tanker less than 150 gross tons to another oil tanker less than 150 gross tons, or a cargo of hazardous material in bulk from one vessel to another, including all phases of the operation from the beginning of the mooring operation to the departure of the service vessel from the vessel to be lightered, except when that cargo is intended only for use as fuel or lubricant aboard the receiving vessel.

* * * * *

■ 18. Revise § 156.225 to read as follows:

§ 156.225 Designation of lightering zones.

The District Commander is delegated the authority to designate lightering zones and their operating requirements, where they are necessary for safety or environmental protection. When a lightering zone has been designated, lightering and STS Operations in a given geographic area may only be conducted within the designated lightering zone.

§ 156.310 [Amended]

■ 19. In § 156.310, in the introductory text, after the words ''Lightering operations'' add the words ''and STS Operations''.

■ 20. Revise § 156.330 to read as follows:

§ 156.330 Operations.

(a) Unless otherwise specified in this subpart, or when otherwise authorized by the cognizant Captain of the Port (COTP) or District Commander, the master of a vessel lightering or conducting STS Operations in a zone designated in this subpart must ensure that all officers and appropriate members of the crew are familiar with the guidelines in paragraphs (b) and (c) of this section and that the requirements of paragraphs (d) through (l) of this section are complied with.

(b) Lightering and STS operations must be conducted in accordance with the Oil Ship to Ship Transfer Guide, (Petroleum) (incorporated by reference, see § 156.111) to the maximum extent practicable.

(c) Helicopter operations must be conducted in accordance with the Guide to Helicopter/Ship Operations (incorporated by reference, see § 156.111) to the maximum extent practicable.

(d) The vessel to be lightered, or the discharging vessel engaged in an STS Operation, must make a voice warning prior to the commencement of lightering activities or STS Operations via channel 13 CHF and 2182 Khz. The voice warning shall include—

(1) The names of the vessels involved;

(2) The vessels' geographical positions and general headings;

(3) A description of the operations;

(4) The expected time of commencement and duration of the operation; and

(5) Request for wide berth.

(e) In the event of a communications failure between the lightering vessels, or vessels engaged in STS Operations, or the respective persons-in-charge of the transfer, or an equipment failure affecting the vessel's cargo handling capability or ship's maneuverability, the affected vessel must suspend lightering activities, or STS Operations, and must sound at least five short, rapid blasts on the vessel's whistle. Lightering activities, or STS Operations, must remain suspended until corrective action has been completed.

(f) No vessel involved in a lightering operation, or STS Operation, may open its cargo system until the servicing vessel is securely moored alongside the vessel to be lightered (or the vessel transferring oil in an STS Operation).

(g) If any vessel not involved in the lightering operation, STS Operation, or support activities approaches within 100 meters of vessels engaged in lightering or STS Operation, the vessel engaged in lightering or STS Operation shall warn the approaching vessel by

sounding a loud hailer, ship's whistle, or any other appropriate means.

(h) Only a lightering tender, a supply boat, or a crew boat, equipped with a spark arrestor on its exhaust, or a tank vessel providing bunkers, may moor alongside a vessel engaged in lightering operations or STS Operations.

(i) Lightering operations and STS Operations must not be conducted within 1 nautical mile of offshore structures or mobile offshore drilling units.

(j) No vessel engaged in lightering activities or STS Operations may anchor over charted pipelines, artificial reefs, or historical resources.

(k) All vessels engaged in lightering activities or STS Operations must be able to immediately maneuver at all times while inside a designated lightering zone. The main propulsion system must not be disabled at any time.

(l) In preparing to moor alongside the vessel to be lightered or vessel transferring oil in an STS Operation, a service vessel shall not approach the vessel closer than 1000 meters unless the service vessel is positioned broad on the quarter of the vessel transferring oil. The service vessel must transition to a nearly parallel heading prior to closing to within 50 meters of the vessel transferring oil.

■ 21. Add subpart D, consisting of §§ 156.400 through 156.420, to read as follows:

Subpart D—Prevention of Pollution During Transfer of Oil Cargo Between Oil Tankers at Sea

Sec.

156.400 Applicability.
156.405 Definitions.
156.410 General.
156.415 Notification.
156.420 Reporting of incidents.

§ 156.400 Applicability.

(a) This subpart applies to oil tankers engaged in the ship-to-ship transfer of oil cargo between oil tankers (STS Operations), and to their STS Operations conducted on or after April 1, 2012, when at least one of the oil tankers is of 150 gross tonnage and above. These rules are in addition to the rules of subpart A of this part, as well as the rules in the applicable sections of parts 151, 153, 155, 156, and 157 of this chapter.

(b) This subpart does not apply to STS Operations—

(1) If the oil cargo is intended only for use as a fuel or lubricant aboard the receiving vessel (bunker operations);

(2) When at least one of the ships involved in the oil transfer operation is a warship or a naval auxiliary or other ship owned or operated by a nation and used, at the time of the transfer, in government noncommercial service only; or

(3) When the STS Operations are necessary for the purpose of securing the safety of a ship or saving life at sea, or for combating specific pollution incidents in order to minimize the damage from pollution; except that such vessels are subject to the requirements of §§ 156.415(g) and 156.420.

§ 156.405 Definitions.

In addition to the definitions specifically stated in this section, the definitions in § 154.105 of this chapter apply to this subpart except definitions for Tank Barge, Tank Ship and Tank Vessel. Definitions specific to this part—

Authorized Classification Society means a recognized classification society that has been delegated the authority to conduct certain functions and certifications on behalf of the Coast Guard.

Flag State means the authority under which a country exercises regulatory control over the commercial vessel which is registered under its flag. This involves the inspection, certification, and issuance of safety and pollution prevention documents.

Marine environment means—

(1) The navigable waters of the United States;

(2) The waters of an area over which the United States asserts exclusive fishery management authority; and

(3) The waters superjacent to the Outer Continental Shelf of the United States.

Oil tanker means a vessel that is constructed or adapted primarily to carry crude oil or products in bulk as cargo. This includes a tank barge, a tankship, and a combination carrier, as well as a vessel that is constructed or adapted primarily to carry noxious liquid substances in bulk as cargo and which also carries crude oil or products in bulk as cargo.

STS Operations means the transfer of oil cargo carried in bulk from one oil tanker to another at sea, when at least one of the oil tankers is of 150 gross tonnage and above.

§ 156.410 General.

(a) Oil tankers subject to this subpart, and each U.S. oil tanker, wherever located, subject to this subpart, must carry onboard an STS Operations Plan that prescribes how that vessel will conduct STS Operations.

(b) Any oil tanker subject to this subpart must carry onboard an STS Operations Plan, prescribing how to conduct STS Operations, no later than the date of the first annual, intermediate, or renewal survey of the oil tanker, which must be carried out on or after the effective date of this final rule.

(c) The STS Operations Plan must be—

(1) Written in the working language of the oil tanker's crew;

(2) Developed using the information contained in the best practice guidelines for STS Operations identified in the Manual on Oil Pollution and in the Ship to Ship Transfer Guide (Petroleum) (both documents are incorporated by reference, see § 156.111); and

(3) Approved by the vessel's Flag State for oil tankers operated under the authority of a country other than the United States. For U.S. oil tankers, the STS Operations Plan must be approved by the Commandant (CG–CVC–1) or an Authorized Classification Society.

(d) When chapter IX of the International Convention for the Safety of Life at Sea, 1974, as amended is applicable to the vessel, the STS Operations Plan may be incorporated into an existing required Safety Management System.

(e) Any oil tanker subject to this subpart must comply with the vessel's approved STS Operations Plan while engaging in STS Operations.

(f) The person in overall advisory control of STS Operations must be qualified to perform all relevant duties, taking into account the qualifications found in the best practice guidelines for STS Operations identified in the Manual on Oil Pollution and in the Ship to Ship Transfer Guide (Petroleum) (both documents are incorporated by reference, see § 156.111).

(g) In addition to any records required by the vessel's approved STS Operations Plan, each STS operation must be recorded in the oil tanker's Oil Record Book, required by § 151.25 of this chapter.

(h) All records of STS Operations shall be retained onboard for 3 years and be readily available for inspection.

(i) No oil tanker may transfer oil in a port or place subject to the jurisdiction of the United States, if the oil cargo has been transferred by an STS Operation in the marine environment beyond the baseline, unless:

(1) Both oil tankers engaged in the STS Operation have, onboard, at the time of transfer all certificates required by this chapter for transfer of oil cargos, including a valid Certificate of Inspection or Certificate of Compliance, as applicable to any transfer of oil taking place in a port or place subject to the jurisdiction of the United States;

(2) Both oil tankers engaged in the STS operation have onboard at the time of transfer, evidence that each vessel is operating in compliance with the National Response System as described in section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)). Additionally, the vessels must comply with the Declaration of Inspection requirements delineated in § 156.150 and a vessel response plan if required under part 155 of this chapter; and

(3) Both oil tankers engaged in STS Operations have onboard, at the time of transfer, an International Oil Pollution Prevention (IOPP) Certificate or equivalent documentation of compliance with Annex I, as would be required by part 151 of this chapter for vessels in navigable waters of the United States. The IOPP Certificate or documentation of compliance shall be that prescribed by §§ 151.19 and 151.21 of this chapter, and shall be effective under the same timetable as specified in § 151.19.

(j) In an emergency, the Captain of the Port (COTP), upon request, may authorize a deviation from any requirement in this part if the COTP determines that its application will endanger persons, property, or the environment.

§ 156.415 Notification.

(a) Except as provided for in paragraphs (f) and (g) of this section, the master, owner or agent of each oil tanker subject to this subpart planning to conduct STS Operations in the territorial sea or exclusive economic zone of the United States must give at least 48 hours advance notice to the COTP nearest the geographic position chosen to conduct these operations. This advance notice must include:

(1) The oil tanker's name, call sign or official number, and registry;

(2) The cargo type and approximate amount onboard;

(3) The number of transfers expected, the amount of cargo expected to be transferred during each transfer, and whether such transfer will be conducted at anchor or underway;

(4) The date, estimated time of arrival, and geographical location at the commencement of the planned STS Operations;

(5) The estimated duration of STS Operations;

(6) The name and destination of receiving oil tanker(s);

(7) Identification of STS Operations service provider or person in overall advisory control and contact information; and

(8) Confirmation that the oil tanker has onboard an approved STS Operations Plan.

(b) If the estimated arrival time of an oil tanker to the reported geographic location for the commencement of STS operation changes by more than 6 hours, the master, owner, or agent of that oil tanker must provide a revised estimated time of arrival to the COTP.

(c) Where STS Operations are conducted as a result of collision, grounding, tank rupture or any similar emergency, the master, owner, or agent of a vessel must give immediate notice to the Coast Guard office.

(d) In addition to the other requirements in this section, the master, owner, or agent of a vessel that requires a Certificate of Compliance (COC) or other special Coast Guard inspection in order to conduct STS Operations must request the COC or other inspection from the cognizant Officer in Charge, Marine Inspection (OCMI) at least 72 hours prior to commencement of STS Operations.

(e) The STS Operation advanced notice is in addition to the Notification of Arrival requirements in 33 CFR part 160.

(f) If all of the information specified in paragraph (a) is not available 48 hours in advance of a planned STS Operation, the oil tanker discharging the oil cargo must notify the COTP at least 48 hours in advance that an STS Operation will occur. In such a circumstances, the information specified in paragraph (a) must be provided to the COTP at the earliest opportunity.

(g) If STS operations are conducted under exigent circumstances to secure the safety of a ship, to save life at sea, or combat specific incidents in order to minimize the damage from pollution within the territorial sea or exclusive economic zone of the United States, the master, owner, or agent of each oil tanker subject this subpart shall provide notice with adequate explanation, as soon as practicable, to the COTP nearest the geographic position where the exigent STS operation took place.

§ 156.420 Reporting of incidents.

(a) Any vessel affected by fire, explosion, collision, grounding, or any similar emergency that poses a threat to the vessel(s) engaged in STS Operations must report the incident to the nearest Coast Guard office.

(b) The POAC of an STS operation must report, in accordance with the procedures specified in § 151.15 of this chapter, any incident of discharge of oil into the water.

(c) Immediately after the addressing of resultant safety concerns, all marine casualties must be reported to the nearest COTP, Sector Office, Marine Inspection Office, or OCMI in accordance with 46 CFR part 4.

PART 157—RULES FOR THE PROTECTION OF THE MARINE ENVIRONMENT RELATING TO TANK VESSELS CARRYING OIL IN BULK

■ 22. The authority citation for part 157 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703, 3703a (note); Department of Homeland Security Delegation No. 0170.1. Subparts G, H, and I are also issued under section 4115(b), Pub. L. 101–380, 104 Stat. 520; Pub. L. 104–55, 109 Stat. 546.

■ 23. In § 157.02, add paragraphs (b)(9) and (10) to read as follows:

§ 157.02 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

* * * * *

(b) * * *

(9) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 22, ''Pump-room bottom protection,'' (Annex I, Regulation 22) incorporation by reference approved for § 157.14.

(10) MARPOL Consolidated Edition 2011, Annex I, Regulations for the prevention of pollution by oil, Chapter 4—Requirements for the cargo area of oil tankers, Part A—Construction, Regulation 23, ''Accidental oil outflow performance,'' (Annex I, Regulation 23) incorporation by reference approved for § 157.20.

* * * * *

■ 24. In § 157.08, add paragraph (o) to read as follows:

§ 157.08 Applicability of subpart B.

* * * * *

(o) Section 157.11(h) applies to every oil tanker delivered on or after January 1, 2010, meaning an oil tanker—

(1) For which the building contract is placed on or after January 1, 2007;

(2) In the absence of a building contract, the keel of which is laid or which is at a similar stage of construction on or after July 1, 2007;

(3) The delivery of which is on or after January 1, 2010; or

(4) That has undergone a major conversion—

(i) For which the contract is placed on or after January 1, 2007;

(ii) In the absence of a contract, the construction work of which is begun on or after July 1, 2007; or

(iii) That is completed on or after January 1, 2010.

■ 25. In § 157.11, add paragraph (h) to read as follows:

§ 157.11 Pumping, piping and discharge arrangements.

* * * * *

(h) Every oil tanker of 150 gross tons or more delivered on or after January 1, 2010, as defined in § 157.08(o), that has installed a sea chest that is permanently connected to the cargo pipeline system, must be equipped with both a sea chest valve and an inboard isolation valve. The sea chest must be able to be isolated from the cargo piping system by use of a positive means while the tanker is loading, transporting, or discharging cargo. This positive means must be is installed in the pipeline in such a way as to prevent, under all circumstances, the section of pipe between the sea chest valve and the inboard valve from being filled with cargo.

■ 26. Add § 157.14 to read as follows:

§ 157.14 Pump-room bottom protection.

Each oil tanker of 5,000 tons deadweight or more constructed on or after January 1, 2007, must meet the minimum standard of pump room bottom protection required by Annex I, Regulation 22 (incorporated by reference, see § 157.02).

■ 27. Amend § 157.19 as follows:

■ a. Revise paragraph (a) introductory;

■ b. Redesignate paragraphs (b) through (e) as paragraphs (c) through (f), respectively; and

■ c. Add new paragraph (b).

The revision and addition read as follows:

§ 157.19 Cargo tank arrangement and size.

(a) With the exception of those vessels listed in paragraph (b) of this section, this section applies to:

* * * * *

(b) This section does not apply to U.S. or foreign oil tankers delivered on or after January 1, 2010.

* * * * *

■ 28. Add § 157.20 to read as follows:

§ 157.20 Accidental oil outflow performance.

Each oil tanker which is delivered on or after January 1, 2010 must meet the minimum standard of accidental oil outflow performance required by Annex I, Regulation 23 (incorporated by reference, see § 157.02).

Dated: January 16, 2015.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2015–01925 Filed 2–3–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0037; FRL–9921–80–OAR]

RIN 2060–AS45

National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources Wastewater Limit Withdrawal

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to amend the National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources. This direct final rule withdraws the total non-vinyl chloride organic hazardous air pollutant (TOHAP) process wastewater emission standards for new and existing polyvinyl chloride and copolymers (PVC) area sources.

DATES: This rule is effective on March 30, 2015 without further notice, unless the EPA receives adverse comment by March 13, 2015. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the amendments in the final rule will not take effect.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID Number EPA–HQ–OAR–2002–0037, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov:* Follow the on-line instructions for submitting comments.

• *Email: a-and-r-docket@epa.gov.* Attention Docket ID Number EPA–HQ–OAR–2002–0037.

• *Fax:* (202) 566–9744. Attention Docket ID Number EPA–HQ–OAR–2002–0037.

• *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Mail Code: 28221T, Attention Docket ID Number EPA–HQ–OAR–2002–0037, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

• *Hand Delivery:* U.S. Environmental Protection Agency, EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Ave. NW., Washington, DC 20004. Attention Docket ID Number EPA–HQ–OAR–2002–0037. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions. Direct your comments to Docket ID Number EPA–HQ–OAR–2002–0037. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at: *http://www.epa.gov/dockets.*

We request that you also send a separate copy of each comment to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, EPA/DC, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744,

and the telephone number for the EPA Docket Center is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Ms. Jodi Howard, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–4607; fax number: (919) 541–0246; and email address: *howard.jodi@epa.gov.*

SUPPLEMENTARY INFORMATION:

Organization of This Document. The information in this preamble is organized as follows:

I. Why is the EPA issuing a direct final rule?
II. Does this direct final rule apply to me?
III. What should I consider as I prepare my comments for the EPA?
IV. What are the amendments made by this direct final rule?
V. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act (PRA)
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
G. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act (CRA)

I. Why is the EPA issuing a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, we are publishing a separate document that will serve as the proposed rule to the National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources Wastewater Limit Withdrawal, if adverse comments are received on this direct final rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If the EPA receives adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that some or all of this direct final rule will not take effect. We would address all public comments in any subsequent final rule based on the proposed rule.

II. Does this direct final rule apply to me?

Categories and entities potentially regulated by this direct final rule include:

Category	NAICS code [1]	Examples of regulated entities
Polyvinyl chloride resins manufacturing.	325211	Facilities that polymerize vinyl chloride monomer to produce polyvinyl chloride and/or copolymers products.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this direct final rule. To determine whether your facility would be regulated by this direct final rule, you should examine the applicability criteria in 40 CFR 63.11140. If you have any questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA regional representative as listed in 40 CFR 63.13.

III. What should I consider as I prepare my comments for the EPA?

Submitting CBI. Do not submit information containing CBI to the EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI for inclusion in the public docket. If you submit a CD–ROM or disk that does not contain CBI, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, and Attention Docket ID Number EPA–HQ–OAR–2002–0037.

IV. What are the amendments made by this direct final rule?

This direct final rule withdraws the PVC area source process wastewater emission standards for TOHAP for new and existing sources in Tables 1 and 2 of 40 CFR part 63, subpart DDDDDD. This rule makes no other changes to Tables 1 and 2, or any other aspect of the PVC rule. 77 FR 22848 (April 17, 2012). The existing rule limits area source process wastewater TOHAP emissions for new and existing sources to 0.018 parts per million by weight for all resin types.

Subsequent to the April 14, 2012, promulgation of the national emission standards for hazardous air pollutants (NESHAP) for PVC Area Sources, PVC industry stakeholders informed the EPA that data from a groundwater remediation stripper that is not part of the PVC Production source category had mistakenly been submitted to the EPA as PVC process wastewater data in response to the EPA's 2009 Clean Air Act (CAA) section 114 survey. Those wastewater data were used to set the new and existing area source TOHAP process wastewater emission standards. The PVC industry stakeholders requested that the PVC area source process wastewater TOHAP emission standards be withdrawn from the PVC Area Source NESHAP since they are not based on data from the PVC Production source category.

The EPA agrees and is taking action to withdraw the area source process wastewater TOHAP emission standards. Since promulgation of the April 2012 PVC Area Source NESHAP, the EPA also has requested process wastewater data in CAA section 114 surveys from companies with PVC area sources and is presently developing a proposed rule in its reconsideration of certain PVC area source NESHAP, including the process wastewater TOHAP emission standards.

Comments on this direct final rule are limited to issues directly associated with the withdrawal of the PVC Area Source NESHAP process wastewater emission standards for TOHAP in Tables 1 and 2 of 40 CFR part 63, subpart DDDDDD. Any other issues

raised in comments are outside the scope of this rulemaking.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive* orders.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulation (40 CFR part 63, subpart DDDDDD) and has assigned OMB control number 2060–0684. This action does not change the information collection requirements. The OMB control numbers for the EPA's regulations are listed in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. To the EPA's knowledge, there are no small entities subject to the final rule.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects 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.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175. The final amendments impose no requirements on tribal governments. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. The EPA is developing proposed area source process wastewater standards in a reconsideration proceeding.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This action does not involve any new technical standards.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. An evaluation was not needed for this action.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: January 23, 2015.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

Subpart DDDDDD—National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymer Production Area Sources

■ 2. Table 1 to Subpart DDDDDD of Part 63 is revised to read as follows:

TABLE 1 TO SUBPART DDDDDD OF PART 63—EMISSION LIMITS AND STANDARDS FOR EXISTING AFFECTED SOURCES

For this type of emission point . . .	And for this air pollutant . . .	And for an affected source producing this type of PVC resin . . .	You must meet this emission limit . . .
PVC-only process vents [a]	Vinyl chloride	All resin types	5.3 parts per million by volume (ppmv).
	Total hydrocarbons	All resin types	46 ppmv measured as propane.
	Total organic HAP [b]	All resin types	140 ppmv.
	Dioxins/furans (toxic equivalency basis).	All resin types	0.13 nanograms per dry standard cubic meter (ng/dscm).
PVC-combined process vents [a]	Vinyl chloride	All resin types	0.56 ppmv.
	Total hydrocarbons	All resin types	2.3 ppmv measured as propane.
	Total organic HAP [b]	All resin types	29 ppmv.
	Dioxins/furans (toxic equivalency basis).	All resin types	0.076 ng/dscm.

TABLE 1 TO SUBPART DDDDDD OF PART 63—EMISSION LIMITS AND STANDARDS FOR EXISTING AFFECTED SOURCES—Continued

For this type of emission point . . .	And for this air pollutant . . .	And for an affected source producing this type of PVC resin . . .	You must meet this emission limit . . .
Stripped resin	Vinyl chloride	Bulk resin	7.1 parts per million by weight (ppmw).
		Dispersion resin	1,500 ppmw.
		Suspension resin	36 ppmw.
		Suspension blending resin	140 ppmw.
		Copolymer resin	790 ppmw.
	Total non-vinyl chloride organic HAP.	Bulk resin	170 ppmw.
		Dispersion resin	320 ppmw.
		Suspension resin	36 ppmw.
		Suspension blending resin	500 ppmw.
		Copolymer resin	1,900 ppmw.
Process Wastewater	Vinyl chloride	All resin types	2.1 ppmw.

[a] Emission limits at 3-percent oxygen, dry basis.
[b] Affected sources have the option to comply with either the total hydrocarbon limit or the total organic HAP limit.

■ 3. Table 2 to Subpart DDDDDD of Part 63 is revised to read as follows:

TABLE 2—TO SUBPART DDDDDD OF PART 63—EMISSION LIMITS AND STANDARDS FOR NEW AFFECTED SOURCES

For this type of emission point . . .	And for this air pollutant . . .	And for an affected source producing this type of PVC resin . . .	You must meet this emission limit . . .
PVC-only process vents [a]	Vinyl chloride	All resin types	5.3 parts per million by volume (ppmv).
	Total hydrocarbons	All resin types	46 ppmv measured as propane.
	Total organic HAP [b]	All resin types	140 ppmv.
	Dioxins/furans (toxic equivalency basis).	All resin types	0.13 nanograms per dry standard cubic meter (ng/dscm).
PVC-combined process vents [a]	Vinyl chloride	All resin types	0.56 ppmv.
	Total hydrocarbons	All resin types	2.3 ppmv measured as propane.
	Total organic HAP [b]	All resin types	29 ppmv.
	Dioxins/furans (toxic equivalency basis).	All resin types	0.076 ng/dscm.
Stripped resin	Vinyl chloride	Bulk resin	7.1 parts per million by weight (ppmw).
		Dispersion resin	1,500 ppmw.
		Suspension resin	36 ppmw.
		Suspension blending resin	140 ppmw.
		Copolymer resin	790 ppmw.
	Total non-vinyl chloride organic HAP.	Bulk resin	170 ppmw.
		Dispersion resin	320 ppmw.
		Suspension resin	36 ppmw.
		Suspension blending resin	500 ppmw.
		Copolymer resin	1,900 ppmw.
Process Wastewater	Vinyl chloride	All resin types	2.1 ppmw.

[a] Emission limits at 3 percent oxygen, dry basis.
[b] Affected sources have the option to comply with either the total hydrocarbon limit or the total organic HAP limit.

[FR Doc. 2015–01922 Filed 2–3–15; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0151; FRL–9920–98]

Difenoconazole; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of difenoconazole in or on rapeseed subgroup 20A, and dragon fruit. Syngenta Crop Protection requested the rapeseed subgroup 20A tolerance, and Dragonberry/YW International Produce requested the dragonfruit tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 4, 2015. Objections and requests for hearings must be received on or before April 6, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0151, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency

Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0151 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 6, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0151, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL–9386–2), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2F8134) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300. The petition requested that 40 CFR 180.475 be amended by establishing a tolerance for residues of the fungicide difenoconazole, [1-[2-[2-chloro-4(4-chlorophenoxy) phenyl]-4 methyl-1,3-dioxolan-2-ylmethyl]1H-1,2,4-triazole, in or on rapeseed subgroup 20A at 0.1 parts per million (ppm). That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which was inadvertently missing from the docket in *http://www.regulations.gov.* Because the summary of the petition was missing from the docket, the announcement was republished in the **Federal Register** of December 17, 2014 (79 FR 75107) (FRL–9918–90), with a new comment period. There were no comments received in response to the original notice of filing, but one comment was received on the republished notice of filing. EPA's response to this comment is discussed in Unit IV.C.

In the **Federal Register** of December 17, 2014 (79 FR 75107) (FRL–9918–90), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (4E8296) by Dragonberry/YW International Produce, Inc., 386 S. Sequoia Parkway, Canby, Oregon 97013. The petition requested that 40 CFR 180.475 be amended by establishing tolerances for residues of the fungicide difenoconazole, [1-[2-[2-chloro-4(4-chlorophenoxy) phenyl]-4 methyl-1,3-dioxolan-2-ylmethyl]1H-1,2,4-triazole, in or on dragon fruit at 1.5 ppm. That document referenced a summary of the petition prepared by Dragonberry/YW International Produce, Inc, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has changed the requested rapeseed subgroup 20A tolerance from 0.1 ppm to 0.10 ppm, and is also removing the current tolerance for canola, seed. The reason for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from

aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for difenoconazole including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with difenoconazole follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Difenoconazole possesses low acute toxicity by the oral, dermal and inhalation routes of exposure. It is not an eye or skin irritant and is not a sensitizer. Subchronic and chronic studies with difenoconazole in mice and rats showed decreased body weights, decreased body weight gains and effects on the liver. In an acute neurotoxicity study in rats, reduced fore-limb grip strength was observed on day 1 in males and clinical signs of neurotoxicity were observed in females at the limit dose of 2,000 milligrams/kilograms (mg/kg). In a subchronic neurotoxicity study in rats, decreased hind limb strength was observed in males only at the mid and high doses. However, the effects observed in acute and subchronic neurotoxicity studies are transient, and the dose-response is well characterized with identified no-observed-adverse-effects-levels (NOAELs). No systemic toxicity was observed at the limit dose in the most recently submitted 28-day rat dermal toxicity study.

There is no concern for increased qualitative and/or quantitative susceptibility after exposure to difenoconazole in developmental toxicity studies in rats and rabbits, and a reproduction study in rats as fetal/offspring effects occurred in the presence of maternal toxicity. Although there is some evidence that difenoconazole affects antibody levels at doses that cause systemic toxicity, there are no indications in the available studies that organs associated with immune function, such as the thymus and spleen, are affected by difenoconazole.

EPA is using the non-linear (Reference Dose) approach to assess cancer risk. Difenoconazole is not mutagenic, and no evidence of carcinogenicity was seen in rats. Evidence for carcinogenicity was seen in mice (liver tumors), but statistically significant carcinomas tumors were only induced at excessively high doses. Adenomas (benign tumors) and liver necrosis only were seen at 300 ppm (46 and 58 milligrams/kilograms/day (mg/kg/day) in males and females, respectively). Based on excessive toxicity observed at the two highest doses in the study, the presence of only benign tumors and necrosis at mid-dose, the absence of tumors at the study's lower dose, and the absence of genotoxic effects, EPA has concluded that the chronic point of departure (POD) from the chronic mouse study will be protective of any cancer effects. The POD from this study is the NOAEL of 30 ppm (4.7 and 5.6 mg/kg/day in males and females, respectively) which was chosen based upon only those biological endpoints which were relevant to tumor development (*i.e.,* hepatocellular hypertrophy, liver necrosis, fatty changes in the liver and bile stasis).

Specific information on the studies received and the nature of the adverse effects caused by difenoconazole as well as the NOAEL and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are found in the document, ''Difenoconazole: Human Health Risk Assessment for New Foliar Use and Tolerance in/on Rapeseed subgroup 20A and New Foliar Use on Imported Dragonfruit'' in docket ID number EPA–HQ–OPP–2013–0151.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological POD and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for difenoconazole used for human risk assessment is discussed in Unit III of the final rule published in the **Federal Register** of June 15, 2011 (76 FR 34877) (FRL–8876–4).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to difenoconazole, EPA considered exposure under the petitioned-for tolerances as well as all existing difenoconazole tolerances in 40 CFR 180.475. EPA assessed dietary exposures from difenoconazole in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for difenoconazole. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII). As to residue levels in food, EPA used tolerance-level residues and 100 percent crop treated (PCT).

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 1994–1996 and 1998 CSFII. As to residue levels in food EPA used tolerance-level residues for some commodities, average field trial residues for the majority of commodities, and the available empirical or Dietary Exposure Evaluation Model (DEEM) (ver. 7.81) default processing factors, and 100 PCT.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to difenoconazole. Therefore, a separate quantitative cancer exposure assessment is unnecessary since the chronic dietary risk estimate will be protective of potential cancer risk.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT

information in the dietary assessment for difenoconazole. EPA used average field trial residues for some commodities, tolerance level residues for the other commodities, and 100 PCT.

Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for difenoconazole in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of difenoconazole. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) for registered and proposed new uses as well as Pesticide Root Zone Model for Groundwater (PRZM–GW) and Screening Concentration In Ground Water (SCI–GROW) models the maximum estimated drinking water concentrations (EDWCs) of difenoconazole for acute exposures are estimated to be 20.0 parts per billion (ppb) for surface water and 2.24 ppb for ground water. Chronic exposures for non-cancer assessments are estimated to be 13.6 ppb for surface water and 0.82 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 20.0 ppb was used to assess the contribution to drinking water. For chronic dietary risk assess the water concentration value 13.6 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Difenoconazole is currently registered for the following uses that could result in residential exposures: Ornamentals and golf course turf. EPA assessed residential exposure using the following assumptions: Adults may be exposed to difenoconazole from its currently registered use on ornamentals. Residential pesticide handlers may be exposed to short-term duration (1–30 days) only. The dermal and inhalation (short-term) residential exposure was assessed for homeowner's mixer/loader/applicator wearing short pants and short-sleeved shirts as well as shoes plus socks using garden hose-end sprayer, pump-up compressed air sprayer, and backpack sprayer.

Residential post-application exposure may occur from use of difenoconazole on golf course turf. Short-term dermal exposure was assessed for post-application exposure to golf course turf. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Difenoconazole is a member of the triazole-containing class of pesticides. Although conazoles act similarly in plants (fungi) by inhibiting ergosterol biosynthesis, there is not necessarily a relationship between their pesticidal activity and their mechanism of toxicity in mammals. Structural similarities do not constitute a common mechanism of toxicity. Evidence is needed to establish that the chemicals operate by the same, or essentially the same sequence of major biochemical events (EPA 2002).

In conazoles, however, a variable pattern of toxicological responses is found. Some events are hepatotoxic and hepatocarcinogenic in mice. Some induce thyroid tumors in rats. Some induce developmental, reproductive, and neurological effects in rodents. Furthermore, the conazoles produce a diverse range of biochemical events including altered cholesterol levels, stress responses, and altered DNA methylation. It is not clearly understood whether these biochemical events are directly connected to their toxicological outcomes. Thus, there is currently no evidence to indicate that conazoles share common mechanisms of toxicity and EPA is not following a cumulative risk approach based on a common mechanism of toxicity for the conazoles. For information regarding EPA's procedure s for cumulating effects from substances found to have a common mechanism of toxicity, see EPA's Web sites at: *http://www.epa.gov/pesticides/cumulative* and *http://www.epa.gov/fedrgstr/EPA_PEST/2002/January/Day16/.*

Difenoconazole is a triazole-derived pesticide. This class of compounds can form the common metabolite 1,2,4-triazole and two triazole conjugates (triazolylalanine and triazolylacetic acid). To support existing tolerances and to establish new tolerances for triazole-derivative pesticide, including difenoconazole, EPA conducted a human health risk assessment for exposure to 1,2,4-triazole, triazolylanine, and triazolylacetic acid resulting from the use of all current and pending uses of any triazole-derived fungicide. The risk assessment is a highly conservative, screening-level evaluation in terms of hazards associated with common metabolites (*e.g.,* use of maximum combination of uncertainty factors) and potential dietary and non-dietary exposures (*i.e.,* high end estimates of both dietary and non-dietary exposures). In addition, the Agency retained the additional 10X Food Quality Protection Act (FQPA) safety factor (SF) for the protection of infants and children. The assessment includes evaluations of risks for various subgroups, including those comprised of infants and children. The Agency's most recent update for the triazoles is found in the docket for this rapeseed action at *http://www.regulations.gov,* Docket ID Number EPA–HQ–OPP–2013–0151.

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA SF. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The available Agency guideline studies indicated no increased qualitative or quantitative susceptibility of rats or rabbits to *in utero* and/or postnatal exposure to difenoconazole. In the prenatal developmental toxicity studies in rats and rabbits and the 2-generation reproduction study in rats, toxicity to the fetuses/offspring, when observed, occurred at equivalent or higher doses than in the maternal/parental animals.

In the rat developmental toxicity study, developmental effects were observed at doses higher than those which caused maternal toxicity. In the rabbit study, developmental effects (increases in post-implantation loss and resorptions and decreased in fetal body weight) were also seen at maternally toxic doses (decreased body weight gain and food consumption). In the 2-generation reproduction study in rats, toxicity to the fetuses/offspring, when observed, occurred at equivalent or higher doses than in the maternal/parental animals.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for difenoconazole is complete.

ii. There are no clear signs of neurotoxicity following acute, subchronic or chronic dosing in multiple species in the difenoconazole database. The effects observed in acute and subchronic neurotoxicity studies are transient, and the dose-response is well characterized with identified NOAELs. Based on the toxicity profile, and lack of concern for neurotoxicity, there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that difenoconazole results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to difenoconazole in drinking water. EPA used similarly conservative assumptions to assess postapplication exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by difenoconazole.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to difenoconazole will occupy 29% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to difenoconazole from food and water will utilize 78% of the cPAD for children 1–2 years old the population group receiving the greatest exposure.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Difenoconazole is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to difenoconazole.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 160. Because EPA's level of concern (LOC) for difenoconazole is 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Because no intermediate-term adverse effect was identified, difenoconazole is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* As discussed in Unit III.A, the chronic dietary risk assessment is protective of any potential cancer effects. Based on the results of that assessment, EPA concludes that difenoconazole is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to difenoconazole residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement method, Gas chromatography/Nitrogen-Phosphorus Detector (GC/NPD) method AG–575B, is available for the determination of residues of difenoconazole *per se* in/on plant commodities. An adequate enforcement method, Liquid chromatography/Mass Spectrometry/Mass Spectrometry (LC/MS/MS) method REM 147.07b, is available for the determination of residues of difenoconazole and CGA–205375 in livestock commodities. Adequate confirmatory methods are also available.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

A Codex MRL is established for residues of difenoconazole in or/on rapeseed at 0.05 mg/kg based on data reflecting foliar use of difenoconazole, but with a significantly longer pre-harvest intervals than currently proposed in the U.S. The Codex MRL

would not be adequate to cover residues expected from the proposed use in the U.S., therefore, harmonization with Codex is not possible at this time.

There is no Codex MRLs for difenoconazole in/on dragonfruit.

C. Response to Comments

EPA received one comment to the republished Notice of Filing for the petition requesting that EPA establish a rapeseed subgroup 20A tolerance that stated, in part, that no residue should be allowed for difenoconazole. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by section 408 of the FFDCA states that tolerances may be set when the Agency determines that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework.

D. Revisions to Petitioned-For Tolerances

EPA has changed the requested rapeseed subgroup 20A tolerance from 0.1 to 0.10 ppm to be consistent with the tolerance setting procedures which involve using two significant numbers after the decimal point. EPA is also removing the current tolerance for canola, seed at 0.01 ppm because canola is included in the Rapeseed subgroup 20A crops and the tolerance being established for this group at 0.10 ppm will supersede the lower tolerance for canola seed treatment.

V. Conclusion

Therefore, tolerances are established for residues of difenoconazole, [1-[2-[2-chloro-4-(4-chloro-phenoxy)-phenyl]-4methyll-[1,3]dioxolan-2-ylmethyl]-1H-[1,2,4]triazole, in or on rapeseed subgroup 20A at 0.10 ppm, and dragonfruit which is imported, at 1.5 ppm. Also, the current tolerance for canola, seed is being removed.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 28, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In Section 180.475:

■ a. Remove the entry for ''Canola, seed''.

■ b. Add alphabetically the following commodities to the table to paragraph (a)(1).

§ 180.475 Difenoconazole; Tolerance for residues.

(a) *General.* * * *

Commodity	Parts per million
* * * * *	
Dragonfruit [1]	1.5
* * * * *	
Rapeseed subgroup 20A	0.10
* * * * *	

[1] There are no U.S. registrations.

* * * * *

[FR Doc. 2015–02170 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0482; FRL–9922–06]

Flutriafol; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes, amends, and removes tolerances for residues of flutriafol in or on multiple commodities which are identified and discussed later in this document. Cheminova A/S c/o Cheminova, Inc. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 4, 2015. Objections and requests for hearings must be received on or before April 6, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0482, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0482 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 6, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0482, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of December 17, 2014 (79 FR 75107) (FRL–9918–90), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8199) by Cheminova A/S, c/o Cheminova Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209–2510. The petition requested that 40 CFR 180.629 be amended by establishing tolerances for residues of the fungicide flutriafol, in or on *Brassica,* head and stem, subgroup 5A at 1.5 parts per million (ppm); *Brassica,* head and stem, subgroup 5A, at 1.5 ppm; *Brassica,* leafy greens, subgroup 5B at 7.0 ppm; egg at 0.01 ppm; hog, liver at 0.05 ppm; hog, meat by products, except liver at 0.02 ppm; hog, muscle at 0.01 ppm; leaf petioles, subgroup 4B at 3.0 ppm; leafy greens, subgroup 4A except head lettuce at 10 ppm; lettuce, head at 1.5 ppm; poultry, meat byproducts at 0.02 ppm; radicchio at 1.5 ppm; sorghum, grain, forage at 2.0 ppm; sorghum, grain, grain at 1.5 ppm and sorghum, grain, stover at 6.0 ppm. The petition requested that 40 CFR 180.629 amend the current established tolerances for residues of the fungicide flutriafol in or on cotton, gin byproducts from 0.5 ppm to 5.0 ppm; cotton, undelinted seed from 0.35 ppm to 0.5 ppm; grain, aspirated fractions from 2.2 ppm to 6.0 ppm. The petition also requested that 40 CFR 180.629 delete the current established tolerances for residues of the fungicide flutriafol in or on cotton, meal at 0.5 ppm; cotton, refined oil at 0.5 ppm; and hog, meat byproducts at 0.02 ppm. That document referenced a summary of the petition prepared by Cheminova A/S, c/o Cheminova, Inc., the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit IV.C.

Based upon review of the data supporting the petition, EPA is issuing some tolerances that vary from what the petitioner requested. The reason for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the

pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for flutriafol including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with flutriafol follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Flutriafol is categorized as having high oral acute toxicity in the mouse. It is categorized as having low acute toxicity via the oral, dermal and inhalation routes in rats. Flutriafol is minimally irritating to the eyes and is not a dermal irritant. Flutriafol was not shown to be a skin sensitizer when tested in guinea pigs.

Short-term, subchronic, and chronic toxicity studies in rats, mice, and dogs identified the liver as the primary target organ of flutriafol. Hepatotoxicity was first evident in the subchronic studies (rats and dogs) in the form of increases in liver enzyme release (alkaline phosphatase), and liver weights, and histopathology findings ranging from hepatocyte vacuolization to centrilobular hypertrophy and slight increases in hemosiderin-laden Kupffer cells. It is noteworthy that with chronic exposures, there are no indications of progression of liver toxicity in all species. After over one year of exposure, hepatotoxicity in rats, dogs, and mice took the form of minimal to severe fatty changes; bile duct proliferation/cholangiolar fibrosis; hemosiderin accumulation in Kupffer cells; centrilobular hypertrophy, and increases in alkaline phosphatase release. Slight indications of effects in the hematopoietic system are sporadically seen in the database. These effects are manifested in the form of slight anemia (rats and dogs) and increased platelet, white blood cell, neutrophil, and lymphocyte counts (mice). These effects, however, were minimal in severity.

Specific information on the studies received and the nature of the adverse effects caused by flutriafol as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in the final rule published in the **Federal Register** of June 6, 2014 (79 FR 32666) (FRL–9910–38) under the docket ID numbers EPA–HQ–OPP–2013–0654–0005 and EPA–HQ–OPP–2013–0655–0008.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for flutriafol used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of June 6, 2014.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to flutriafol, EPA considered exposure under the petitioned-for tolerances as well as all existing flutriafol tolerances in 40 CFR 180.629. EPA assessed dietary exposures from flutriafol in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for flutriafol. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) Nationwide Health and Nutrition Examination Survey, What We Eat In America (NHANES/WWEIA) conducted from 2003–2008. As to residue levels in food, EPA made the following assumptions for the acute exposure assessment: Tolerance-level residues or tolerance-level residues adjusted to account for the residues of concern for risk assessment and 100 percent crop treated (PCT). Since adequate processing studies have been submitted which indicate that tolerances for residues in/on apple juice, grape juice, dried prunes, and tomato puree are unnecessary and since tolerances for residues in/on raisins and tomato paste are established, the Dietary Exposure Evaluation Model (DEEM) (ver. 7.81) default processing factors for these commodities were reduced to 1. The DEEM (ver. 7.81) default processing factors were retained for the remaining relevant commodities.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA's (NHANES/WWEIA) conducted from 2003–2008 as well. As to residue levels in food, EPA made the follow assumptions for the chronic exposure assessment: Tolerance-level residues or tolerance-level residues adjusted to account for the residues of concern for risk assessment and 100 PCT. Since adequate processing studies have been submitted which indicate that tolerances for residues in/on apple juice, grape juice, dried prunes, and tomato puree are unnecessary and since tolerances for residues in/on raisins and tomato paste are established, the DEEM (ver. 7.81) default processing factors for these commodities were reduced to 1. The DEEM (ver. 7.81) default processing factors were retained for the remaining relevant commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that flutriafol does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for flutriafol. Tolerance level residues or tolerance level residues adjusted to account for the residues of concern for risk assessment and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for flutriafol. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of flutriafol. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Food Quality Protection Act (FQPA): First Index Reservoir Screening Tool (FIRST) and the Pesticide Root Zone Model/Ground Water (PRZM/GW), the estimated drinking water concentrations (EDWCs) of flutriafol for acute exposures are estimated to be 40.55 parts per billion (ppb) for surface water and 310 ppb for ground water.

For chronic exposures assessments the EDWC's are estimated to be 4.03 ppb for surface water and 202 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 310 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 202 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Flutriafol is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Flutriafol is a member of the triazole-containing class of pesticides. Although conazoles act similarly in plants (fungi) by inhibiting ergosterol biosynthesis, there is not necessarily a relationship between their pesticidal activity and their mechanism of toxicity in mammals. Structural similarities do not constitute a common mechanism of toxicity. Evidence is needed to establish that the chemicals operate by the same, or essentially the same, sequence of major biochemical events. In conazoles, however, a variable pattern of toxicological responses is found; some are hepatotoxic and hepatocarcinogenic in mice. Some induce thyroid tumors in rats. Some induce developmental, reproductive, and neurological effects in rodents. Furthermore, the conazoles produce a diverse range of biochemical events including altered cholesterol levels, stress responses, and altered DNA methylation. It is not clearly understood whether these biochemical events are directly connected to their toxicological outcomes. Thus, there is currently no evidence to indicate that conazoles share common mechanisms of toxicity and EPA is not following a cumulative risk approach based on a common mechanism of toxicity for the conazoles. For information regarding EPA's procedures for cumulating effects from substances found to have a common mechanism of toxicity, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

Triazole-derived pesticides can form the metabolite 1,2,4-triazole (T) and two triazole conjugates triazolylalanine (TA) and triazolylacetic acid (TAA). To support existing tolerances and to establish new tolerances for triazole-derivative pesticides, EPA conducted an initial human-health risk assessment for exposure to T, TA, and TAA resulting from the use of all current and pending uses of any triazole-derived fungicide as of September 1, 2005. The risk assessment was a highly conservative, screening-level evaluation in terms of hazards associated with common metabolites (*e.g.,* use of a maximum combination of uncertainty factors) and potential dietary and non-dietary exposures (*i.e.,* high-end estimates of both dietary and non-dietary exposures). In addition, the Agency retained the additional 10X Food Quality Protection Act (FQPA) safety factor (SF) for the protection of infants and children. The assessment included evaluations of risks for various subgroups, including those comprised of infants and children. The Agency's complete risk assessment can be found in the propiconazole reregistration docket at *http://www.regulations.gov,* docket ID number EPA–HQ–OPP–2005–0497 and an update to the aggregate human health risk assessment for free triazoles and its conjugates may be found in this current docket, docket ID number EPA–HQ–OPP–2013–0653–0006 entitled ''Common Triazole Metabolites: Updated Aggregate Human Health Risk Assessment to Address The New Section 3 Registrations For Use of Propiconazole on Rapeseed Crop Subgroup 20 A; Use of Difenoconazole on Rapeseed Crop Subgroup 20 A; and Use of Tebuconazole on Imported Oranges.''

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The potential impact of *in utero* and perinatal flutriafol exposure was investigated in three developmental toxicity studies (two in rats, one in rabbits) and 2 multi-generation reproduction toxicity studies in rats. In the first of two rat developmental toxicity studies, increased quantitative susceptibility was observed with developmental effects (delayed ossification or non-ossification of the skeleton in the fetuses) seen at a lower dose than maternal effects. In the second rat developmental study, a qualitative susceptibility was noted. Although developmental toxicity occurred at the same dose level that elicited maternal toxicity, the developmental effects (external, visceral, and skeletal malformations; embryo lethality; skeletal variations; a generalized delay in fetal development; and fewer live fetuses) were more severe than the decreased food consumption and body-weight gains observed in the dams. For rabbits, there was in increased qualitative fetal susceptibly.

Intrauterine deaths occurred at a dose level that also caused adverse effects in maternal animals. In the 2-generation reproduction studies, a qualitative susceptibility was also seen. Effects in the offspring decreased litter size and percentage of live births (increased pup mortality) and liver toxicity can be attributed to the systemic toxicity of the parental animals (decreased body weight and food consumption and liver toxicity).

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for flutriafol is complete.

ii. There is no indication that flutriafol is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity. Signs of neurotoxicity were reported in the acute and subchronic neurotoxicity studies at the highest dose only; however, these effects were primarily seen in animals that were agonal (at the point of death) and, thus, are not indicative of neurotoxicity. In addition, there was no evidence of neurotoxicity in any additional short-term or long-term toxicity studies in rats, mice, and dogs.

iii. There are no concerns or residential uncertainties for prenatal and/or postnatal toxicity. Although there is evidence for increased quantitative and qualitative susceptibility in the prenatal study in rats and rabbits and the 2-generation reproduction study rats, there are no concerns for the offspring toxicity observed in the developmental and reproductive toxicity studies for the following reasons:

- Clear NOAELs and LOAELs were established in the fetuses/offspring for each of these studies:
- The dose-response for these effects are well-defined and characterized.
- Developmental endpoints are used for assessing acute dietary risks to the most sensitive population (females 13–49 years old) as well as all other short- and intermediate-term exposure scenarios.
- The chronic reference dose is greater than 300-fold lower than the dose at which the offspring effects were observed in the 2-generation reproduction studies.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to flutriafol in drinking water. These assessments will not underestimate the exposure and risks posed by flutriafol.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to flutriafol will occupy 44% of the aPAD for females 13–49 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to flutriafol from food and water will utilize 74% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Because there are no residential uses for flutriafol, the chronic aggregate risk includes food and drinking water only.

3. *Short-term and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Since flutriafol is not registered for any use patterns that would result in residential exposure, the short- and intermediate-term aggregate risk is the sum of the risk.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, flutriafol is classified as ''not likely to be carcinogenic to humans.'' EPA does not expect flutriafol to pose a cancer risk.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to flutriafol residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology gas chromotography/nitrogen/phosphorus detector (GC/NPD) for the proposed tolerances is available to enforce the tolerances recommended herein. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

There are no Codex MRLs for flutriafol in/on the proposed commodities.

C. Response to Comments

EPA received one comment to the Notice of Filing that stated, in part, that no residue should be allowed for flutriafol. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned on agricultural crops. However, the existing legal framework provided by FFDCA section 408 states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. This citizen's comment appears to be directed at the underlying statute and not EPA's implementation of it; the citizen has made no contention that EPA has acted in violation of the statutory framework.

D. Revisions to Petitioned-for Tolerances

Based on the analysis of available field trial data and the Organisation for Economic Co-operation and Development (OECD) tolerance calculation procedure, EPA established a higher tolerance for cotton, gin byproducts than requested. For the same reason, EPA is granting a tolerance for vegetable, leafy, except *Brassica,* crop group 4, except head lettuce and radicchio and is not granting separate subgroup tolerances for leafy greens (subgroup 4A) except head lettuce and leaf petioles (subgroup 4B). Based on the proposed uses and the resulting livestock dietary burdens, EPA is setting a poultry, fat tolerance and is increasing tolerances for cattle, liver; goat, liver; horse, liver; sheep, liver; and milk. Based upon the previous explanation, EPA is establishing tolerances for poultry, meat byproducts below the level requested. Since residues in hog tissue were near the Limit of Quantification (LOQ), EPA determined that separate tolerances in or on hog liver and hog meat byproducts except liver were unnecessary and is establishing a tolerance in or on hog meat byproducts only. Although the petition requested that EPA remove a tolerance for hog meat byproducts, no such tolerance existed before this rule, so EPA could not remove it. A tolerance in or on hog, muscle was not established as it was granted as part of a previous tolerance petition (PP 3F8174) under docket ID numbers EPA–HQ–OPP–2013–0654 and EPA–HQ–OPP–2013–0655.

V. Conclusion

Therefore, tolerances are established for residues of flutriafol, in or on *Brassica,* head and stem (subgroup 5A) at 1.5 ppm; *Brassica,* leafy greens (subgroup 5B) at 7.0 ppm; cotton, gin byproducts at 6.0 ppm; cotton, undelinted seed at 0.50 ppm; egg at 0.01 ppm; grain, aspirated fractions at 6.0 ppm; hog, meat by products at 0.05 ppm; lettuce, head at 1.5 ppm; liver (cattle, goat, horse, sheep) at 1.0 ppm; milk at 0.02 ppm; poultry, fat at 0.01 ppm; poultry, meat byproducts at 0.01 ppm; radicchio at 1.5 ppm; sorghum, grain forage at 2.0 ppm; sorghum, grain, grain at 1.5 ppm; sorghum, grain, stover at 6.0 ppm and vegetable, leafy, except *Brassica,* crop group 4, except head lettuce and radicchio at 10 ppm.

Also, as a housekeeping measure, this regulation removes the entries for the tolerances contained in paragraph (b) of § 180.629 as those tolerances expired on December 31, 2014.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 28, 2015.

Susan T. Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.629:

■ i. Add alphabetically the entries for ''*Brassica,* head and stem (subgroup 5A)''; ''*Brassica,* leafy greens (subgroup 5B)''; ''Cotton, gin byproducts''; ''Cotton, undelinted seed''; ''Egg''; ''Hog, meat byproducts''; ''Lettuce, head''; ''Poultry, fat''; ''Poultry, meat byproducts''; ''Radicchio''; ''Sorghum, grain, forage''; ''Sorghum, grain, grain''; ''Sorghum, grain, stover'' and ''Vegetable, leafy, except *Brassica,* crop group 4, except head lettuce and radicchio'' to the table in paragraph (a).

■ ii. Revise the entries for ''Cattle, liver''; ''Goat, liver''; ''Grain, aspirated fractions''; ''Horse, liver''; ''Milk''; and ''Sheep, liver'' in the table in paragraph (a).

■ iii. Revise paragraph (b).

The amendments read as follows:

§ 180.629 Flutriafol; tolerances for residues.

(a) *General.* * * *

Commodity	Parts per million
* * * * *	
Brassica, head and stem (subgroup 5A)	1.5
Brassica, leafy greens (subgroup 5B)	7.0
* * * * *	
Cattle, liver	1.0
* * * * *	
Cotton, gin byproducts	6.0
Cotton, undelinted seed	0.50
* * * * *	
Egg	0.01
* * * * *	
Goat, liver	1.0
* * * * *	
Grain, aspirated fractions	6.0
* * * * *	
Hog, meat byproducts	0.05
* * * * *	
Horse, liver	1.0
* * * * *	
Lettuce, head	1.5
* * * * *	
Milk	0.02
* * * * *	
Poultry, fat	0.01
Poultry, meat byproducts	0.01
Radicchio	1.5
* * * * *	
Sheep, liver	1.0
* * * * *	
Sorghum, grain, forage	2.0
Sorghum, grain, grain	1.5
Sorghum, grain, stover	6.0
* * * * *	
Vegetable, leafy, except *Brassica,* crop group 4, except head lettuce and radicchio	10
* * * * *	

* * * * *

(b) *Section 18 emergency exemptions.* [Reserved]

* * * * *

[FR Doc. 2015–02177 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0514; FRL–9920–44]

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C10–C16) -alkyl ethers, disodium salts; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16}) alkyl ethers, disodium salts when used as an inert ingredient (surfactant) in pesticide formulations applied to growing crops (seed treatment use only) under 40 CFR 180.920 at a concentration not to exceed 0.125% by weight. BASF submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16}) alkyl ethers, disodium salts.

DATES: This regulation is effective February 4, 2015. Objections and requests for hearings must be received on or before April 6, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0514, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0514 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 6, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be

disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0514, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

• *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Petition for Exemption

In the **Federal Register** of September 5, 2014 (79 FR 53009) (FRL–9914–98), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN–10671) by BASF, 26 Davis Dr., Research Triangle Park, NC 27709. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{12}) alkyl ethers, disodium salts, polyethoxylation content averages 4–5 moles, Chemical Abstracts Service Registry Number (CAS Reg. No.) 68954–91–6 and poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts, polyethoxylation content averages 5 moles (CAS Reg. No. 68815–56–5), when used as an inert ingredient (surfactant) in pesticide formulations applied to growing crops (seed treatment use only) at a concentration not to exceed 0.125% by weight under 40 CFR 180.920. That document referenced a summary of the petition prepared by Exponent on behalf of BASF, the petitioner, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit V.C.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the adverse effects caused by poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts include CAS Reg. No. 68815–56–5, which consists of a C_{10}–C_{16} linear carbon chain and average polyethoxylation (POE) = 4.5 and CAS Reg. No. 68954–91–6, which consists of a C_{10}–C_{12} linear alkyl carbon chain and average polyethoxylation (POE) = 5. Although data are not available for CAS Reg. No. 68954–91–6, EPA relied on available subchronic toxicity studies on CAS Reg. No. 68815–56–5. These studies are sufficient to assess the subchronic toxicity of CAS Reg. No. 68954–91–6 as the only difference between the compounds is the range of carbon chain lengths and the testing of the broader carbon chain length of C_{10}–C_{16} in CAS Reg. No. 68815–56–5 would include any effects that might be seen in tests of the narrower linear carbon chain

length of C_{10}–C_{12} (in CAS Reg. No. 68954–91–6). Reproduction and developmental toxicity studies were not available for review for either compound, so reproduction data for C12AE6 (CAS Reg. No. 9002–92–0), which is similar to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts in carbon chain length and average ethoxylation, were used as surrogate data for potential reproductive effects of CAS Reg. Nos. 68815–56–5 and 68954–91–6. Based on analogy to well-known metabolic pathways for other linear alkyl ethers, the major pathway in the primary metabolism of both compounds is expected to be oxidative-reductive ether cleavage. Therefore, the metabolism of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts would result in the formation of the corresponding alkyl alcohol alkoxylate such as C12AE6 (CAS Reg. No. 9002–92–0).

The acute oral and dermal toxicity of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts is low (toxicity category IV). The Lethal Dose $(LD)_{50}$ is >5,000 milligram/kilogram (mg/kg) in the rat (oral) and rabbit (dermal). They are irritating to the eyes and non-irritating to the skin in rabbits. They are not dermal sensitizers. Acute inhalation toxicity studies were not available.

Subchronic toxicity studies were available in the rat and dog for CAS Reg No. 68815–56–5. CAS Reg No. 68815–56–5 was administered via the diet in both studies. In a 90-day oral toxicity study in rats, decreased body weight gain was observed at 4% (equivalent to 2,000 mg/kg/day (LOAEL)) of CAS Reg No. 68815–56–5. The NOAEL was 1% (equivalent to 500 mg/kg/day). In a 90-day toxicity study in dogs, toxicity was not observed at 500 mg/kg/day (NOAEL), the highest dose tested.

An acceptable developmental toxicity study is not available; however, in a 2-generation reproduction study in rats on C12AE6, decreased body weight gain was observed in parental animals at 0.5% (equivalent to 250 mg/kg/day). The NOAEL was 0.1% (equivalent to 50 mg/kg/day). Offspring toxicity was manifested as decreased weight gain in pups, increased embryo lethality and soft tissue anomalies at 0.5% (equivalent to 250 mg/kg/day). The NOAEL was 0.1% (equivalent to 50 mg/kg/day). Although fetal qualitative susceptibility is observed in this study, the concern is low because effects occurred only in the presence of maternal toxicity.

Chronic/carcinogenicity studies with poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts were not available. However, a DEREK structural alert analysis was conducted with poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{12})-alkyl ethers, disodium salt (CAS Reg No. 68954–91–6) and indicated no structural alerts for carcinogenicity or mutagenicity. Therefore, poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts are not expected to be carcinogenic.

Mutagenicity studies were not available for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts. However, an Ames test is available on CAS Reg. No. 68439–50–9, a surrogate alkyl alcohol alkoxylate. The test was negative.

Neurotoxicity studies were not available for review. Although ataxia was observed in the dams in the developmental toxicity study in rabbits at 100 mg/kg/day, the onset and persistence of ataxia were not reported and thus could not be evaluated. Since evidence of ataxia or other signs of potential neurotoxicity were not observed in the subchronic studies conducted with rats or dogs at doses ≥500 mg/kg/day, it was concluded that the ataxia observed in the dams was not likely a result of neurotoxicity.

Immunotoxicity studies were not available for review. However, evidence of immunotoxicity was not observed in the submitted studies.

Metabolism studies on poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts were not available for review. However, based on analogy to known metabolic pathways for linear alkyl ethers, the major pathway in the primary metabolism is expected to be oxidative-reductive ether cleavage. Therefore, the primary metabolism of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts occurs via oxidative-reductive ether hydrolysis resulting in the formation of linear alkyl alcohols and polyethylene glycol metabolites. The alcohols would undergo oxidation by alcohol dehydrogenase and aldehyde dehydrogenase to generate a fatty acid metabolite that is degraded by β-oxidation to carbon dioxide (CO_2) and water (H_2O). The polyethylene glycol metabolites would be degraded via oxidation by alcohol dehydrogenase and aldehyde dehydrogenase to generate a dienoic polyethylene ether acid that may be conjugated and excreted. Also, the alcohol function may be sulfated by sulfotransferases and excreted.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/ safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

An acute effect was not found in the database therefore an acute dietary assessment is not necessary. The 2-generation reproduction study in the rat was selected for the chronic exposure for this risk assessment. The NOAEL in this study was 50 mg/kg/day. The LOAEL was 250 mg/kg/day based on decreased weight gain. This study represents the lowest NOAEL in the database in the most sensitive species. The dermal and inhalation absorption rates were assumed to be 100%. The standard inter- and intra-species uncertainty factors were applied. The Food Quality Protection Act Safety Factor (FQPA SF) of tenfold (10X) was retained for the lack of a developmental toxicity study.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts, EPA considered exposure under the proposed exemption

from the requirement of a tolerance. EPA assessed dietary exposures from poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts in food as follows:

Dietary exposure (food and drinking water) to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts can occur following ingestion of foods with residues from seed-treated crops. Because no adverse effects attributable to a single exposure of poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts were seen in the toxicity databases, an acute dietary risk assessment is not necessary. For the chronic dietary risk assessment, EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID™), Version 3.16, and food consumption information from the U.S. Department of Agriculture's (USDA's) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). One hundred percent crop treated was assumed, default processing factors, and tolerance-level residues for all foods and use limitations of not more than 0.125% by weight in pesticide formulations.

2. *Cancer.* A DEREK structural alert analysis indicated no structural alerts for carcinogenicity or mutagenicity. Therefore, poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts are not expected to be carcinogenic and a cancer risk assessment is unnecessary.

3. *Dietary exposure from drinking water.* For the purpose of the screening level dietary risk assessment to support this request for an exemption from the requirement of a tolerance for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts, a conservative drinking water concentration value of 100 parts per billion (ppb) based on screening level modeling was used to assess the contribution to drinking water for the chronic dietary risk assessments for parent compound. These values were directly entered into the dietary exposure model.

4. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, and tables).

Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts are not expected to result in residential exposure based on its use pattern as a seed treatment for agricultural crops.

5. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts to share a common mechanism of toxicity with any other substances, and poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional 10X margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA SF. In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The toxicity database for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts contains two subchronic studies, a reproductive toxicity study, a developmental toxicity study and mutagenicity studies. Qualitative fetal susceptibility was observed in the 2-generation toxicity study in rats. However, concern for fetal effects are low since they only occurred in the presence of maternal toxicity and protecting against maternal toxicity will subsequently prevent fetal toxicity. In addition, the chronic reference dose (cRfD) was based on this study and will be protective of fetal effects. However, since the developmental study in rabbits was unacceptable, the FQPA SF of 10X was retained to account for an incomplete database.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, alkyl ethers, disodium salts from food and water will utilize 16.2% of the cPAD for non-nursing infants, the population group receiving the greatest exposure. There are no residential uses for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Since poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts have no uses that would result in short-term residential exposure, the Agency has determined that it is appropriate to

aggregate chronic exposure through food and water only.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Since poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts have no uses that would result in intermediate-term residential exposure, the Agency has determined that it is appropriate to aggregate chronic exposure through food and water only.

5. *Aggregate cancer risk for U.S. population.* Based on a DEREK structural alert analysis and the lack of mutagenicity, poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts are considered not likely to be carcinogenic.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. Response to Comments

A comment was received from a private citizen who was concerned about the reaction of fatty acid esters to any future chemicals added to the environment. The Agency understands the commenter's concerns and recognizes that some individuals believe that no residue of pesticides should be allowed because of potential interactions with other chemicals. However, under the existing legal framework provided by FFDCA section 408, EPA is authorized to establish pesticide tolerances or exemptions where persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by the statute, which EPA has determined here.

VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.920 for poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts (CAS Reg. Nos. 68954–91–6 and 68815–56–5) when used as inert ingredients (surfactant) in pesticide products used for seed treatment only at a concentration not to exceed 0.125% in the end-use formulation.

VII. Statutory and Executive Order Reviews

This action establishes exemptions to the requirement for a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the exemptions in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VIII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 15, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.920, add alphabetically to the table after ''Poly(oxy-1,2-ethanediyl),α-isotridecyl-ω-methoxy (CAS Reg. No. 345642–79–7)'' the two inert ingredients listed below to read as follows:

§ 180.920 Inert ingredients used pre-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * *	* *	* * *
Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{12})-alkyl ethers, disodium salts, polyoxylene content averages 4–5 moles (CAS Reg. No. 68815–56–5).	Not to exceed 0.125% for seed treatment use only.	Surfactant.
Poly(oxy-1,2-ethanediyl), α-(3-carboxy-1-oxosulfopropyl)-ω-hydroxy-, (C_{10}–C_{16})-alkyl ethers, disodium salts, polyoxyethylene content averages 5 moles (CAS Reg. No. 68954–91–6).	Not to exceed 0.125% for seed treatment use only.	Surfactant
* * *	* *	* * *

[FR Doc. 2015–02072 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9922–37–Region–2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Fulton Terminals Superfund Site

AGENCY: United States Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Fulton Terminals Superfund site (Site), located in the City of Fulton, Oswego County, New York, consists of an ''On-Property'' portion, an approximately 1.5-acre parcel of land bounded on the west by First Street, on the south by Shaw Street, on the east by New York State Route 481, and on the north by a warehouse, and an ''Off-Property'' portion, defined by the area between the On-Property portion's western property boundary to the Oswego River (approximately 50 feet).

The Environmental Protection Agency (EPA) Region 2, is publishing this direct final Notice of Partial Deletion (NOPD) of the On-Property portion of the Site from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final partial deletion is being published by EPA with the concurrence of the State of New York, through the New York State Department of Environmental Conservation (NYSDEC), because EPA has determined that all appropriate response actions under CERCLA have been completed at the On-Property portion of the Site and that the soil on the On-Property portion of the Site and the groundwater beneath the On-Property portion of the Site no longer pose a threat to public health or the environment. The NOPD pertains to the On-Property portion of the Site. The Off-Property portion of the Site will remain on the NPL. Because residual groundwater contamination remains in the Off-Property portion of the Site, groundwater monitoring and five-year reviews will still be required for this area. The partial deletion does not preclude future actions under Superfund.

DATES: This direct final partial deletion will be effective April 6, 2015 unless EPA receives adverse comments by *March 6, 2015.* If adverse comments are received, EPA will publish a timely withdrawal of this direct final NOPD in the **Federal Register**, informing the public that the partial deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1983–0002, by one of the following methods:

Web site: http://www.regulations.gov. Follow the on-line instructions for submitting comments.

Email: tsiamis.christos@epa.gov.

Fax: To the attention of Christos Tsiamis at 212–637–3966.

Mail: To the attention of Christos Tsiamis, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, NY 10007–1866.

Hand Delivery: Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007–1866 (telephone: 212–637–4308). Such deliveries are only accepted during the Record Center's normal hours of operation (Monday to Friday from 9:00 a.m. to 5:00 p.m.). Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1983–0002. EPA's policy is that all comments received will be included in the Docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or via email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comments. If you send comments to EPA via email, your email address will be included as part of the comment that is placed in the Docket and made available on the Web site. If you submit electronic comments, EPA recommends that you include your name and other contact information in the body of your comments and with any disks or CD–ROMs that you submit. If EPA cannot read your comments because of technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comments fully. Electronic files should avoid the use of special characters and any form of encryption and should be free of any defects or viruses.

Docket: All documents in the Docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly-available Docket materials can be obtained either electronically at *http://www.regulations.gov* or in hard copy at:

U.S. Environmental Protection Agency, Region 2, Superfund Records Center, 290 Broadway, 18th Floor, New York, NY 10007–1866, *Phone:* 212–637–4308, *Hours:* Monday to Friday from 9:00 a.m. to 5:00 p.m. and Fulton Public Library, 160 South First Street, Fulton, NY 13069, *Phone:* 315–592–5159, *Hours:* Tue–Thu: 9:00 a.m.–7:00 p.m.,

Fri: 9:00 a.m.–5:00 p.m., Sat: 10:00 a.m.–3:00 p.m.

FOR FURTHER INFORMATION CONTACT: Christos Tsiamis, Remedial Project Manager, by mail at Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th floor, New York, NY 10007–1866; telephone at 212–637–4257; fax at 212–637–3966; or email at *tsiamis.christos@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region 2 is publishing this direct final NOPD of the On-Property portion of the Site from the NPL. The NPL constitutes Appendix B of 40 CFR 300, which is the NCP, which EPA promulgated pursuant to Section 105 of CERCLA, as amended. EPA maintains the NPL as the list of releases that appear to present a significant risk to public health, welfare, or the environment. The releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). This partial deletion of the Site is proposed in accordance with 40 CFR 300.425(e) and is consistent with the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List. 60 FR 55466 (Nov. 1, 1995). As described in Section 300.425(e)(3) of the NCP, a site deleted from the NPL remains eligible for Fund-financed remedial action if future conditions at the site warrant such actions.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the On-Property portion of the Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the On-Property portion of the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making such a determination pursuant to 40 CFR 300.425(e), EPA will consider, in consultation with the State, whether any of the following criteria have been met:

i. responsible parties or other parties have implemented all appropriate response actions required;

ii. all appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

iii. the remedial investigation (RI) has shown that the release of hazardous substances poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Pursuant to CERCLA Section 121(c) and the NCP, EPA conducts five-year reviews to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at a site above levels that allow for unlimited use and unrestricted exposure. EPA conducts such five-year reviews even if a site is deleted from the NPL. EPA may initiate further action to ensure continued protectiveness at a deleted site if new information becomes available that indicates it is appropriate. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the deletion of the On-Property portion of the Site.

(1) EPA consulted with the State of New York prior to developing this direct final NOPD and the NOIPD also published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the State 30 working days for review of this notice and the parallel NOIPD prior to their publication today, and the State, through the NYSDEC, has concurred on the deletion of a portion of the Site from the NPL.

(3) Concurrent with the publication of this direct final NOPD, a notice of the availability of the parallel NOIPD is being published in a major local newspaper, the *Palladium-Times.* The newspaper notice announces the 30-day public comment period concerning the NOIPD of the On-Property portion of the Site from the NPL.

(4) EPA placed copies of documents supporting the proposed partial deletion in the Deletion Docket and made these items available for public inspection and copying at the Site information repositories identified above.

If adverse comments are received within the 30-day public comment period on this partial deletion action, EPA will publish a timely notice of withdrawal of this direct final NOPD before its effective date and will prepare a response to comments and continue with the deletion process based on the NOIPD and the comments received.

Deletion of a portion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a portion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA's management of sites. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for further response actions should future conditions warrant such actions.

IV. Basis for Partial Site Deletion

The following information provides the Agency's rationale for deleting the On-Property portion of the Site from the NPL.

Site Background and History

The Site (NYD980593099) includes an approximately 1.5-acre parcel of land situated approximately 10 miles southeast of the City of Oswego and 22 miles north-northwest of the City of Syracuse. The On-Property portion of the Site is bounded on the west by First Street, on the south by Shaw Street, on the east by New York State Route 481, and on the north by a warehouse.

The On-Property portion of the Site is located in an industrial section of the City of Fulton, within 50 feet of the Oswego River, which is used for recreation. Residences, city and county offices and several businesses are located within a 1,500-foot radius of the Site.

From 1936 to 1960, the primary activity at the Site was the manufacturing of roofing materials, which involved the storage of asphalt in above-ground tanks and fuel oil storage in underground tanks. From 1972 to 1977, the Site was used by Fulton Terminals, Inc. as a staging and storage area for solvents and other materials that were scheduled for incineration at the Pollution Abatement Services facility located in Oswego, New York. Operations at the Site resulted in the contamination of the groundwater, soil, and sediments with volatile organic compounds (VOCs).

From 1981 to 1983, Fulton Terminals, Inc. removed several tanks as part of a voluntary cleanup program. These activities ceased in 1983 after the facility operator was fined by NYSDEC for the improper disposal of polychlorinated biphenyls. The Site was listed on the NPL in 1982.

EPA and certain potentially responsible parties (PRPs) conducted removal activities at the Site in 1986, consisting of the following: Constructing a seven-foot perimeter fence around the Site, posting warning signs, removing two above-ground tanks and two underground tanks, removing approximately 300 cubic yards of visibly-contaminated soil and tar-like wastes, and excavating storm drains that were acting as a conduit for contaminated runoff to enter the Oswego River during storm events. An additional removal action was performed in 1990 which involved the construction of earthen barriers for the prevention of surface runoff from the Site.

Remedial Investigation and Feasibility Study

From 1985 to 1987, NYSDEC's contractor, URS Company, Inc., performed a RI/feasibility study (FS) at the Site. The RI/FS report that was generated from these efforts was declared invalid by NYSDEC because of problems associated with the laboratory analyses. A revised RI/FS report, based on additional sampling, was prepared by NYSDEC's contractor in 1988. EPA concluded, however, that the revised RI/FS report did not fully characterize the Site. Accordingly, EPA performed a Supplemental RI/FS. The conclusions set forth in the Supplemental RI/FS, completed in 1989 by EPA's contractor, Ebasco Services, Inc., indicated that various VOCs were present in the unsaturated soil (above the water table) and in the groundwater at the Site. An Endangerment Assessment for the Site, which was also completed in 1989, contained conclusions that minimal human health risks were associated with the existing Site conditions. However, the Supplemental RI/FS process revealed that the leaching of VOCs from the contaminated on-site soil into the groundwater posed a risk to the environment.

Selected Remedy

The remedial action objectives selected for the Site include:

- prevent contact with contaminated soil;
- prevent migration of contaminated soil via surface water runoff and erosion;
- ensure protection of groundwater and surface water from the continued release of contaminants from soils; and
- restore groundwater to levels consistent with state and federal water quality standards.

On September 29, 1989, a Record of Decision (ROD) was signed, in which EPA selected excavation and low temperature thermal desorption (LTTD) to treat approximately 4,000 cubic yards (CY) of contaminated soils located above the water table, and pumping, air stripping, carbon adsorption, and reinjection as the treatment method of the contaminated groundwater. The remediation goal of the soil remedy was to reduce the concentrations of VOCs in the soils to levels which would not cause the groundwater quality to exceed groundwater standards as a result of percolation of precipitation through the unsaturated soils.

Remedy Implementation

A consent decree was signed by the PRPs in 1990, in which they agreed to design and implement the remedy called for in the ROD. The consent decree became effective in 1991.

Soil Remediation

The remedial design (RD) of the soil excavation and treatment was initiated by Blasland, Bouck & Lee, Inc. (BBL), the contractor for the PRPs, in 1991.

Pre-RD sampling revealed the presence of a significant amount of contamination in the deep soil (from the water table down to bedrock). Because the contaminated soil below the water table would continue to leach contaminants to the groundwater, EPA concluded that remediating this soil would be beneficial to the long-term groundwater cleanup.

Remedial alternatives to address the contaminated soils below the water table were evaluated in a focused feasibility study (FFS) completed by BBL in 1993 (amended in 1994). The FFS determined that specialized methods for stabilizing the deep excavation area would be required for removal of the contaminated soils because of the excavation depth, the need for control of groundwater infiltration into the excavation area, and the close proximity of the Site to the Oswego River.

Based on the results of the pre-RD sampling effort and the findings of the FFS, EPA modified the soil remedy in a 1994 Explanation of Significant Differences (ESD). The ESD called for the excavation of the VOC-contaminated soils in the saturated zone (below the water table), followed by the treatment of the excavated soils by LTTD.

Following the completion of the plans and specifications related to the soil remedy in 1995, BBL initiated construction of the soil remedy. Because of the proximity of the Site to the Oswego River, a ''freeze wall'' was used, which is a construction process whereby the ground is frozen at depth to allow the dry excavation of contaminated soils below the water table. The excavation, treatment, and backfilling were completed in 1996. The total amount of contaminated source material that was remediated was 10,200 cubic yards. Post-excavation soil sampling results indicated that residual levels of VOCs in soils were well below the target cleanup levels.

Groundwater Remediation

The groundwater remedy called for in the ROD required the reduction of VOC concentrations to groundwater standards by pumping groundwater from the saturated sand and gravel zone underlying the Site, treating the groundwater by air stripping and carbon adsorption, and reinjecting the water into the saturated sand and gravel zone.

The design of the groundwater remediation was performed from 1991 to 1994. Initiation of the groundwater remedial action (RA) was, however, postponed until all soil RA activities at the Site were completed. At that time, a horizontal extraction well system consisting of a gallery of perforated piping and a collection manhole was installed at the base of the excavation. Given the overall effectiveness of the soil remedy, it was determined that groundwater standards could be achieved within a relatively short time frame if the groundwater extraction could be effected immediately. Utilizing a mobile treatment system, an expedited pumping of the contaminated groundwater took place between February and May 1997. The operation of the groundwater extraction and treatment system (including groundwater reinjection/surface water discharge), as well as the weekly influent/effluent monitoring, was performed by Clean Harbors.

During the 12-week operation period, 8.8 million gallons of groundwater were extracted and treated. Subsequently, a groundwater monitoring program was implemented by Roux Associates to assess the effectiveness of the soil remediation in combination with the expedited groundwater remedy. Residual subsurface ice from the freeze wall precluded an accurate evaluation of the groundwater remedy performance (two downgradient monitoring wells were frozen). Following the forced thaw of the freeze wall (via steam injection) by the PRPs in 1998, the temperature of the groundwater and the concentrations of contaminants were monitored. Groundwater samples collected in 1999 indicated that the freeze wall was no longer intact (*i.e.,* the two monitoring wells were free of ice) and that the

contamination levels in these wells were showing a decreasing trend.

Following the collection of groundwater quality samples in 1999, EPA determined that the ROD requirements for the groundwater remedy had been substantially met and no further response, other than long-term groundwater monitoring, was anticipated.

Monitoring

Six monitoring wells located in the On-Property portion of the Site were abandoned in 2004 because contaminants had not been detected in these wells for multiple sampling periods. A monitoring well located downgradient of the On-Property portion of the Site on the western property boundary is the only well that continues to show volatile organic compounds above groundwater standards. During the latest sampling in 2013, cis-1,2-dichloroethylene was detected at 12.9 micrograms per liter (µg/L), which is marginally above this contaminant's groundwater standard of 5 µg/L, and vinyl chloride was detected at 2.18 µg/l, which is slightly above its groundwater standard of 2 µg/L.

Five-Year Review

Hazardous substances remain at the Site in one monitoring well above levels that would allow for unlimited use and unrestricted exposure. Therefore, pursuant to CERCLA Section 121(c), EPA is required to conduct a review of the remedy at least once every five years. Five-year reviews were conducted in 2004, 2009 and 2014.

Community Involvement

Public participation activities for the Site have been satisfied as required pursuant to CERCLA Sections 113(k) and 117, 42 U.S.C. 9613(k) and 9617. As part of the remedy selection process, the public was invited to comment on the proposed remedy. All other documents and information that EPA relied on or considered in recommending this deletion are available for the public to review at the information repositories identified above.

Determination That the Site Meets the Criteria for Deletion From the NCP

All of the completion requirements for the On-Property portion of the Site have been met, as described in the September 1996 soil Remedial Action Report, the September 1999 Preliminary Close-Out Report, and the 2004, 2009, and 2014 five-year review reports. The State of New York, in a September 29, 2014 letter, concurred with the proposed partial deletion of the On-Property portion of the Site from the NPL.

The NCP specifies that EPA may delete a site from the NPL if ''all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate.'' 40 CFR 300.425(e)(1)(ii). EPA, with the concurrence of the State of New York, through NYSDEC, believes that this criterion for the deletion of the On-Property portion of the Site has been met in that that the soil on the On-Property portion of the Site and the groundwater beneath the On-Property portion of the Site no longer pose a threat to public health or the environment. Consequently, EPA is deleting the On-Property portion of the Site from the NPL. Documents supporting this action are available in the Site files.

V. Deletion Action

EPA, with the concurrence of the State of New York through the New York State Department of Environmental Conservation, has determined that all appropriate responses under CERCLA have been completed at the On-Property portion of the Site and that the soil and the groundwater beneath the On-Property portion of the Site no longer pose a threat to public health or the environment. Therefore, EPA is deleting the On-Property portion of the Site from the NPL. Because residual groundwater contamination remains in the Off-Property portion of the Site (west of the On-Property's property boundary to the Oswego River), the Off-Property portion of the Site is not being deleted from the NPL. Groundwater monitoring and five-year reviews will still be required for this area. The partial deletion does not preclude future action under CERCLA. Because EPA considers this action to be noncontroversial and routine, EPA is taking this action without prior publication. This action will be effective April 6, 2015 unless EPA receives adverse comments by March 6, 2015. If adverse comments are received within the 30-day public comment period of this action, EPA will publish a timely withdrawal of this direct final NOPD before the effective date of the partial deletion and the deletion will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the NOIPD and the comments received. In such a case, there will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: January 6, 2015.

Judith A. Enck,

Regional Administrator, EPA, Region 2.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300— NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9675; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR 1987 Comp., p. 193.

■ 2. Table 1 of Appendix B to part 300 is amended by revising the entry under ''Fulton Terminals Site,'' ''New York'' to read as follows:

Appendix B to Part 300—National Priorities List

TABLE 1—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes (a)
*	*	*	*
NY	Fulton Terminals	Fulton/Oswego	P
*	*	*	*

(a) * * *
* P = Sites with partial deletion(s).

* * * * *

[FR Doc. 2015–02266 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90 and 13–184; FCC 14–189]

Modernization of the Schools and Libraries ''E-rate'' Program and Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) takes the next critical steps to modernize the Universal Service Fund's Schools and Libraries program, known as E-rate. Building on the *E-rate Modernization Order,* the Commission adopted in July, the improvements to the program that the Commission adopts in this Order seek to close the high-speed connectivity gap between rural schools and libraries and their urban and suburban counterparts, and provide sufficient and certain funding for high-speed connectivity to and within all eligible schools and libraries. The Commission takes these actions to ensure the continued success of the E-rate program as it transitions from supporting legacy services to focusing on meeting the high-speed broadband connectivity needs of schools and libraries consistent with the recently adopted program goals and long-term connectivity targets. In the Order on Reconsideration, the Commission grants in part the petitions for reconsideration of the areas designated as urban for purposes of the E-rate program. The Commission also denies petitions for reconsideration of the document retention period, the phase out of support for telephone components and other services, and funding commitments that cover multiple years. At the same time, the Commission clarifies our cost effectiveness test for individual data plans and the cost allocation rules for circuits carrying voice services.

DATES: Effective March 6, 2015, except for amendments to §§ 54.313(e)(2) and (f)(1), 54.503(c)(1), and 54.504(a)(1)(iii), which are subject to the PRA and OMB approval of the information collection requirements. FCC will publish a document in the **Federal Register** announcing the effective date. The amendments to §§ 54.308(b), 54.309(b), 54.505(b)(3) introductory text and (b)(3)(i), and 54.507(a) introductory text, (a)(1), and (c) are effective on July 1, 2015; and amendments to §§ 54.505(b) introductory text, (c), and (f) and 54.518 are effective on July 1, 2016.

FOR FURTHER INFORMATION CONTACT: Kate Dumouchel, Wireline Competition Bureau, Telecommunications Access Policy Division, at (202) 418–7400 or TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order and Order on Reconsideration, in WC Docket Nos. 10–90 and 13–184; FCC 14–189, adopted on December 11, 2014 and released on December 19, 2014. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554. Or at the following Internet address: *https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-189A1.pdf.*

I. Introduction

1. In the Second E-rate Modernization Report and Order (*Order*) and Order on Reconsideration, we take the next critical steps to modernize the Universal Service Fund's Schools and Libraries program, known as E-rate. Building on the *E-rate Modernization Order* we adopted in July, the improvements to the program that we adopt in this Order seek to close the high-speed connectivity gap between rural schools and libraries and their urban and suburban counterparts, and provide sufficient and certain funding for high-speed connectivity to and within all eligible schools and libraries. We take these actions to ensure the continued success of the E-rate program as it transitions from supporting legacy services to focusing on meeting the high-speed broadband connectivity needs of schools and libraries consistent with the recently adopted program goals and long-term connectivity targets.

2. Through the changes we make to the E-rate program, we take further steps forward in our effort to modernize the program and place it on firm footing to meet the program goals. As the changes made in this Order and the *E-rate Modernization Order* are implemented, we will continue to identify additional steps that can to be taken to further modernize the E-rate program and achieve our goals of: (1) ensuring affordable access to high-speed broadband; (2) maximizing the cost-effectiveness of spending for E-rate supported purchases; and (3) making the E-rate application process and other E-rate processes fast, simple, and efficient. We recognize that these changes will require adjustments by applicants, service providers, and other stakeholders, and in conjunction with USAC we commit to ensure that sufficient training and educational resources are provided to assist these groups during this transition. Finally, as always, we welcome feedback from applicants, service providers, teachers, librarians, state and local governments, and all other stakeholders on additional measures to reach our goals faster and improve the E-rate program.

II. Maximizing Schools' and Libraries' Options for Purchasing Affordable High-Speed Broadband Connectivity

3. We focus in this section on providing schools and libraries, particularly those in rural areas, more options for purchasing affordable high-speed broadband connections. We agree with the many commenters who make clear that in order to meet the Commission's connectivity targets, in addition to increased funding, we must make changes to the program to meet the need for affordable high-speed connectivity to schools and libraries. The CoSN Survey identifies the monthly cost of recurring Internet access services and an inability to pay for the capital or non-recurring costs to get high-speed connections as the two biggest barriers to increasing connectivity to schools. Likewise, the American Library Association (ALA), the Public Library Association, and others indicate that lack of access to broadband infrastructure and the high costs of recurring services hamper libraries' ability to meet our E-rate goals. As ALA has explained, our nation's libraries depend on affordable, scalable, high-capacity broadband in order to complete education, jumpstart employment and entrepreneurship, and foster individual empowerment and engagement. To meet the connectivity targets we adopted in the *E-rate Modernization Order,* substantial numbers of schools and libraries will need to find vendors willing and able to provide affordable high-speed connections to their buildings and be able to afford the recurring costs of those high-speed connections.

4. Over the course of the last 18 years, the Commission has recognized the importance of giving local school districts and libraries the flexibility to purchase E-rate supported services that meet their needs. With rare exceptions, however, the program has not adopted new tools for applicants to use in

purchasing connectivity. The actions we take today give applicants more options for purchasing connectivity and represent a crucial step in meeting our first goal for the E-rate program: ensuring affordable access to high-speed broadband sufficient to support digital learning in schools and robust connectivity for all libraries.

5. The E-rate program historically has fully funded all priority one (now category one) funding requests, which include funding requests for high-speed broadband connections to schools and libraries. Despite the program's history of funding all priority one requests, the record demonstrates that a substantial percentage of U.S. schools do not meet the short term Internet Access connectivity target of 100 Mbps per 1,000 users that we adopted in the *E-rate Modernization Order.* Similarly, the record demonstrates that most libraries do not meet our short-term connectivity targets. In addition, by not effectively enabling E-rate applicants to undertake large construction projects, purchase dark fiber and consider self-construction of high-speed networks, our current rules and procedures prevent some applicants from choosing the most cost-effective options for increasing the high-speed broadband connections to their school and library buildings.

6. We therefore take actions targeted at closing the rural connectivity gap and increasing affordable high-speed broadband connections to schools and libraries. First, we direct USAC to suspend its policy requiring applicants to amortize over multiple years upfront charges for category one special construction exceeding $500,000 while allowing applicants to pay the non-discounted portion of category one special construction charges over four years. Next, in limited circumstances and with appropriate safeguards, we adopt changes to the E-rate program's rules to equalize the treatment of lit and dark fiber, to allow applicants to self-construct and operate connections to their school and library buildings, and to incentivize federal-state cooperation in deploying broadband infrastructure to schools and libraries in hard to connect areas. Finally, we establish an obligation for recipients of high-cost support to offer broadband service to requesting eligible schools and libraries at rates reasonably comparable to rates charged in urban areas.

7. We direct USAC, working with the Wireline Competition Bureau (Bureau) and the Office of the Managing Director (OMD), to implement the changes we make to the program in this *Order.* In so doing, we reaffirm our delegation of authority to the Bureau to issue orders interpreting our E-rate rules and otherwise provide clarification and guidance in the case of any ambiguity that may arise as necessary to ensure that support for services provided to schools and libraries operate to further the goals we have adopted for the E-rate program. We also direct the Bureau, working with OMD and other Commission staff, to make changes to the E-rate information collections, as needed, and to provide direction to USAC to implement the changes.

8. These actions will result in increased high-speed broadband connections to schools and libraries in all areas in furtherance of the E-rate program's Internet access and WAN/last-mile goals and are consistent with section 254 of the Act, which, *inter alia,* directs the Commission to ''enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services'' for schools and libraries. Moreover, these changes will allow applicants more flexibility to pursue the most cost-effective option for connecting schools and library buildings. Although these incentives will likely have the greatest effect on broadband availability and affordability in rural and high-cost areas, they will also give E-rate applicants in urban areas more purchasing options.

9. We are cognizant of the fact that some commenters have expressed concerns that the cumulative effect of the actions we take in this order to facilitate greater use of E-rate dollars for special construction charges could result in insufficient funds being available for other category one expenses and category two costs. In order to address these concerns, we require USAC to report to the Bureau if E-rate commitments for special construction charges resulting from the rules we adopt today exceed ten percent of the total E-rate cap for any given funding year. In determining whether a report is required, USAC shall consider the commitments for special construction charges for dark fiber, self-construction, and for special construction that takes advantage of state matching funds for a given funding year. Any such report shall also provide information to the Bureau concerning the cost-effectiveness of the special construction projects to which USAC has committed funding. That report shall be informed by the work done on cost-effective analysis as provided for in this *Order.* The Bureau shall present the findings to the full Commission for its consideration of the impact of special construction charges on the long-term financial viability of the program and the ability of the Commission to meet the E-rate program goals adopted in the July *E-rate Modernization Order.*

A. Making the Payment Options for Special Construction Charges More Flexible (WC Docket 13–184)

10. To help applicants overcome the cost barrier to high-speed broadband deployment projects, we make a set of administrative and rule changes that will help schools and libraries more easily undertake projects requiring special construction charges. First, we direct USAC to temporarily suspend its policy of requiring applicants to amortize large non-recurring category one charges to encourage vendors to bid on E-rate projects requiring special construction. Second, we allow applicants to pay the non-discounted share of category one special construction charges over four years rather than requiring schools or libraries working with limited budgets to pay the entirety of their share in a single year. We anticipate these changes will provide the right incentives to schools and libraries to consider necessary broadband infrastructure deployments and will attract a diverse slate of vendors to such projects from which the applicants can choose.

1. Suspending USAC's Multi-Year Amortization Policy for Non-Recurring Construction Costs

11. To encourage efficient investment in high-speed broadband infrastructure, including the deployment of fiber, we direct USAC to suspend for four years its policy of requiring applicants to amortize large category one non-recurring charges. Encouraging construction of high-speed connections to schools and libraries is a crucial part of our effort to ensure that all schools and libraries achieve our connectivity targets. Suspending the amortization requirement will give applicants the flexibility to plan large construction projects knowing they can recover the E-rate supported portion of any non-recurring costs upfront, thus providing greater certainty regarding funding and removing this potential barrier to infrastructure investment.

12. We are comfortable taking this step not only because it will encourage deployment but also because the concerns described by the Commission in 2000 that caused USAC to institute this restriction have proven to be not well-founded. In the *Brooklyn Order,* the Commission expressed concern that large upfront payments for non-recurring services could create a critical drain on the Fund, thereby limiting the number of schools and libraries that

would receive funding. To prevent such an occurrence, the Commission held that applicants must amortize upfront non-recurring charges when such charges vastly exceed the monthly recurring charges of the relevant service. In response to this general direction, USAC implemented a policy requiring applicants to amortize upfront or non-recurring charges of $500,000 or more over a period of at least three years.

13. Large upfront payments have not proven to be a drain on the Fund, and would not have been even if they had not been amortized. Moreover, we agree with commenters that argue that suspension of this amortization policy is likely to incentivize efficient investments in infrastructure, including the deployment of fiber. As commenters point out, USAC's current amortization policy requires many service providers to obtain financing for special construction projects, who then pass along the costs of this financing to applicants in the form of larger monthly recurring costs. Consequently, USAC's current amortization policy may actually increase the total costs borne both by applicants and the program. In addition, ALA and other commenters indicate that lack of certainty about the ability to recover costs in future funding years may deter some applicants from investing in large infrastructure projects that will be amortized over future funding years.

14. Some commenters express the same concern articulated by the Commission in the *Brooklyn Order,* that if large numbers of applicants seek support for substantial upfront construction charges, the Commission could receive a drastic increase in category one requests. For that reason, we choose to test the impact of abolishing the amortization requirement by temporarily suspending the requirement for the next four funding years. We are confident that temporarily suspending the amortization requirement will not create risk of insufficient category one support available for other schools and libraries, particularly in light of the increase in the E-rate funding cap that we adopt today. In the *E-rate Modernization Order,* we began the process of focusing E-rate support on high-speed broadband for our nation's schools and libraries. In this *Order,* as discussed in more detail below, we are raising the annual E-rate cap, in part to ensure there are sufficient category one funds available to meet the build-out costs of connecting currently underserved schools and libraries. Moreover, while some providers will offer an upfront payment option, we recognize that in other instances providers will continue to incorporate the cost of building out to schools and libraries into their recurring charges. In addition, because applicants are responsible for paying the non-discounted portion of the services they purchase, we expect that this requirement will deter some applicants from undertaking expensive construction projects. Applicants also remain subject to the requirement to select the most cost-effective service offering, which will further dampen the likelihood of a drastic increase in category one requests.

15. We therefore direct USAC to suspend application of its multi-year amortization policy for funding years 2015 through 2018 and to allow applicants to seek support for upfront or non-recurring charges without imposing any amortization requirements. In evaluating this USAC requirement, we considered a permanent end to the requirement instead of merely suspending its application. However, we are cognizant of the interest reflected in the *Brooklyn Order* of balancing the immediate needs of some E-rate applicants against the needs of all of the applicants. We therefore adopt the additional safeguard of suspending rather than eliminating USAC's amortization policy for the limited duration of the next four funding years. We expect that USAC will keep the Bureau apprised of how many and to what extent applicants utilize this suspension for the deployment of infrastructure. We also direct the Bureau to revise our data collection to collect such information beginning in funding year 2016. We believe this balanced approach will provide us with sufficient data to determine the best course forward for subsequent funding years.

2. Allowing Applicants To Pay the Non-Discounted Portion of Non-Recurring Construction Costs Over Multiple Years

16. To address the challenge some applicants face in having sufficient funds to pay the non-discounted portion of special construction charges, we allow applicants to enter into an installment payment plan with their service providers for the non-discounted portion of category one special construction charges beginning in funding year 2016. Currently, applicants must pay the entire non-discounted portion of a special construction project to the service provider within 90 days of delivery of service. However, the record demonstrates that obtaining funding to pay the entire non-discounted share of special construction charges is a major barrier to high speed connectivity for some schools and libraries. To help schools and libraries overcome this barrier, we will allow them to pay the non-discounted portion of special construction charges in installment payments of up to four years from the first day of the relevant funding year. Pursuant to our direction above to USAC to suspend its amortization policy, applicants will be able to seek the discounted portion of those same category one special construction charges during a single funding year.

17. Applicants who are interested in this flexible payment arrangement must specifically include this request in their bids on their FCC Forms 470. By notifying all potential bidders of their interest, applicants will ensure that vendors know and understand all expected terms and conditions of the school or library's bid and that all potential service providers who are willing to offer an installment payment option will be on notice of the applicant's interest and will bid accordingly.

18. Service providers are under no obligation to allow this payment arrangement and should not do so in the absence of such a request on an applicant's FCC Form 470. However, those that do offer installment payments in response to an FCC Form 470 seeking bids that include this option must specify in their bid submission whether they are willing to allow this payment arrangement and must also disclose all material terms of that arrangement, including any interest rate they would charge the applicant and the term of the installment payment plan they are offering.

19. We recognize that allowing applicants greater flexibility to pay the non-discounted cost of special construction charges combined with the other changes we make in this *Order* could increase demand for category one support. However, a temporary increase in the demand to the Fund for special construction charges will ultimately be beneficial to E-rate applicants and the stability of the Fund. It will result in more students and library patrons enjoying access to scalable, high-speed broadband connections and we expect increasing flexibility for applicant's non-recurring payments for special construction will allow applicants to structure the agreements with service providers so as to lower future costs for recurring services. Moreover, the increase in the E-rate funding cap we adopt today should alleviate concerns resulting from any temporary increase in demand for special construction charges.

20. As with our suspension of the amortization requirement, we expect that USAC will keep the Bureau apprised of how many and to what extent applicants utilize this installment payment option for the deployment of infrastructure. We also direct the Bureau to consider how best to modify our data collections to capture information about the extent to which applicants take advantage of this option and to require reporting and certifications by applicants and service providers regarding the payment of the applicant's non-discounted share of special construction charges.

21. We also amend § 54.504(a)(1)(iii) to require applicants that take advantage of this flexible payment option to certify on their FCC Forms 471 that they are able to pay all required installment payments. Our rule currently requires applicants to certify that they are able to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. This change is necessary because applicants on an installment plan may not have secured all of their non-discounted payments in the applicable funding year.

22. We also take this opportunity to remind applicants and vendors that it is a violation of our competitive bidding rules for service providers to offer to pay the non-discounted portion of E-rate supported services, and a violation of our gift rules and the prohibition on the receipt of rebates for services or products purchased with E-rate discounts to forgive payment of such charges or to accept such payment forgiveness. By extension, service providers that accept installment payments of the non-discounted share of E-rate supported services cannot forgive any or all such payments. Because interest and finance charges are not eligible for E-rate support, applicants may not seek support for these charges. Additionally, we remind applicants and service providers that our document retention rules require them to maintain records of payments made so that USAC can verify that an applicant has paid its full non-discounted share. Applicants should also be prepared to provide documentation verifying their agreements with service providers for an installment payment plan.

B. Modifying the Commission's Eligible Services List and Rules To Expand Access To Low Cost Fiber (WC Docket 13–184)

23. To further expand the competitive options for schools and libraries seeking high-speed broadband connectivity and to drive down broadband costs for applicants and the Fund, we amend our eligible services list, effective in funding year 2016, to equalize the E-rate program's treatment of lit and dark fiber; amend our rules to allow applicants to construct their own fiber networks under limited circumstances; and incent states to identify and provide financial assistance for last-mile connections to underserved schools and libraries.

1. Equalizing the Treatment of Lit and Dark Fiber

24. First, we adopt the Commission's proposal in the *E-rate Modernization NPRM,* 78 FR 51597, August 20, 2013, to equalize the E-rate program's treatment of lit and dark fiber. Citing the cost savings and bandwidth upgrades that dark fiber can provide, school, library, and local government commenters from urban and rural areas across the country overwhelmingly support equalizing the treatment of lit and dark fiber. The availability of a full dark fiber option will help some E-rate applicants attract multiple competitive bids for construction and deployment and will drive down broadband costs for schools and libraries, as well as the E-rate program. We will equalize the treatment of dark and lit fiber beginning in funding year 2016.

25. Dark-fiber leases and other dark-fiber service agreements are commercial arrangements in which a broadband customer purchases use of a portion of a provider-owned and maintained fiber network separately from the service of lighting (*i.e.* transmitting information over) that fiber. Many competitive providers now offer such arrangements. In the *Schools and Libraries Sixth Report and Order,* 75 FR 75393, December 3, 2010, the Commission concluded that expanding access to such arrangements would ''increase competition among providers of fiber and ensure[ ] that schools and libraries . . . pay less for the same or greater bandwidth,'' and therefore added dark fiber to the E-rate eligible services list. The Commission limited dark-fiber support in several ways, however, ''pending further inquiry into the potential impact on the E-rate fund'' of fully equalizing the treatment of lit and dark fiber services. The E-rate program currently supports the recurring costs of leasing lit and dark fiber as category one services. When a school or library leases lit fiber, the modulating electronics necessary to light that fiber are funded as a category one service. By contrast, a school or library that leases dark fiber currently cannot receive category one support for the modulating electronics necessary to light the fiber. In addition, the E-rate program currently provides category one support for all ''special construction charges'' for leased lit fiber, but does not support special construction charges for leased dark fiber beyond a school or library's property line. Having now developed a further record on this issue, we conclude that leveling the playing field between lit and dark fiber will expand options for applicants and will likely reduce costs for the Fund.

26. We received widespread support from a broad cross-section of E-rate stakeholders—from schools and state E-rate experts to municipalities and carriers—who believe the equalization of the treatment of lit and dark fiber in the E-rate program carries substantial benefits. Commenters contend, for example, that funding dark fiber on an equal footing with lit fiber will provide more choices and lower costs to schools and libraries seeking enhanced connections. The city of Boston points out that ''distinguishing between lit and dark fiber serves no useful purpose'' in the E-rate program and that dark fiber should be placed on an equal footing with lit fiber if it is the proper solution to the needs of the school or library. State-level E-rate coordinators take a similar view, as do competitive providers.

27. While most schools and libraries seeking high-speed broadband purchase lit fiber services, the record makes clear that dark fiber can be a powerful option for a significant minority to drive down broadband costs while increasing capacity. For example, Maine, which purchases school and library connectivity through a statewide consortium, has leased 1 Gbps dark fiber circuits to 75 schools across the state. Maine reports that because its dark-fiber service provider charges on a per-mile basis rather than based on bandwidth used, the state consortium's all-inclusive cost for 1 Gbps connectivity to these 75 schools is approximately $500 to $750 per-school per-month—roughly the same per-circuit price the state consortium pays for one percent of that bandwidth (10 Mbps) for lit circuits from other providers. Similarly, the University System of Georgia's statewide research and education network, PeachNet, is employing a dark fiber solution to significantly increase the high-speed broadband connectivity to local school districts. Beginning July 2015, PeachNet will increase the broadband connectivity to each local school district from 3 Mbps per school to 100 Mbps per schools while reducing the Georgia Department of Education's per Mbps costs by 96 percent.

28. Dark-fiber services can also be a cost-effective option for smaller, rural districts that otherwise face challenges affording high-speed circuits. For example, the Newton Public School District, an 11-school district centered in Newton, Kansas, recently upgraded to a district-wide 1 Gbps WAN while decreasing costs by moving to a dark-fiber solution. Likewise, the Morgan County and Bleckley County school systems in Georgia, which each serve rural populations, connect their schools through cable-provided dark fiber at speeds of 1 to 10 Gbps. Weslaco ISD, located in the south Texas Rio Grande Valley, serves a largely poor and minority population, including many migrant families and relies on dark-fiber leases to connect several of its 17 school sites to its central network operations center.

29. Equalizing the treatment of lit and dark fiber is also consistent with the Commission's approach in the *Healthcare Connect Order,* 78 FR 38606, June 27, 2013. There, guided by the principle that ''providing flexibility for HCPs [health care providers] to select a range of services . . . will maximize the impact of Fund dollars (and scarce HCP resources),'' the Commission concluded that ''supporting dark fiber provides an additional competitive option to help HCPs obtain broadband in the most cost-effective manner available in the marketplace.'' In particular, and in contrast to the current E-rate rules, the *Healthcare Connect Order* authorized support for special construction charges for both lit and dark fiber, as well as for the installation of equipment and services ''necessary to make [dark fiber] service functional,'' including modulating electronics.

30. Following this recent precedent and given the broad support in the record, we will equalize the treatment of dark- and lit-fiber services within E-rate, beginning in funding year 2016. Specifically, adopting the Commission's proposal in the *E-rate Modernization NPRM,* we will provide category one support for special construction charges for leased dark fiber, as we do for leased lit fiber, and we will provide category one support for the modulating electronics necessary to light leased dark fiber.

31. To prevent applicants from using E-rate discounts to acquire unneeded capacity or warehouse dark fiber for future use, we maintain the safeguards that the Commission adopted in the *Schools and Libraries Sixth Report and Order,* and extend those it adopted in the *Healthcare Connect Order* to E-rate. First, to prevent warehousing of excess fiber capacity, applicants cannot receive E-rate funding for recurring costs associated with dark fiber until it is lit, and applicants may only receive funding for special construction charges for dark fiber if it is lit within the same funding year.

32. To provide applicants sufficient time to complete special construction projects before a funding year begins, we codify the bulk of USAC's current policy regarding special construction charges. Specifically, we allow category one infrastructure costs incurred six months prior to that funding year, provided the following conditions are met: (1) The construction takes place only after selection of the service provider pursuant to a posted FCC Form 470 (or any successor form); (2) a category one recurring service must depend on the installation of the infrastructure; and (3) the actual service start date of that recurring service is on or after the start of the funding year (July 1). We also direct USAC to accept invoices for special construction charges meeting these conditions dated during this period of time before the start of the funding year. However, applicants that choose to start construction before they receive a funding commitment bear the risk that their funding request will not be granted. Because special construction charges for leased dark fiber are now eligible for category one support, applicants seeking support for special construction for dark fiber may avail themselves of this limited exception for early construction. In addition, as in the *Healthcare Connect Order,* we will also allow applicants to receive up to a one-year extension to light fiber if they demonstrate that construction was unavoidably delayed due to weather or other reasons.

33. Second, to ensure that applicants treat the price of eligible products and services as the primary factor in selecting winning bids, we adopt measures to ensure that applicants fairly compare dark fiber with other options. If a school or library intends to seek support for special construction charges associated with dark fiber, it must also solicit proposals to provide the needed services over lit fiber. Similarly, if a school or library intends to seek support to lease and light dark fiber, the schools or library must also solicit proposals to provide the needed services over lit fiber over a time period comparable to the duration of the dark-fiber lease or IRU. In addition, if an applicant intends to request support for equipment and maintenance costs associated with lighting dark fiber, it must include these elements in the same application as the dark fiber so that USAC can easily review all costs together. These safeguards amply address concerns that schools and libraries could choose dark-fiber solutions when not the most cost-effective solution, that they will exclude certain costs when comparing dark- and lit-fiber solutions, or that they will warehouse spare capacity. Indeed, the safeguards reflect the suggestions of many of the commenters who raised these concerns in the record.

34. USTelecom argues that the protections adopted in the *Healthcare Connect Order* will prove insufficient in the E-rate context because ''USAC-conducted cost-effectiveness reviews [are] not viable for the E-rate program'' and ''the E-rate program—at least as it is currently structured—provides fewer incentives for applicants to make cost-effective choices than the Healthcare Connect Fund'' because the top discount rate is higher. We find both arguments unpersuasive. While it is true that the top discount rate in the E-rate program is higher than the discount rate for recipients of Healthcare Connect funds, E-rate discounts vary, resulting in a substantial number of E-rate applicants receiving discount rates below those discount rates received by rural health care providers. In addition, all E-rate applicants are required to engage in cost-effective purchasing. Further, USAC routinely conducts cost-effectiveness reviews of E-rate applications every year and we are confident it can do so for applicants choice of dark-fiber solutions, just as it does for all the other purchasing decisions applicants make.

35. Incumbent providers also assert that equalizing the treatment of lit and dark fiber ''undermines national broadband policy'' because it ''takes traffic away from actual or potential last mile facilities of broadband service providers, which frustrates their ability to utilize schools as anchor tenants for broadband investment in surrounding communities, especially in low density areas.'' It is our view that vibrant competition on an even playing field generally brings the lowest prices and best promotes ''national broadband policy.'' Accordingly, within a framework that treats lit- and dark-services equally, incumbents are free to offer dark-fiber service themselves, or to price their lit-fiber service at competitive rates to keep or win business—but if they choose not to do so, it is market forces and their own decisions, not the E-rate rules, that ''frustrate[] their ability to utilize schools as anchor tenants.'' Nor does it ''take[] traffic away from actual or potential last mile facilities of broadband service providers,'' if a competitor wins school and library

business, for competitive providers of dark-fiber service are also ''broadband service providers,'' and our role in the E-rate context is to encourage participation in the E-rate program and foster access to broadband by schools and libraries, and not favor one provider over another.

36. Finally, USTelecom reiterates its statutory argument from past proceedings that the Act prohibits support for dark fiber because it is not a ''service'' under section 254. The Commission has rejected this interpretation on multiple prior occasions, and commenters neither offer new arguments nor identify new facts that would warrant revisiting this conclusion. USTelecom contends that even if dark fiber itself qualifies for support, modulating electronics necessary to light dark fiber and special construction charges for leased dark fiber do not, because whereas ''dark fiber is part of the transmission path that enables the requisite functionality (delivery of voice, video and/or data) to be delivered to the classroom,'' modulating electronics and special construction charges are ''unrelated to the transmission of information to individual classrooms.'' USTelecom provides no explanation for this assertion, however, nor can we imagine any. Lighting dark fiber ''enables the requisite functionality (delivery of voice, video and/or data)'' to just the same extent as the dark fiber itself. Indeed, modulating electronics are a critical component of the E-rate supported bundle when broadband is sold as a lit-fiber service. Likewise, just as special construction charges for lit fiber are eligible because they are part of the cost of bringing broadband connections to school and library buildings, so too are special construction charges for dark fiber. Further, we continue to believe that dark fiber does enhance access to advanced telecommunications and information services consistent with section 254(h)(2)(A). Therefore, consistent with our policy conclusion that lit- and dark-fiber services should be treated equally, we see nothing in the statute that would require us to draw a distinction.

2. Permitting Self-Construction of High-Speed Broadband Networks

37. We also promote high-speed broadband connectivity by permitting applicants to construct their own or portions of their own networks when self-construction is the most cost-effective solution. We agree with commenters that argue that allowing E-rate applicants to own all or portions of their own networks can help deliver the most cost-effective broadband services and provide financial stability for certain E-rate recipients. We also agree with commenters that argue for safeguards to make sure that self-construction is only available in limited circumstances when it is demonstrated to be the most cost-effective solution. As with our equalization of lit and dark fiber, we allow the self-construction option beginning in funding year 2016.

38. Providing support for the self-construction of high-speed broadband networks is also consistent with the Communications Act, as the Commission recently found in the *Healthcare Connect Order*:

> [S]ection 254(h)(2) provides ample authority for the Commission to provide universal service support for HCP access to advanced telecommunications and information services, including by providing support to HCP-owned network facilities. Nothing in the statute requires that such support be provided only for carrier-provided services. Indeed, prohibiting support for HCP-owned infrastructure when self-construction is the most cost-effective option, would be contrary to the command in section 254(h)(2)(A) that support be ''economically reasonable.''

We find this reasoning equally applicable to self-construction undertaken by schools and libraries that participate in the E-rate program, and we further find that the record now before us demonstrates that support for the self-construction of high-speed broadband networks will fulfill the mandate of section 254(h)(2)(A). As explained above, for example, we are adopting safeguards to ensure that self-construction is available only in limited circumstances when it is demonstrated to be the most cost-effective solution to obtain high-speed broadband. The record shows that under these circumstances, support for self-construction will be ''economically reasonable,'' while also fulfilling the statutory mandate that we enhance, ''to the extent technically feasible . . ., access to advanced telecommunications and information services for all public and nonprofit elementary and secondary classrooms . . . and libraries.''

39. Self-construction can be a useful tool for some schools and libraries when they receive insufficient responses to their FCC Form 470 and associated requests for proposals (RFPs). Testing the benefits of allowing self-construction, the Commission permitted applicants to construct their own networks in the Rural Health Care Pilot Program that preceded the *Healthcare Connect Order*. Eight of the 50 pilot program participants elected to use support for self-construction for parts of their networks, with two of those participants opting to construct their whole networks. The participants found self-construction to be a useful tool for cost-effective network deployment. Because of the success of the Rural Health Care Pilot Program, the Commission adopted rules permitting self-construction, subject to certain safeguards, for the Rural Health Care Program participants in the *Healthcare Connect Order*. We follow the model the Commission adopted in the *Healthcare Connect Order* here, to ensure that the Fund supports self-construction only when it is the most cost-effective option.

40. Some commenters express concern about the cost-effectiveness of self-construction and the quality of service it would provide and either oppose a self-construction option or request safeguards to ensure that schools and libraries only have the option of self-construction when it is the most cost-effective approach. Other commenters argue that we should impose a cap on self-construction, as the Commission did in the Rural Health Care Program. Additionally, NCTA recommends that we only authorize funding for self-construction by schools and libraries where they can demonstrate that (1) there are no commercial alternatives; (2) there are no more cost-effective methods to receive high-speed broadband; and (3) they have the expertise to handle the burden of operating and maintaining a fiber network. For its part, expressing concern about overbuilding, NTCA has argued that self-construction should only be allowed where an applicant has sought broadband services from existing providers and networks, and connectivity is not available from those providers and their networks; the existing provider is given the opportunity to demonstrate that it can provide the broadband service at target speeds within 180 days; there is a meaningful matching funds requirement; applicants are prohibited from using revenue from excess capacity as a source of matching funds; and applicants demonstrate that they have selected the option that will be most cost-effective over the life of the asset.

41. We agree with many of the concerns expressed by commenters, particularly those aimed at ensuring that self-construction is only undertaken when it is the most cost-effective option, but we do not agree with all of the limitations on self-construction suggested by commenters. Therefore, we adopt safeguards ensuring that applicants seek E-rate support for self-construction only when it is the most

cost-effective option, and requiring that they actually use the self-constructed facilities, but do not adopt many of the other limitations on self-construction suggested by commenters.

42. In allowing self-construction under certain circumstances, we adopt several safeguards to ensure that the self-construction option will be available only when it is necessary to enable applicants to access fiber at cost-effective rates. First, as the Commission did for the Rural Health Care Program, we allow self-construction only where self-construction is demonstrated to be the most cost-effective option after competitive bidding. USAC already has experience in evaluating cost-effectiveness for large-scale projects from the Rural Health Care Program. Applicants interested in pursuing self-construction must solicit bids for both service and construction in the same FCC Form 470 and must provide sufficient detail so that cost-effectiveness can be evaluated based on the total cost of ownership over the useful life of the facility for applicants who pursue the self-construction option. As the Commission did in the *Healthcare Connect Order,* we permit applicants who have received no bids on a services-only posting to pursue a self-construction option through a second posting for the same funding year.

43. Second, as with applicants that seek E-rate support for dark fiber, to ensure that we are paying for necessary services, applicants may only receive funding for self-construction if the facilities are built and used within the same funding year. Pursuant to the prohibition against reselling service purchased with E-rate discounts, applicants may only receive E-rate support for services that they use. In Section II.B.1, we codified a limited exception to allow funding for special construction charges for projects started up to six months in advance of the funding year, provided the following conditions are met: (1) The construction begins only after selection of the service provider pursuant to a posted FCC Form 470 (or any successor form); (2) a category one recurring service must depend on the installation of the infrastructure; and (3) the actual service start date is after the start of the funding year (July 1). This exception applies to self-construction. As we do with dark fiber, we will also allow applicants to receive up to a one-year extension of the service start date if they demonstrate that construction was unavoidably delayed due to weather or other reasons.

44. Third, the E-rate program rules require applicants to secure all of the resources necessary to make effective use of the services they purchase. We are confident that allowing schools and libraries to select a self-construction option with these meaningful safeguards will give applicants that have been unable to find providers willing to build affordable high-speed connections another option for purchasing such connections.

45. We do not adopt NTCA's proposals that we give existing providers a separate opportunity to demonstrate that they are able to provide service at the targeted speeds, because to do so would interfere with the competitive bidding process, which is the E-rate program's primary tool for ensuring schools and libraries select the most cost-effective option. Moreover, because E-rate applicants' requests for bids are publicly available, providers all have an equal opportunity to bid to provide E-rate services, and we expect that where there are existing providers and networks capable of providing service at the targeted speeds, they will be well situated to offer very competitive pricing through the competitive bidding process.

46. At this time, we also decline the suggestion that we set a cap on the amount of funding available for self-construction projects. The first goal we adopted for the E-rate program in the *E-rate Modernization Order* is ensuring that schools and libraries have affordable access to high-speed broadband. The record is clear that self-construction can provide one method for some schools and libraries to achieve that goal. Setting a cap on self-construction would create funding uncertainty for those schools and libraries that want to explore whether self-construction would be the most cost-effective option for them. In recognition of commenters' concerns about the amount of funding spent on self-construction above, we have directed USAC and the Bureau to report on the impact on the Fund of special construction charges, including those for self-construction.

47. We also decline to adopt USTelecom's suggestion that, if we make a self-construction option available, we target it to schools and libraries that do not have broadband and are located in rural areas. We do expect that the self-construction option will be most appealing to schools and libraries in rural areas that have not been able to purchase affordable high-speed broadband. We also expect that providers that already provide fiber-based services to a school or library should almost always be able to offer the most competitive pricing to that school or library. However, we decline to limit the self-construction option to applicants without broadband and in rural areas because there are schools and libraries that currently have broadband access, including in non-rural areas, that may be able to purchase more affordable broadband services if they take advantage of the self-construction option. Moreover, having self-construction as an option for all schools and libraries will help drive competition, thereby maximizing the cost-effective use of E-rate funding, which is one of the goals that we have adopted for the program.

48. A commenter raised concerns that permitting self-construction of networks could violate the Antideficiency Act because it would require long-term commitments. Consistent with the rules of the E-rate program, applicants will receive funding for self-construction for one funding year at a time only, so there is no danger of long-term, unfunded commitments that could violate the Antideficiency Act.

3. Additional Discounts When States Match Funds for High-Speed Broadband Construction

49. To break down barriers to high-speed broadband access in rural, Tribal, and other unserved areas, we will provide additional category one funding to match state funding for special construction charges to connect schools and libraries to high-speed broadband services that meet the long term capacity targets we adopted in the *E-rate Modernization Order.* The record demonstrates that additional funds are needed for fiber builds and that states can play a powerful role catalyzing construction of high-speed broadband connections to schools and libraries. For example, the state of North Carolina has invested approximately $150 million in broadband deployment and, as a result of this investment, 98 percent of North Carolina schools have a fiber connection. Maine has been able to connect a significant portion of its schools by constructing its own fiber loop. Additionally, California recently budgeted $26.7 million for grants for last-mile build-out projects for public school districts, county offices of education, and direct-funded charter schools.

50. In light of the role states can and do play in spurring broadband connectivity, some commenters suggested that we increase the discount rate for one-time capital investments to build out statewide fiber networks, while others suggested a separate fund or priority for capital investments. We agree that states are well-situated to

bolster high-speed broadband construction to schools and libraries. To encourage state participation, beginning in funding year 2016, we will increase an applicant's discount rate for special construction charges up to an additional 10 percent in order to match state funding the applicant receives on a one-dollar-to-one-dollar basis. Working in tandem, this additional state and E-rate program funding will reduce the money owed by applicants for what would otherwise be the applicant's non-discount share to connect schools and libraries to high-speed broadband services. By way of example, an applicant with a 90 percent discount rate would receive its 90 percent discount on the E-rate eligible construction and, if the state provided an additional contribution to the project (such as 5 percent of the total project cost), the Fund will match the state's contribution (here, an additional 5 percent of the total project cost). A network with a 60 percent discount rate, would receive its 60 percent discount plus an additional 10 percent if the state were to contribute 10 percent of the cost of the build-out. States may contribute more than 10 percent funding to the project but the E-rate program will limit its match to 10 percent of the project cost (in addition to the existing program discount rate). Because this match will only be available for special construction charges, applicants should create separate funding requests on their FCC Forms 471 for special construction and for recurring charges. As we monitor the impact of this category one match on the E-rate program, we may consider increasing the maximum match.

51. We expect this additional funding will encourage states to identify high-speed connectivity gaps—those schools and libraries that do not have access to affordable high-speed connectivity—and address them. We recently aggregated the data submitted in the E-rate modernization proceeding into two maps that allow users to view the percentage of public schools with fiber connectivity at the district-wide level and the number of annual visits to the library system. In order to assist states in identifying the gaps in their high-speed connectivity and compare their success at closing those gaps with other states, we will maintain and continue to update those maps through at least the next three funding years. Furthermore, consistent with the reporting and transparency provisions we adopted in the *E-rate Modernization Order,* we will work to populate the maps with more detailed information based on the E-rate applications received beginning in funding year 2015.

52. In recognition of the unique government-to-government relationship of Tribal nations to our federal government, and the challenges that Tribal nations face in obtaining broadband for their schools and libraries, we will match funding for construction of high-speed connections for Tribal schools and libraries from states, Tribal governments, or other federal agencies. Schools operated by or receiving funding from the Bureau of Indian Education and schools operated by Tribal Nations will also be eligible to receive matched funds from these additional sources. Eligible libraries that are funded by or operated by Tribal governments will also be eligible for these additional sources of matched funds. As with non-Tribal schools and libraries, we will provide an additional match of up to 10 percent for high-speed connection construction that meets our E-rate connectivity targets.

53. A few commenters have expressed concern that by allowing this limited matching program, some applicants will not be required to pay for any portion of the special construction charges eligible for such a match, and that requiring applicants to pay their non-discounted share is an important safeguard in the E-rate program. We decline to require that some portion of the non-discount share be paid by the E-rate applicant when the state government, or where applicable another federal agency or tribal government is willing to pay some or all of the applicant's non-discount share of special construction charges. Our current rules already allow for state agencies to pay the full amount of an applicant's non-discounted share of E-rate supported services, and therefore the matching program does not create additional concerns in this regard. To the extent that another governmental entity pays a portion of the cost of the E-rate supported service, that entity will have an incentive to ensure that the applicant engages in cost effective purchasing. However, as with the other options we adopt to increase broadband connectivity to schools and libraries, we also establish some limitations to safeguard the E-rate program. First, to ensure that this funding promotes adequate connectivity, only projects that provide broadband that meets the capacity goals and measures that we adopted in the *E-rate Modernization Order* will be eligible for the matching funding. In addition, to prevent excessive or duplicative funding during a high-speed broadband connection's useful life, any school or library connection that is built with matching funds will be ineligible to receive additional matching funds for special construction to the same buildings from the E-rate program for 15 years.

C. Ensuring Affordable Broadband Service to Schools and Libraries in High-Cost Areas (WC Docket No. 10–90)

54. To ensure that schools and libraries have access to affordable broadband service in high-cost areas, we establish an obligation for recipients of high-cost support to offer broadband service in response to a posted FCC Form 470 to eligible schools and libraries at rates reasonably comparable to rates charged to schools and libraries in urban areas for similar services. We agree with commenters that such an obligation will assist us in narrowing the connectivity gap between rural and urban schools and libraries and help rural schools and libraries achieve the connectivity targets we adopted in the *E-rate Modernization Order.*

55. In the *USF/ICC Transformation Order,* 76 FR 73829, Nov. 29, 2011, the Commission unanimously stated its expectation that eligible telecommunications carriers would offer broadband to community anchor institutions in rural and high-cost areas at speeds greater than the minimum broadband performance standards. The Commission further stated its expectation that eligible telecommunications carriers would provide such offerings ''at rates that are reasonably comparable to comparable offerings to community anchor institutions in urban areas.'' In the *April 2014 Connect America Order and FNPRM,* 79 FR 39163, July 9, 2014, we sought comment on how best to ensure that this expectation is fulfilled. Having developed a more fulsome record on this issue, we conclude that establishing a defined obligation for recipients of high-cost support to offer broadband service at affordable rates to requesting schools and libraries is the most effective way to ensure that this expectation is fulfilled for schools and libraries, and thereby ensure that the high-cost program is working in harmony with the E-rate program.

56. There is record support from stakeholders representing schools and carriers for obligating high-cost recipients to offer broadband services to schools and libraries. For example, the Schools, Health & Libraries Broadband (SHLB) Coalition and the State E-rate Coordinators Alliance (SECA) recommend ''that recipients of Connect America Fund funding should be required to serve anchor institutions with high-speed bandwidth as a

condition of receiving funding.'' Similarly, a group comprised of rural carrier associations, including NTCA—The Rural Broadband Association and WTA—Advocates for Rural Broadband, supports a ''requirement that any USF/CAF recipient offer [broadband] services . . . to most, if not all, anchor institutions in the supported areas.'' Other commenters urge the Commission to ensure that the high-cost program brings affordable broadband services to schools and libraries in rural areas.

57. Imposing an obligation on recipients of high-cost support to offer affordable high-speed services in response to a posted FCC Form 470 to schools and libraries also makes the most efficient use of limited universal service support while ensuring affordable access to broadband service to eligible schools and libraries. In high-cost, hard to serve areas, we expect that recipients of high-cost support will be best situated to offer affordable broadband service to eligible school and libraries. Obligating these recipients to offer affordable services to schools and libraries in high-cost areas increases the likelihood that schools and libraries will receive affordable broadband service at the lowest cost to the E-rate program. At the same time, this obligation decreases the likelihood that limited E-rate support will be spent to overbuild the networks of high-cost recipients in some rural and high-cost areas while schools and libraries in other high-cost areas remain unconnected.

58. We are not persuaded by those commenters that argue against any obligation to offer broadband services to anchor institutions. For example, USTelecom argues that the obligation to provide service should not apply when additional construction is required to connect an anchor institution. We conclude, however, that eligible telecommunications carriers (ETCs) subject to this obligation remain free to charge reasonable special construction charges to schools and libraries, and those schools and libraries, in turn, will be able to receive support for those charges through the E-rate program. Consequently, there is no reason that this obligation should not apply in those instances when additional construction is required to connect a school or library. While we allow special construction charges to be funded by the E-rate program, those charges would be limited to what is necessary to provide the additional capacity to the requesting school and library from existing fiber backhaul in the vicinity of the school or library: essentially, the incremental cost of a spur to serve the school or library. Price cap carriers that elect to make a state-level commitment for Connect America Phase II model-based support will be required to report annually the geocoded locations where service is newly available, so we will be able to identify where service meeting our targets should be available for schools and libraries.

59. We also are not persuaded by the Utilities Telecom Council argument that the Commission should refrain from adopting set standards for anchor institutions until more data is available and the need for support for anchor institutions is better understood. The Commission expressly established a performance goal of ensuring universal availability of broadband for anchor institutions in the *USF/ICC Transformation Order.* With respect to schools and libraries, the Commission already has adopted defined connectivity targets for schools and libraries based on comments in the record. Our action to impose this obligation on high-cost recipients is designed to ensure that the high-cost and E-rate programs work effectively together. We therefore are not persuaded by ADTRAN's argument that we should rely only on the E-rate program to ensure increased bandwidth and relative affordability for anchor institutions. Our record indicates that more needs to be done to close the connectivity gap so that schools and libraries in rural, high-cost areas can meet our connectivity goals. We conclude that obligating recipients of high-cost support to offer broadband services in response to a posted FCC Form 470 to eligible schools and libraries at affordable rates is an economically efficient method for us to fulfill the universal service mandate and meet our connectivity goals.

60. Under the obligation we establish here, high-cost recipients will be obligated to bid on category one telecommunications and Internet access services in response to the posting of an FCC Form 470 requesting such services for eligible schools and libraries located in the areas where the carrier is receiving high-cost support. Further, to ensure that schools and libraries in rural and high-cost areas receive reasonably comparable services at rates reasonably comparable to those services paid by libraries and schools in urban areas, we also take steps to establish reasonably comparable benchmarks for broadband services offered to schools and libraries by high-cost recipients.

61. *Applicability.* This obligation to offer broadband service in response to a posted FCC Form 470 to schools and libraries will apply to all recipients of high-cost support that are subject to broadband performance obligations to serve fixed locations—specifically, rate-of-return carriers that receive support from the high-cost program, price cap carriers that elect to make a state-level commitment for Connect America Phase II model-based support, price cap carriers serving the non-contiguous United States that elect to receive frozen support in lieu of model-based support for Phase II, and competitive bidders that are awarded support in the Connect America Fund Phase II competitive bidding process. As a condition of receiving high-cost support, carriers receiving high-cost support must submit bids in response to the posting of an FCC Form 470 requesting broadband service to an eligible school, library or consortia located in the geographic area where the carrier receives high-cost support. The obligation to bid on broadband service in response to a posted FCC Form 470 extends only to those schools, libraries and consortia that are eligible for participation in the E-rate program and that seek bids on category one broadband services in a given funding year by posting an FCC Form 470. The Bureau may refer any carrier that refuses to bid in response to a request from an eligible school or library to provide category one services at rates reasonably comparable to those paid by libraries and schools in urban areas to the Enforcement Bureau for further action as appropriate.

62. *Minimum Levels of Service.* We require high-cost support recipients to offer high-speed broadband connections sufficient to meet the targets set forth in the *E-rate Modernization Order,* when requested by schools and libraries in a posted FCC Form 470. Consistent with the approach established for the Connect America Fund, we emphasize that providers remain free to offer a range of service offerings to meet the needs of their customer base, in addition to the service offering meeting the minimums we established in the *E-rate Modernization Order.* Eligible schools and libraries remain free to request and purchase the services that meet their specific needs. Our intention here is to create a framework that will enable schools and libraries to have access to services meeting the E-rate program's connectivity targets at affordable rates.

63. *Timing.* This obligation to offer broadband services in response to a posted FCC Form 470 to eligible schools and libraries for price cap carriers that elect to make a state-level commitment for Connect America Phase II model support, price cap carriers serving the non-contiguous United States that elect to receive frozen support in lieu of

model-based support for Phase II, and existing rate-of-return carrier ETCs will become effective no sooner than E-rate funding year 2016, which commences July 1, 2016. For ETCs that are awarded Phase II support through a competitive bidding process, this obligation will become effective in the first E-rate funding year after their support is authorized. We recognize, however, that it may not be possible to offer service meeting the E-rate modernization connectivity targets as soon as this obligation becomes effective in geographic areas that do not yet have the necessary fiber backhaul facilities. In the *Connect America Order* we adopt today, we establish graduated interim milestones for price cap carriers accepting the offer of Phase II model-based support, with the first enforceable interim deadline at the end of calendar year 2017 and completion of deployment not required until December 31, 2020. We recognize that construction to extend fiber deeper into networks to meet Phase II obligations will be an ongoing project over the course of the Phase II term for price cap carriers accepting the state-level commitment. It is likely, therefore, that Phase II construction to extend fiber facilities to the general vicinity of a particular school or library seeking more robust capacity through the E-rate program will not occur until 2017 or later. We do not intend to disrupt the orderly implementation of the construction cycle for Connect America Phase II. To the extent additional network construction is necessary to reach a requesting school or library, we encourage high-cost recipients expeditiously to complete deployment of facilities and ensure the necessary fiber backhaul is installed where needed.

64. We will continue to provide a more flexible approach to rate-of-return carriers, which are obligated to extend broadband service upon reasonable request for service and within a reasonable amount of time. Consistent with the framework established in the *April 2014 Connect America Fund Order,* a request to serve would be deemed reasonable to the extent anticipated revenues (both end user revenues and other federal and state universal service support under existing rules) are sufficient to cover the incremental cost of extending service to the requesting school or library. If the available revenues are insufficient, then a request would not be deemed reasonable. To the extent any high-cost recipient has the facilities in place to provide service at the requisite speeds to an eligible school or library in geographic areas where it receives funding, we expect such carrier to offer such service in response to a request from such school or library in the funding year that the request is made.

65. *Reasonable Comparability Benchmarks.* To ensure that schools and libraries are able to purchase broadband offerings at rates that are reasonably comparable to similar offerings to schools and libraries in urban areas, we direct the Bureau to develop national benchmarks for broadband services offered to schools and libraries. Offering services in response to a posted FCC Form 470 at the reasonable comparability benchmarks will be a condition of receiving high-cost support for those ETCs subject to this obligation, and will not constitute a rebate to the price of service. The benchmark price offered will constitute the full retail price before taking into account any universal service support.

66. The *April 2014 Connect America Order and FNPRM* sought comment on how best to ensure that we fulfill the expectation that schools and libraries are able to purchase broadband offerings at rates that are reasonably comparable to similar offerings to schools and libraries in urban areas. The Bureau should build upon this record by seeking more focused comment on proposed benchmarks. Specifically, the Bureau should rely upon data obtained from FCC Forms 471 submitted by urban schools, libraries, and consortia to develop these reasonable comparability benchmarks, as well as any other publicly available data sources, and should provide an opportunity for public comment on its proposed methodology and benchmarks before adopting the benchmarks. Upon adoption of such benchmarks, recipients of high-cost support subject to an obligation to provide fixed broadband will be obligated to offer services at or below these benchmarks in response to the posting of an FCC Form 470 requesting broadband service to an eligible school or library in the geographic areas where the carrier receives high-cost support for the next funding year. The Bureau should use a similar methodology to prepare benchmarks in subsequent funding years.

67. We also believe that this approach will ensure that support to those ETCs required to offer the benchmarked rates will continue to be sufficient for purposes of section 254. While we recognize that capital costs are higher in high-cost areas, no commenters suggest that recurring operating costs are significantly higher in high-cost areas than compared to urban areas. Because E-rate applicants can seek support for special construction charges, as that term is used in the E-rate context, ETCs subject to the benchmark requirements will be able to assess reasonable special construction charges to schools and libraries that solicit bids for broadband services. Moreover, the national benchmarks developed by the Bureau will be reasonably comparable, but not identical, to rates charged for similar offerings to schools and libraries in urban areas. The combination of the availability of special construction charges and reasonable comparability benchmarks will ensure that universal service support received by ETCs remains sufficient for purposes of section 254.

68. *Tariffed Services.* Those carriers that offer broadband services pursuant to tariffs must comply with our tariffing rules implemented pursuant to sections 201 through 203 of the Act. The benchmark rates established pursuant to this *Order* for broadband services provided to schools and libraries will likely vary from rates charged for similar services to other customers. To the extent this is the case, we evaluate whether it potentially raises concerns under section 202(a), which forbids ''unreasonable discrimination'' in rates charged to customers, and section 201(b), which requires rates to be ''just and reasonable,'' as well as our tariffing rules. For the reasons described below, we conclude that the action we take today does not raise such concerns.

69. To ensure that incumbent local exchange carriers can offer services to schools and libraries consistent with the requirements of this *Order* and the Act, we rely on the flexibility provided under section 201(b) to decide that it is just and reasonable for carriers to provide broadband services at rates specific to the class of educational customers to which carriers must offer benchmarked rates. Section 201(b) provides that ''communications by wire or radio subject to this chapter may be classified into day, night, repeated, unrepeated, letter, commercial, press, Government, and such other classes as the Commission may decide to be just and reasonable, and different charges may be made for the different classes of communications.'' Accordingly, in conjunction with the process for establishing the benchmark rates, we delineate here, pursuant to section 201(b) of the Act, a class of educational customers to whom the benchmarked rates may be offered. We delegate authority to the Bureau to provide other guidelines as necessary to implement the objectives described above as part of

the process of seeking public comment on the analysis underlying the rate benchmarks. For example, the Bureau may consider establishing streamlined procedures to enable those carriers that offer broadband services pursuant to tariffs to easily revise or re-file new interstate tariffs. Additionally, the Bureau should determine whether there may be certain carriers for whom application of the rate benchmarks would be impracticable or unduly burdensome and, if so, if there are alternate methods to ensure that such carriers are providing eligible E-rate applicants with rates that are reasonably comparable to similar offerings to schools and libraries in urban areas.

70. We find that it is just and reasonable under section 201(b) for carriers to provide service at rates specific to the class of educational customers to which carriers must offer benchmarked rates. This action furthers significant universal service principles that schools and libraries obtain access to advanced telecommunications services and access to telecommunications services and information services at rates that are reasonably comparable to those charged for similar services in urban areas. By making a benchmarked rate available to eligible schools and libraries, in high-cost areas we will ensure that the universal service program complies with these statutory goals, as well as the Commission's stated expectation that eligible telecommunications carriers provide broadband to community anchor institutions at reasonably comparable rates. Based on the record, we proceed incrementally, focusing for now specifically on schools and libraries rather than on broader categories of entities within the scope of section 254's objectives. By requiring carriers to offer services at rates specific to schools and libraries, we will advance the objectives of section 254; that fact, coupled with the flexibility afforded the Commission under the ''just and reasonable'' standard of section 201(b), persuades us that carriers' provision of service at rates specific to schools and libraries is not at odds with section 201(b). We conclude for the same reasons that carriers' compliance with the requirements adopted here do not violate section 202(a).

III. Adjusting The E-Rate Cap To Meet The Program's Connectivity Goals (WC Docket 13–184)

71. Ensuring that schools and libraries will be able to meet the high-speed connectivity targets we have set for the E-rate program will require a combination of continued efforts to lower the prices paid for school and library broadband connectivity and an increase in E-rate support necessary to meet growing bandwidth demands of schools and libraries. In this *Order* and in the *E-rate Modernization Order,* we have taken several steps to maximize the cost-effectiveness of E-rate supported purchases, including a pricing transparency requirement and several program changes in this *Order* that will have the effect of increasing competitive options, and thus lowering prices, for schools and libraries to meet their connectivity needs. However, the record demonstrates that as more schools and libraries upgrade their broadband infrastructure and expand robust Wi-Fi access into every classroom and library space, bandwidth demands of schools and libraries will outpace any expected savings that can be accomplished through program efficiencies and declining per megabit pricing. Even with a more efficient E-rate program that achieves substantial cost-savings, funding above the current E-rate cap will be necessary if we seek to connect more schools and libraries at the targeted bandwidth levels. Based on an extensive record that includes more than 2,800 comments, 600 ex parte presentations, and two cost estimates, we raise the annual E-rate program cap to $3.9 billion in funding year 2015. Commenters stress the importance of providing certainty to schools and libraries that sufficient funding will be available for both connectivity to and within schools and libraries. For the reasons explained below, we agree that raising the cap, in conjunction with the other work we have done to improve E-rate purchasing, is the best way to provide such certainty as well as to meet the goals we have set for the program.

72. The E-rate funding cap has gone virtually unchanged for 17 years. In 1997, the Commission adopted a $2.25 billion annual funding cap for the E-rate program, based on demand estimates provided by McKinsey, Rothstein Thesis, and the National Commission on Library and Information Science (NCLIS) Report. Since then, however, actual demand for E-rate support has exceeded that cap in all but one funding year. In recent funding years, there has been little or no funding available for the internal connections necessary to deliver broadband into classrooms and libraries.

73. Throughout the program's history, the Commission has made various efforts to spread E-rate dollars to more applicants, such as, for example, by limiting applicants to applying for discounts on internal connections to twice every five years. In 2010, it also began adjusting the E-rate cap to account for annual inflation to try to gradually align the program's needs with available funding. Even with these changes, the program, while successful, was falling short of its potential. Based on the record created in response to the *E-rate Modernization NPRM,* earlier this year we took steps to restructure the E-rate program. In the *E-rate Modernization Order,* we phased out support for outdated, non-broadband services, shifting the focus to high-speed broadband, with a particular focus on how the E-rate program distributes funding for internal connections. We also made needed reforms to encourage cost-effective purchasing, including setting sufficient budgets for internal connections, known as category two services, and establishing pricing transparency. These major policy changes were a necessary first step on the path to ensuring that the program has the necessary resources to meet the goals we have adopted for the E-rate program.

74. At the same time, we sought comment on the future funding levels needed for the E-rate program in order to meet the established goals. We invited stakeholders to submit data on the gap between schools' and libraries' current connectivity and the specific targets set out in the *Order,* as well as information on how much funding would be needed to bridge that gap within the E-rate program. In August, the Bureau released a Staff Report summarizing a portion of the large amount of data gathered in the record in order to assist parties considering responses to the *E-rate Modernization FNPRM,* 79 FR 49036, August 19, 2014. In conjunction with the Staff Report, Commission staff released two maps providing a visualization of the fiber connectivity to schools and libraries based on data in the record, and have continued to update those maps to reflect additional data stakeholders have submitted.

75. Based on the substantial record developed in this proceeding, in this section we set out the anticipated costs to meet the goal of ensuring affordable access to high-speed broadband sufficient to support digital learning in schools and robust connectivity for all libraries. First, in order to provide certainty and administrative simplicity to applicants and to the Fund, we extend for three additional years, with a small modification, the category two budget approach we adopted in the *E-rate Modernization Order* for funding costs for internal connections for

schools and libraries. Taking this change into account, we set out the projected costs of category two services to the E-rate program over the next five funding years. Next, we discuss the factors that will impact the cost of category one services in order to ensure schools and libraries can meet the connectivity targets we adopted in the *E-rate Modernization Order.* Based on these projections, and to help provide more certainty regarding the availability of E-rate support, we raise the annual E-rate cap to $3.9 billion beginning in funding year 2015. Setting the cap at this level is based on a substantial amount of data and analysis and reflects our judgment of the amount of funding that will be necessary to meet the long-term broadband connectivity targets for all schools and libraries, including internal connections, non-recurring infrastructure upgrades, and significant increases in monthly recurring Internet access charges.

A. Ensuring Certainty for Applicants Seeking Support for Category Two Services

76. *Schools.* First, we agree with those commenters that stress the importance of predictability and certainty by extending the applicant budgets for schools established in the *E-rate Modernization Order* for category two services. In July, we adopted a two-year test period for the pre-discount applicant budgets for category two services for funding years 2015 and 2016. Applicants that receive commitments for category two support in either of those funding years will be subject to the five-year budget. To make the test period for the budget-based approach to awarding category two support consistent with the full five-year cycle that such budgets are based on, we expand the test-period for three additional years through funding year 2019.

77. In the *E-rate Modernization Order,* we explained that we were confident that we could meet the $1 billion target for two years. However, we noted that the longer-term funding available for category two budgets is linked to the broader question of the long-term funding needs of the E-rate program, and we sought comment on these funding needs of the program. As the record demonstrates, without the changes that we make today, applicants who do not seek or receive category two support in funding years 2015 or 2016 would face uncertainty about whether they will be able to receive E-rate support to meet the Wi-Fi needs of their students and patrons in later years. By addressing the longer-term funding needs of the program and extending these category two budgets for three additional funding years in this *Order,* we help ensure sufficient funding for category two services, increase certainty for applicants about the availability of funding beyond funding years 2015 and 2016, and simplify the administration for USAC.

78. A sufficiently funded, multi-year budgeted approach for category two funding provides both certainty and flexibility for applicants. This combination allows applicants to request support only for what they need when they need it, rather than seek funding for unnecessary components out of fear that there will not be support in the next funding year. It also helps us achieve our goal of ensuring affordable access to high-speed connectivity within schools and libraries, by providing broader and more equitable support for the internal connections necessary to support digital learning.

79. Some commenters argue the per-student budgets should be discontinued and replaced with a funding cap increase alone. We disagree and restate our firm belief that raising the funding cap alone will not ensure that schools and libraries can purchase affordable internal connections. Raising the cap without any additional policies or limits on how the program funds internal connections does not address the challenges faced by applicants created by widely variable costs for similar services, inefficient network planning, or incentives at the top discount levels of the E-rate program to engage in wasteful purchasing. We also firmly disagree with the assertion that per-student budgets provide ''[t]oo little discount funding'' to all applicants and are inequitable. These budgets maintain the program's historic focus on the highest poverty schools and libraries by continuing to use concentrations of poverty to determine the discount level available and the priority of applicants. At the same time, the five-year budgets promote cost-effective spending by focusing E-rate dollars on the internal connections that are essential for wireless networks, and therefore, allow us to provide a sufficient and predictable amount to deploy Wi-Fi to students and library patrons throughout the nation, and not just to the applicants at the highest discount levels.

80. We reaffirm the $150 per student pre-discount budget, with a $9,200 pre-discount funding floor, as a reasonable limit on the amount of E-rate discounts available to schools, consistent with data in the record showing local area networks (LAN) and wireless LAN (WLAN) deployments in classrooms across a number of school districts across varied geographies. In conjunction with other measures taken in the *E-rate Modernization Order,* such as pricing transparency to help arm applicants with information to make smart purchasing decisions and lowering the maximum discount rate from 90 to 85 percent to encourage applicants to pursue the most cost-effective options, this $150 per student budget provides a sufficient amount of support for the necessary internal connections. Some applicants urge us to recognize that the internal connections needs of schools are not uniform. While the *E-rate Modernization Order* recognized that there are different construction materials or variations in labor costs, the majority of costs for LANs are for commodity equipment, which sees nationwide pricing and competitive markets. We again decline to set out separate budgets for schools in different situations, apart from the adjustments for poverty and rurality that our system of discounts already provides. We expect the Bureau to closely monitor these budget levels as described below.

81. We take this opportunity to revisit the issue of how schools should count students that attend multiple schools. Consistent with our desire to ensure sufficient funding for the number of students using the internal connections at a school, in the *E-rate Modernization Order* we explained that ''[s]tudents who attend multiple schools . . . may be counted be both schools in order to ensure appropriate LAN/WLAN deployment for both schools.'' We now clarify that schools should include in their student count, for purposes of calculating category two budgets, students that attend part-time only when doing so regularly increases the maximum number of students on the school premises at the same time, during the school day. This means that students who attend a virtual class that originates at a school, but who are not on the school premises cannot be counted in that school's student count. We also note that students attending after-school activities or after-school events cannot be included in the student counts. Schools should also be prepared to demonstrate their student count calculations during PIA review and if they count part-time students to demonstrate how those students regularly increase the maximum number of students on the school premises at the same time during the school day.

82. *Libraries.* We also extend for three additional funding years, with a small upwards adjustment for libraries in more urbanized areas, the pre-discount

budget for libraries that we adopted for funding years 2015 and 2016 in the *E-rate Modernization Order.* We adopted a $2.30 per square foot pre-discount budget for libraries in that *Order,* with a funding floor of $9,200, representing a reasonable pre-discount budget level, consistent with data submitted into the record prior to its adoption. Having sought further comment specifically on the issue of user density in urban libraries because ''the record of library funding needs for internal connections [was] not as robust as we would like,'' we now adopt a separate budget of $5.00 per square foot for libraries located in cities and urbanized areas with a population of 250,000 or more, as identified by the Institute of Museum and Library Services (IMLS) locale codes of 11, 12, and 21.

83. Calculating the library budget based on square footage continues to provide the E-rate program a simple, fast, and efficient mechanism for libraries and USAC, consistent with the Commission's third goal for the program. There is broad support in the record for the position that the library budget should be greater for urban libraries, because these libraries serve more people per square foot than other communities and Wi-Fi performance may be impacted by a high density of users at one time. There is also support in the record for considering the number of users or connected devices when setting the category two library budget, particularly for large urban libraries. We agree that usage density may increase the cost of internal connections. However, as the record indicates, there is not a standardly reported metric on the number of Wi-Fi users in libraries that would provide a simple and predictable formula for all libraries. We therefore decline to adopt the proposals that seek a different budget calculation based on daily visitors or public computer users, because using those metrics would impose new administrative burdens on libraries, would be difficult to administer, could improperly incent purchasing unnecessary public computers, and would delay application review by being difficult to verify. Square footage continues to present the best option for providing a sufficient budget for libraries that is simple for applicants to calculate and simple for USAC to administer.

84. Because we agree that usage density increases the cost of internal connections and the record supports a decision that usage density is greater in large urban libraries, we elect to increase the pre-discount per-square foot library budget for libraries in the most densely populated areas to $5.00 per square foot over five years. The Urban Libraries Council (ULC) suggests a category two pre-discount budget of between $5.00 and $7.00 per square foot for urban libraries, a number of other commenters support an increase to at least $4.00 per square foot. We take into account this range of estimates that have been submitted into the record, along with the lack of precise evidence that would militate in favor of picking a specific estimate. As such, in order to be fiscally cautious, we adopt a value toward the bottom end of the range of $5.00 per square foot as the pre-discount budget for the most urban libraries.

85. To determine which libraries get the benefit of the increased per-square-foot budget, we look to the IMLS classification of libraries. IMLS assigns locale codes in order to identify the type of geographic areas in which a library outlet is located, using the same methodology as the National Center for Education Statistics' Common Core of Data datasets. It divides geographic areas into four categories—city, suburban, town, and rural, each with three subcategories. We agree with ULC's recommendation that we provide higher funding per square foot for those libraries located in the most densely populated areas using the IMLS locale codes of ''11—City, Large,'' ''12—City, Midsize,'' and ''21—Suburb, Large.'' These three locale codes capture urbanized areas within principal cities with a population over 100,000 and those areas outside of a principal city, but within an urbanized area with a population of over 250,000, which are the most densely populated areas. These locale codes therefore provide a reasonable proxy for identifying libraries that may see a higher density of users per square foot. As described below, the Bureau will continue to evaluate these library budgets for category two services. We also take this opportunity to remind library applicants, regardless of their category two budget levels or square footage, of the obligation to select the most cost-effective service offered and to consider price as the primary factor.

86. Our decision to extend both of these five-year pre-discount budgets for schools and libraries by three additional funding years reflects our concern that using applicant budgets for only two funding years will be inadequate to provide certainty for applicants making purchasing decisions. Additionally, it reflects our finding that these budgets are sufficient and that extending them will simplify the administration of the program and provide clarity and certainty to schools and libraries. We agree with commenters that extending the applicant five-year budgets will increase certainty about how applicants and certain services will be treated beyond funding year 2016 and whether funding will be available. We are particularly concerned that applicants could decide to delay seeking funding for needed internal connections in funding years 2015 or 2016 because they would like to see if there is additional funding in funding year 2017. Further, this extension simplifies administration of the program for both applicants and USAC by treating all applicants the same, regardless of when they receive E-rate support for category two services.

87. To ensure that the applicant budget remains effective at accomplishing our goal of ensuring affordable access to high-speed broadband sufficient to support digital learning, we expect the Bureau to monitor these applicant budgets and provide a report on their sufficiency to the Commission before the opening of the filing window for funding year 2019. This analysis is important for two reasons. First, information demonstrating the success, or lack thereof, of this approach to providing support for internal connections will provide the Commission with data to determine if the category two budget approach should be made permanent. Second, if the Commission does not extend the budget approach beyond funding year 2019, the information learned during the test-period will provide significant information to assist USAC in making sure that category two requests continue to be cost-effective.

88. Therefore, working with OMD and USAC, the Bureau shall analyze the data from applicants for trends across different types of applicants or regions of the nation, particularly those schools that serve students with special education services. This may include evaluation of FCC Form 471 pricing data received from applicants to ensure that cost-effective offers are reaching applicants in all parts of the country. In particular, our record on the costs for urban libraries that see higher density bandwidth demands is not as robust as our other data. Therefore, as part of our existing direction to seek feedback on sufficiency of LAN/WLAN capacity, we also direct the Bureau to analyze the applicant requests from funding years 2015 through 2018 for libraries serving different population sizes, so that we have information needed to assess whether the category two library budget is reasonable. The Bureau may consider including in its analysis passive data measurements in order to measure the

impact of the number of users on the Wi-Fi deployments.

89. *Basic Maintenance, Managed Wi-Fi, and Caching.* Because we extend these category two applicant budgets, we also extend the eligibility for basic maintenance, managed internal broadband services, and caching through funding year 2019. These services provide benefits to applicants seeking flexibility in how to set up their networks, but we had concerns about how to prevent unnecessary or wasteful spending especially given that many managed Wi-Fi agreements run over multiple years. The applicant budgets continue to ''mitigate some of our concerns about waste or abuse'' as long as they are in effect. We direct the Bureau to include these eligible services on the Eligible Services List accordingly in funding years 2016 through 2019.

90. We also note commenters' concern that caching services and managed Wi-Fi are additional costs for category two services not accounted for in the budgets. We extend the eligibility of these services in order to provide additional choices for applicants seeking the most cost-effective technology options for their unique situations. For instance, a small school district or library system without a technology director may find managed Wi-Fi allows it to more quickly deploy advanced LANs by spreading its costs over a multi-year contract and relying on the technical expertise of the managed Wi-Fi provider. Similarly, a school may decide that it is makes sense to incorporate caching into its connectivity plans and wants to seek E-rate support for those services. These services, however, are not essential components for all applicants seeking to deploy Wi-Fi, and we therefore do not further increase the applicant budgets to account for them.

91. *Category Two Costs.* We find that the $1 billion annual target budget set for category two services in the *E-rate Modernization Order* is sufficient to provide the E-rate support needed for a five-year deployment of LANs and WLANs. In July, we stated that the question of available funds for these five-year budgets was closely linked with the long-term funding for the E-rate program. We therefore applied the five-year budgets to applicants that received E-rate support for category two services in funding years 2015 and/or 2016, pending resolution of the program's overall funding needs. Having now extended these category two applicant budgets for all applicants for three additional funding years, we reaffirm the funding level for the E-rate support for category two budgets, based on the analysis set out in the *E-rate Modernization Order.* We also index the category two budget target and the applicant budgets to inflation.

92. This $1 billion annual target for category two services provides greater access to E-rate support for both schools and libraries. From funding years 2008 through 2012, the program provided E-rate discounts for internal connections of between $700 million and $1.2 billion. However, this funding provided support for less than 11 percent of the more than 100,000 schools participating in the program each year and less than four percent of public libraries. With the adoption of pre-discount budgets sufficient to deploy LANs and WLANs and a $1 billion target, the program will be able to support an average of 10 million students each funding year at different discount levels, providing broader and more equitable support across the nation. Additionally, targeting a consistent amount of support each year allows us to reduce fluctuations in the contribution factor and uncertainty over availability of funding that had previously existed in the E-rate program.

93. Although some commenters express concern that $5 billion in category two support over five years is insufficient to reach the schools and libraries at the lowest discount levels, we restate our finding that the funding target will provide sufficient funding to applicants seeking category two support. First, we disagree with assertions from commenters that the EducationSuperHighway/CoSN Ongoing Cost Model's $1.6 billion in annual costs for category two services is the appropriate measure. That model was one of several data points used in determining the category two budgets for schools. In particular, commenters point to analysis done by Funds for Learning that assumes all applicants will apply and all applicants will request the entirety of their budgets each year. We disagree with these assumptions. In the *E-rate Modernization Order,* we noted that some schools and libraries will not seek funding and others will seek less than the full budgeted amount. Additionally, the average size of the requests per student in the lower discount levels is well below $150 per student, and we do not expect a dramatic increase in the size of requests per student from such applicants. We note, as one example, that data in the record showed managed Wi-Fi contracts for as low as $19 per student annually, which is less than 65 percent of the available budget over five years.

94. We recognize that there is pent up demand and that applicants may seek a larger portion of the budget early on in the five-year cycle, leaving applicants at the lower discount levels with some uncertainty about future funding. However, by extending applicant budgets for three more funding years and increasing the size of the E-rate cap to help meet both category one and category two demand below, we provide much-needed certainty to applicants, allowing them to take advantage of the flexibility the five year budgets offer. Indeed, providing needed flexibility is one of the benefits of these multi-year budgets. School districts with a large number of schools may simply be unable to deploy networks in every school for a number of reasons, including their own budget match and the ability of a vendor to install to every school. Similarly, applicants that request support for a managed Wi-Fi solution may end up requesting just a portion of their budget each of the five funding years, leaving additional funding for applicants at a lower discount level. For these reasons, we expect category two applicant requests to be reasonable and that the Bureau will monitor these budgets closely.

B. Meeting Applicants' Needs for Category One Support

95. Having set an annual category two budget target of $1 billion, we now turn our focus to determining how meeting the long-term broadband connectivity targets that we set in the *E-rate Modernization Order* will drive future funding needs for category one services. The record demonstrates that growth in demand for category one funding will be driven by a combination of: (i) Requests for support for non-recurring infrastructure upgrades; and (ii) the growing demand for high speed bandwidth connectivity to schools and libraries, both of which will lead to increasing monthly recurring charges for WAN and Internet connections. The increase in monthly recurring charges for WAN and Internet connectivity will come from schools and libraries that already have connections capable of meeting E-rate connectivity targets and from those that are newly able to purchase high-speed connections as a result of the changes to the E-rate program that we adopt today. Moreover, by targeting funding to Wi-Fi in the *E-rate Modernization Order* and extending the budgets for internal broadband connections in this *Order,* we will ensure that more schools and libraries have robust internal connections, which will fuel their demand for high-speed WAN and Internet connectivity. Taking

into account data in the record and the anticipated savings from steps we have taken to refocus E-rate funding on broadband and encourage program efficiencies, we discuss these increasing costs for category one services below.

1. Projecting Schools' and Libraries' Future Connectivity Demands

96. We first evaluate the future connectivity demands of schools and libraries, both in terms of their needs for new infrastructure and their needs for services provided over that infrastructure. On the one hand, stakeholders report that prices per megabit for high-speed broadband have consistently declined each year. At the same time, as demonstrated below, increases in bandwidth demand greatly offset this decline in per megabit pricing; thus, the total amounts paid by schools and libraries for their recurring monthly broadband services will continue to increase. Indeed, in a recent survey of school district administrators and school technology leaders conducted by CoSN, many schools signaled that they would need more bandwidth in the very near future. For example, 83 percent of respondents expect to need additional bandwidth over the next three years and almost two-thirds report that they do not have sufficient bandwidth for the next 18 months. Moreover, the schools' anticipated demand is for significantly greater bandwidth. Over the next 18 months, 25 percent of respondents expect 100 to 500 percent bandwidth growth and another 24 percent expect 20 to 100 percent bandwidth growth.

97. By working to ensure that schools and libraries have access to affordable high-speed broadband connectivity, we also contribute to their increase in demand for those high-speed connections. For example, our commitment to consistently provide at least $1 billion in funding for school and library Wi-Fi networks will fuel additional usage and demand. As schools and libraries deploy increasingly robust Wi-Fi networks, the ability of more students, teachers and library patrons to use their schools' and libraries' internal networks will require the delivery of greater bandwidth to those schools and libraries. For instance, data from North Carolina demonstrate that some school districts are seeing Internet bandwidth usage growth of nearly 50 percent on an annual basis, regardless of whether the school is implementing a one-to-one device deployment initiative, is several years into such a program, or lacks a specific program. Similar data from Washington indicate that average annual usage growth was over 40 percent from 2009 and 2014.

98. In addition, earlier in this *Order* we adopt several policy and administrative changes that will provide a range of options to support more applicants' efforts to obtain sufficiently robust broadband connectivity to their buildings. Encouraging schools and libraries to undertake those types of projects and as a result closing the gap between those schools and libraries with high-speed connections and those without will further increase the demand for E-rate support. The extent to which we are able to achieve the first goal that we set out for the E-rate program—ensuring affordable access to high-speed broadband sufficient to support digital learning in schools and robust connectivity for all libraries—is highly dependent on how much category one funding is available for schools and libraries to pay for the upfront deployment costs of scalable connections to currently unserved and underserved schools and libraries. While we take steps above to encourage such deployment, the record clearly demonstrates that the amount of money needed for such deployment is closely linked to the number of additional schools and libraries that get connected to high-speed broadband.

99. Based on the data in the record, we find that over a third of schools do not have access to fiber to the building, and an even greater percentage of libraries lack high-speed connectivity. While the dataset underlying our calculations on fiber access does not contain connectivity data from every school and every library across the nation, it is an unprecedented and rich source of information about school and library connectivity. Stakeholders have submitted data on existing connectivity since the beginning of this proceeding in the middle of 2013, and in August, Commission staff published the Fiber Connectivity Maps, which continue to be updated with new data. We therefore disagree with commenters that argue that we should wait for additional data on the fiber connectivity gap or that the gap is so small that it does not require additional funding to bridge it. Based on the many sources in the record agreeing that there is a significant connectivity gap to close, this dataset provides a reasonable baseline on which to rely in order to ensure the E-rate cap is set sufficiently high to provide certainty on future availability of funding necessary to achieve long-term connectivity targets.

100. Based on the findings set out above, the record shows the costs for category one services will increase over the next five years as more schools and libraries get access to high-speed connections and bandwidth demand continues to increase. We have an obligation to balance having a specific, predictable, and sufficient support mechanism with our ''responsibility to be a prudent guardian of the public's resources.'' Using estimates in the record on the costs for category one recurring and non-recurring costs consistent with our findings above, we balance these two concerns by setting a cap on the E-rate program that provides sufficient certainty of availability of funds over the next five funding years, while limiting the impact on end users in the near-term.

101. Commenters submitted two cost estimates on connectivity to schools and libraries into the record: The ESH/CoSN Connectivity Model and the SHLB Coalition Model. The ESH/CoSN Connectivity Model provides a projection of both recurring and non-recurring costs for public schools to meet the connectivity targets over five years. The model takes into account data on current connectivity, predicted bandwidth demand growth, declining recurring prices per megabit, and estimated non-recurring prices to close the gap of schools without access to high-speed connectivity. It also accounts for variation in connectivity needs of differently-sized schools. Using these data, it estimates the cost for five different scenarios, projecting differing costs depending on the number of schools that become connected. ESH also filed a supplementary analysis of the recurring costs for private schools and libraries. The SHLB Coalition Model, prepared by CTC Technology & Energy, sets out an estimate of capital expenditures needed to connect fiber to unserved, eligible public schools, private schools, and libraries. Using an engineering-based approach, the model divides the nation into eight different standardized geographies, ranging from dense urban areas to isolated schools in desert areas. Their model then projects a low and a high estimate for non-recurring costs to connect public and private schools in each of these different geographies, and a separate estimate for the costs to connect libraries.

a. Recurring Costs

102. We first consider the modeled recurring costs for high-speed connectivity. The ESH/CoSN Connectivity Model addresses recurring costs for public schools, and its analysis is consistent with other evidence in the record. For each of its five funding scenarios, the model accounts for differing bandwidth needs by school

district size, service mixes, and pricing. Consistent with the data in the record, it takes into account an annual decline in per megabit pricing of approximately 10 percent and an annual increase in bandwidth demand of up to 50 percent. As a result, it projects an increase in pre-discount recurring costs from approximately $2.1 billion in funding year 2015 to $2.8 billion in funding year 2018 for public schools.

103. We next turn to the recurring costs for private schools and for libraries. In a supplemental analysis, ESH estimates that it will cost $446 million annually in pre-discount recurring costs for private schools by funding year 2018. For libraries, ESH projects $298 million annually in pre-discount recurring costs based on its pricing assumptions for public schools. Adding these estimates to the public school recurring projection, the sum of the projections for funding year 2018 of total recurring costs rises to $3.60 billion. We increase this funding year 2018 estimate by nine percent in order to project costs over the five-year period for which we have set connectivity targets (funding years 2015 to 2019). The resulting projection for recurring pre-discount costs for public schools, private schools, and libraries in funding year 2019 is $3.92 billion. However, as discussed below, ESH also assumes that policy decisions can drive cost-efficient purchasing which will reduce these pre-discount costs.

104. In addition to recurring costs for high-speed connectivity, there will also be savings of over $3 billion in the next five years to the E-rate program due to the phase down of voice services. Commenters point out that additional savings are possible. The post-discount costs to the E-rate fund are estimated to decrease from approximately $450 million in funding year 2015 to approximately $25 million in funding year 2018. We acknowledge these costs to the program over the next four funding years.

b. Non-Recurring Costs

105. We next review the estimates in the record of the non-recurring costs, or capital expenditures, that are needed to connect schools and libraries to high-speed broadband meeting the program's connectivity targets over the next five years. The ESH/CoSN Connectivity Model includes an estimate for new builds that are paid for through recurring charges. By doing this, it recognizes that many schools and libraries pay a monthly price that includes both the capital deployment costs and the ongoing operational costs. At the same time, the models provide projections of one-time costs that would be sufficient to close the gap. While there may be applicants or service providers that prefer to include the capital costs as a portion of the annual price for the life of the contract, the ESH/CoSN Connectivity Model provides a way to separate out these capital costs for the schools located in the most expensive areas, where the higher cost of buildout is more likely to require additional special construction charges. The changes we adopt in Section II will provide greater opportunities for applicants and service providers to take advantage of special construction. The ESH/CoSN Connectivity Model demonstrates that the cost to the program increases as a greater percentage of schools get high-speed connections. To connect between 99.7 and 100 percent of public schools with more than 100 students, the ESH/CoSN Connectivity Model provides a range of non-recurring pre-discount costs of between $600 and $810 million annually if divided evenly over the next five funding years.

106. These projections for public schools costs are generally consistent with the cost estimates provided by the SHLB Coalition for both public and private schools. The SHLB Coalition Model provides a low and a high estimate for non-recurring costs for fiber deployment to both public and private schools that would range from $800 million to $1.15 billion in pre-discount costs if divided evenly over the next five funding years. It also projects approximately $135 million annually over five funding years to connect unserved libraries across the country to fiber. The record indicates that a reasonable estimate of non-recurring pre-discount costs for both schools and libraries is between $935 million and $1.29 billion annually over five years.

2. Driving Down Category One Prices Through Efficiencies

107. We also conclude that recent program changes will result in an additional reduction in the cost to the Fund as applicants have more opportunities to find cost-effective options. We strongly agree with commenters that argue that programmatic change, further streamlining, and continuing efforts to reduce waste, fraud, and abuse, such as greater enforcement of the lowest corresponding price, is needed to produce savings to the E-rate program. While the precise level of savings from cost efficiencies is difficult to predict, there is record support for a finding that they could achieve savings of as much as 10 to 25 percent on the cost of broadband. ESH provides an analysis of the potential impact of several different policy scenarios that each could result in significant pricing efficiencies, such as equalizing the treatment of lit and dark fiber and increasing pricing transparency. Similarly, increased planning and purchasing at the state level has also been shown to result in greater bandwidth at lower per-megabit prices, which is an added benefit of increasing state involvement in the E-rate program by providing a bump in support for infrastructure upgrades where states provide additional support. Because the record demonstrates that our various changes will result in efficiencies lowering program costs, we find it reasonable to assume savings of up to 15 percent of projected demand for category one costs due to our reforms.

C. Adjusting the E-Rate Cap To Provide Certainty of Sufficient Available Funding To Achieve Program Goals

108. To ensure sufficient funding is available over the next five years to meet our program goals and connectivity targets, we adjust the E-rate cap to $3.9 billion plus annual inflationary changes. Raising the annual E-rate funding cap to $3.9 billion will allow us to meet our target of providing at least $1 billion in category two support annually while fully funding category one demand, consistent with the cost estimates modeled by commenters and partially offset by potential efficiencies. There is wide support in the record for an increase in E-rate funding to help schools and libraries meet the program's connectivity targets, and we find that raising the cap to $3.9 billion will ensure a specific, sufficient, and predictable level of funding available as schools and libraries seek support for robust Wi-Fi networks within their buildings and seek high-speed connections to their buildings for years to come.

109. In addition to making it possible to close the high-speed connectivity gap, raising the annual cap to $3.9 billion will provide certainty about the availability of funding for those applicants planning now to purchase high-speed broadband connectivity to schools and libraries. It will also provide certainty about the availability of funds for applicants seeking to take advantage of the changes to category two funding by adjusting the cap in funding year 2015. Commenters are in agreement that there is pent up demand for category two services, and providing more than the $1 billion target level in support for internal connections will

allow more applicants to close their Wi-Fi gaps sooner and more efficiently. The availability of additional funds should allay concerns that applicants below the highest discount bands will not have access to category two funds in the near future. For these two reasons, we also disagree with commenters that urge us to delay adjusting the cap until all program changes have been implemented or more data is available.

110. Raising the annual E-rate cap to $3.9 billion allows us to provide certainty to the applicant community, allowing local decision-makers to proceed at the pace that best serves their students and patrons. In doing so, we do not expect that program demand will immediately reach that funding level. Indeed, there is no way to perfectly predict what precisely individual schools and libraries will seek support for or when unserved schools will gather the resources to pay the non-discounted portion of special construction charges. For instance, we have already identified sufficient unspent funds to be confident in funding for category two services in funding years 2015 and 2016, and it will take significant planning and time to take advantage of the measures set out in Section II. However, the record is clear that demand for and costs associated with high-speed broadband services will continue to grow, and we find that raising the cap now to $3.9 billion will provide needed room for future E-rate funding needs. We balance this cap increase with our efforts to ensure fiscal prudence and we direct USAC to collect program funds based only on actual projected demand rather than collecting the full $3.9 billion without regard to applicant needs. Providing USAC with this flexibility will allow the Fund to accommodate fluctuations or changes in actual demand in the coming years without over-collection of funds. In order to facilitate this process and consistent with program practice, we amend the rules to only allow applications to be filed within the filing window. We disagree with commenters that argue that we should wait to address long-term funding needs until the Federal State Joint Board makes recommendations on contributions reform. Because demand for category one support will not increase dramatically in the short-term, we do not see a benefit in delaying this change when we have the ability to provide certainty about future availability of funding to schools and libraries making plans about connectivity for the next five years.

111. Additionally, we recognize that end users ultimately bear the cost of supporting universal service, through carrier charges. However, we must balance our need for fiscal prudence with the demonstrated needs of the E-rate program, for which we have a statutory mandate to ''establish rules . . . to enhance, to the extent technically feasible and economically reasonable, access to advanced telecommunications and information services.'' We adopted the program goal of ensuring affordable access to high-speed broadband sufficient to support digital learning in schools and robust connectivity to all libraries recognizing the critical role the E-rate program plays in the lives of students and communities. Having already taken steps to focus support on high-speed broadband and set out measures to increase cost efficiencies, this cap adjustment provides E-rate applicants with the certainty needed to plan how to increase connectivity to schools and libraries in the most cost-effective manner. Finally, setting a funding level that has sufficient flexibility for these plans should also drive long-term efficiencies in the program.

112. Finally, some commenters recommend that the Commission double the cap, which is currently $2.4 billion, to meet recent demand. We decline to raise the cap to $4.8 billion based on recent demand. Since the funding year 2014 application window closed, we have modernized the program to focus support on high-capacity broadband services by eliminating support for legacy services, beginning with the phase out of support for voice services and imposing budget discipline on category two services. Raising the cap based on demand for a differently structured program would not make sense. We find instead that a program cap set using projected costs for the services the program now supports and taking into account efficiencies through recent policy changes is a more appropriate means to measure necessary program size and ensure we exercise fiscal prudence.

IV. Establishing a Performance Management System at USAC To Advance the Goals of the E-Rate Program (WC Docket 13–184)

113. In this section, we direct USAC to develop a robust performance management system to advance the goals we adopted for the E-rate program in the *E-rate Modernization Order* and to analyze, on an ongoing-basis, the effectiveness of USAC's administration of the E-rate program. Performance management is a process by which entities focus their resources on the achievement of strategic goals and objectives, including by the development of long-term strategic plans and by the rigorous tracking of performance data. As the administrator of the E-rate program, USAC's performance is integral to the success of the program. Moreover, as a result of the transparency requirements we adopted in the *E-rate Modernization Order,* the improved data collection that will result from that order, and our direction to USAC to modernize its information technology (IT) system, USAC will have access to information that will be crucial in measuring our success toward reaching the E-rate program goals and it is essential that they make information available to schools, libraries, the Commission, and all other stakeholders interested in updates about our progress towards meeting those goals. Therefore, in developing and implementing its performance management system, we direct USAC to work with staff from OMD and the Bureau to formulate a detailed plan that includes both immediate and long-term metrics directed at finding new ways to further the E-rate program goals.

A. Components of the Performance Management System

114. We delegate to the Bureau and OMD oversight of the development and implementation of USAC's performance management system. In addition to directing USAC to develop a performance management system for its administration of the E-rate program, we provide direction on a range of components that USAC must include in the system. At the same time we recognize that USAC's performance management system must be flexible and adaptive, and we expect USAC, in consultation with staff of the Bureau and of OMD, to continue to update its performance management system, as appropriate.

115. *Impact of E-rate modernization.* In this *Order,* as we did in the *E-rate Modernization Order,* we adopt a number of programmatic changes aimed at reaching the goals we adopted for the E-rate program. We have directed USAC, working with Commission staff, to implement those changes. Recognizing that some of those changes will be more successful than others, and that future Commissions will want to be able to evaluate the success of those initiatives, we direct USAC to incorporate in its performance management system an ongoing analysis of the impact of those changes on reaching the goals that we adopted for the E-rate program in the *E-rate*

Modernization Order, as well as USAC's success at implementing those changes.

116. *Impact of and further improvements to USAC's updated IT system.* USAC's performance management system should also include ongoing evaluation of USAC's success in upgrading its IT system, and moving towards all-electronic filings by E-rate stakeholders and all-electronic notifications by USAC. As we directed in the July *E-rate Modernization Order,* all applicants must file electronically their applications for E-rate support for this coming funding year. As USAC considers what more it can do to ease the administrative burden on applicants through its upgraded IT system, it must develop a plan to migrate the filing of all E-rate appeals and invoices to electronic formats, and should make that possible by or before the start of funding year 2017.

117. *Simplifying calculation of discount rates.* To further streamline the application process, particularly for school districts and library systems, we instruct USAC, as part of its performance management system, to enable applicants to more easily manage the discount calculation process in advance of the application filing window. USAC should establish the appropriate timeframe for billed entities to update their discount information in USAC's online system, as well as a process for billed entities to certify to the accuracy of such information prior to the opening of the application window. USAC's system should then be able to assist applicants in determining their discount rate based on such information, and pre-populate that information based on the information provided by the billed entities. At the same time, we remind applicants that they remain responsible for ensuring that they are seeking the appropriate discount rate and they are responsible for repayment in the event of any error in the calculation of the discount rate whether caused by the applicant or by USAC.

118. *Online competitive bidding.* In order to assist applicants in maximizing the cost-effectiveness of spending for E-rate supported services, as part of its performance management system, USAC should explore the possibility of providing online tools to improve the competitive bidding process. We agree with commenters who contend that the competitive bidding process should encourage and facilitate participation in the E-rate program by service providers. We therefore direct USAC to work with OMD and the Bureau to determine the feasibility and effectiveness of online tools to assist applicants with the competitive bidding process, including online bid and review tools to assist applicants in obtaining multiple bids and selecting the most cost-effective services, and to reduce administrative costs and burdens associated with competitive bidding. To expose applicants to more purchasing options, USAC should also explore the provision of tools to promote and facilitate increased involvement by service providers, and to provide more visibility into options for purchasing the specific products and services for which applicants are requesting proposals in ways that are consistent with fair and open competitive bidding requirements that are fundamental to the E-rate program.

119. *Improving the administrative experience of program participants.* As part of its ongoing work to make the E-rate application process and other E-rate processes faster, simpler, and more efficient USAC should assess organizational options for placing greater emphasis on improving the end-to-end administrative experience of program participants, including applications, appeals, invoices, and audits. For example, USAC should assess the value of designating senior management directly responsible to the CEO to be responsible for championing outreach and simplification strategies to benefit program participants and to ensure that as much time, energy, and financial resources as possible go to achieving program goals rather than to cumbersome administrative processes. USAC should also solicit input from program beneficiaries and other stakeholders and use that input in evaluating, on an ongoing basis, its provision of customer support to E-rate applicants. USAC should incorporate performance metrics related to customer service into its overall performance management plan, and work with Commission staff to identify improvement recommendations. These recommendations should be considered at the highest levels of management and given the appropriate consideration for implementation, consistent with appropriate processes for coordination and approval by the Commission of review procedures, and the success of improving the customer service experience should be a key component of USAC's performance management system.

120. *Maximizing the cost-effectiveness of E-rate supported purchases.* As part of its performance management system, USAC should analyze how its administration of the program can further the goal of maximizing the cost-effectiveness of E-rate supported purchases. For example, USAC should analyze its approach to cost-effectiveness reviews, and find ways to share information with applicants and vendors about its approach to such reviews, in order to encourage cost-effective purchasing by applicants. We direct the Bureau and OMD to oversee USAC's interpretation and application of cost effectiveness to ensure alignment with the program goals we have set, with particular emphasis on ensuring the cost effectiveness of the new methods of supporting category one and category two services provided in the *E-rate Modernization Order* as well as this *Order.*

121. USAC should also explore ways to assist schools and libraries in receiving access to neutral, expert technical assistance. We agree with those commenters who argue that technical assistance is critical to building an efficient internal network. We have heard, however, from many parties that such technical experience is often not available within a school district or library system, especially those located in rural areas. In situations where affordable technical assistance is not available, USAC, as the expert administrator of the program, has an important role to play given its focus on efficiently serving applicants while verifying compliance with program rules. In keeping with the recommendations of many commenters, we encourage USAC to work with existing entities at the state and municipal level to develop best practices and supporting technical information, and to consider developing its own in-house advisors to provide this support. We direct USAC to work with OMD and the Bureau to set the financial and operational parameters for providing such assistance and to provide guidance to applicants on the role and responsibilities of USAC when offering such assistance. As part of that oversight, we also direct the Bureau, working with OMD and USAC, to develop reference prices or other guidelines for E-rate supported purchases that could provide guidance both to applicants about prices that are likely to be considered cost-effective and to USAC in prioritizing applications for additional scrutiny for cost-effectiveness.

122. *Data tracking and analysis.* As part of its performance management system, USAC should review its data tracking and reporting capabilities to confirm that it tracks and reports the data necessary to measure progress toward E-rate program goals. We direct USAC, working with OMD and the Bureau, to create a comprehensive and

efficient data reporting structure, to develop IT tools that facilitate analysis of all program data, and to increase public availability of such data to increase transparency and enable beneficiaries and other stakeholders both to assess progress by schools and libraries in obtaining access to high-speed broadband connectivity and to obtain detailed information from which to determine the cost effectiveness of spending for E-rate products and services by beneficiaries.

123. *Increased program efficiencies.* USAC also should review its pre- and post-commitment procedures and identify additional opportunities for data analysis, improved compliance oversight, and realization of increased efficiency and streamlining of processes for the review of applications and the commitment and disbursement of funds. This review should encompass both USAC's direct staff as well as contract services such as those used in application in-take and processing. We direct USAC to work with Commission staff to identify areas in which a more common-sense and flexible administrative approach would best advance program goals while still remaining consistent with program rules set by the Commission.

124. *Financial management.* Finally, it is crucial that USAC include financial management as a component of its performance management system. The Commission has directed USAC to prepare financial statements for the USF, including the E-rate program, consistent with generally accepted accounting principles for federal agencies (Federal GAAP) and to keep the USF in accordance with the United States Standard General Ledger (USSGL). Working with OMD and other Commission staff, USAC should review and update its processes for evaluating and recommending the amounts that should be reserved to fund pending appeals, pending applications, and undisbursed funding commitments. We note that, for those appeals that may require additional commitments and disbursements in the unlikely event that the amounts held in reserve are not sufficient, the Commission has authorized USAC to use funds budgeted for subsequent funding years to fund discounts for successful appeals from prior funding years. For the pending applications and undisbursed funding commitments, we similarly authorize USAC to use funds budgeted for subsequent funding years to fund discounts for those applications and undisbursed funding commitments from prior funding years, in the unlikely event the amounts held in reserve are not sufficient.

B. Expanding Commission Oversight of USAC's Administrative Performance

125. We also delegate authority to the Bureau and OMD to ensure that beginning in funding year 2015 USAC conducts an annual performance review of progress against program goals and creates a forward-looking strategic plan for how USAC will expand and sustain performance improvements. The Bureau and OMD should work together to assist USAC in developing the measures that should be included in USAC's annual performance review. USAC must report at a minimum on the following components of the program's administration: Pending applications; pending invoices, with specific information about those that were delayed or rejected; USAC's strategy to reduce any backlog of applications, invoices or other necessary USAC approvals for applicant and service provider changes to requested funding; and an annual analysis of the program integrity assurance (PIA) program and invoicing procedures to determine if they are properly designed and calibrated to efficiently process applications and invoices while protecting against waste, fraud and abuse in the program.

126. Additionally, in the *E-rate Modernization Order,* we directed USAC to collect additional connectivity data from applicants, noting that this collection will provide useful and useable information to USAC and to the Commission about what is working and what needs to be improved. USAC should work with Commission staff to analyze and report the results of this data collection in this performance analysis.

V. Filing Deadlines for Appeals

127. In the *E-rate Modernization Order,* we revised § 54.719 of our rules to require parties aggrieved by an action taken by a division of USAC, including the Schools and Libraries Division, to first seek review of that decision by USAC before filing an appeal with the Commission. We also explained that because USAC cannot waive our rules, parties seeking a waiver of our rules must seek relief directly from the Commission or the Bureau. We now clarify that affected parties have 60 days from the issuance of the decision to file an appeal, either with USAC in the case of requests for review, or the Commission or Bureau in the case of requests for waiver. Additionally, parties that file a request for review with USAC and receive an adverse outcome have 60 days from the issuance of that decision to file a request for review with the Commission.

VI. Order on Reconsideration

A. Introduction

128. In this section, we address various petitions for reconsideration of the *E-rate Modernization Order* and provide clarification on several issues raised by the Verizon Petition. Our rules allow any interested party to file a petition for reconsideration, and provide that a petition for reconsideration which relies on facts or arguments not previously presented to the Commission shall be granted only where the facts or arguments relate to new events or changed circumstances, were unknown and not readily ascertainable by petitioners, or the Commission determines that the public interest requires them to be reconsidered.

129. Having considered the petitions for reconsideration, and all oppositions and replies filed in response to those petitions, we:

- Grant in part the petitions for reconsideration filed by SECA, the Utah Education Network, NTCA/Utah Rural Telecom Association, and the West Virginia Department of Education (WVDE) seeking reconsideration of the areas that we have designated as urban for purposes of the E-rate program;
- deny USTelecom's request that we reconsider our decision to change the E-rate program's document retention period from five years to 10 years;
- deny requests by SECA, Verizon, and WVDE that we phase out E-rate support for components of telephone service and voicemail on the same schedule as voice service, and Verizon's request that we reconsider our decision to eliminate funding for email offered as part of an Internet access service;
- deny requests by Verizon, SECA, and WVDE that we direct USAC to make category two funding commitments that cover multiple-years;
- clarify our cost-effectiveness test for data plans and air cards for mobile devices and our cost allocation rules for circuits that carry both voice and data traffic as requested by Verizon; and
- clarify for Verizon the *E-rate Modernization Order's* category two funding availability and policy on applicant prioritization. We also clarify for Verizon that the $150 budget over five years applies to both managed and non-managed Wi-Fi.

B. Urban and Rural Designations

130. On reconsideration, we modify § 54.505(b)(3) of our rules so that

starting in funding year 2015 an individual school or library will be designated as ''urban'' if located in an ''Urbanized Area'' or an ''Urban Cluster'' with a population equal to or greater than 25,000, as determined by the most recent rural-urban classification by the U.S. Census Bureau (Census Bureau). Any individual school or library not designated as ''urban'' will be designated as ''rural.'' We make this change to our rules on reconsideration because petitioners have convincingly demonstrated that numerous schools and libraries located in small towns and remote areas where it is more expensive to receive E-rate funded services would be classified as urban and ineligible for additional E-rate support provided to rural applicants under the urban designation we adopted in the *E-rate Modernization Order.* In making this change on reconsideration, we grant in part the petitions for reconsideration filed by SECA, NTCA/Utah Rural Telecom Association, WVDE, and the Utah Education Network. While we change how individual sites are classified as urban or rural, we retain the current rule that any school district or library system must have a majority of schools or libraries in a rural area that meets our new urban/rural definition to qualify for the additional rural discount.

131. In the *E-rate Modernization Order,* we made two changes to the way applicants determine whether they are eligible for the rural discount. We first adopted the Census Bureau definition of rural and urban which classifies only communities with fewer than 2,500 people as rural. Under the Census Bureau definition, the term ''urban'' includes ''urbanized areas,'' which are defined as the densely settled core of census tracts or blocks with at least 50,000 people, and ''urban clusters,'' with 2,500 to 50,000 people, along with adjacent territories containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. ''Rural'' encompasses all population, housing, and territory not included within an urban area. We found that the adoption of the Census Bureau definitions of urban and rural was simpler for applicants than other alternatives and the data more current than the previous outdated definition. Also in the *E-rate Modernization Order,* we changed the criteria a school district or library system must use to determine whether it qualifies as rural for the E-rate program, concluding that school districts and library systems would only be eligible for the rural discount if more than 50 percent of individual schools or libraries within that district or system are classified as rural.

132. As petitioners have explained, the population cutoff of 50,000 people combined with the requirement that a majority of all schools or libraries that are part of a school district or library system be classified as rural in order to qualify the school district or library system for the additional rural discount rate leaves a substantial number of school districts and library systems with schools or libraries in sparsely populated areas ineligible for the additional rural funding. For example, petitioners point out that as a result of the definition adopted in the *E-rate Modernization Order:*

- Schools in St. Mary's, West Virginia, a community with 1,860 people that is 20 miles from the nearest urbanized area, are part of the Pleasants County School District that, under the new rural definition, would be reclassified as urban.
- School districts in Iowa would be newly designated as urban, including the Bellevue Community School District, with an enrollment of only 700 students and located in Bellevue, a town of 2,543 people.
- Some of the most remote areas of the country situated in Alaska, including the communities of Barrow, Bethel, Ketchikan, Kotzebue, Nome and Sitka, have school districts that would be reclassified as urban.

133. Three of the four petitions for reconsideration on this issue initially requested that the definition of rural include all schools and libraries in ''urban clusters.'' However, those petitioners modified their requests and joined with the fourth petitioner, the Utah Education Network, and a constituency of organizations representing schools, libraries, E-rate coordinators, rural telecommunications carriers, and other E-rate stakeholders, to recommend that the Commission consider a population threshold of 25,000 or greater as urban, and all other areas as rural for purposes of the E-rate program. No parties in the record have opposed this recommendation.

134. We agree with petitioners and other stakeholders that this new definition of rural is appropriate for ensuring support is targeted to areas where E-rate supported services are more costly. Other federal programs have used a similar population cutoff to designate whether an area is rural or urban. For example, the Commission adopted 25,000 as the population threshold when it revised its rural area definition for the rural health care universal service support mechanism (Rural Health Care Program) in 2004, essentially including as rural all census tracts that do not contain any population concentrations greater than 25,000. In adopting the Rural Health Care Program's rural definition, the Commission noted that ''[w]hile choosing the threshold is not an exact science, we believe urban areas above this size possess a critical mass of population and facilities.'' In looking to other agencies, the U.S. Department of Education's National Center for Education Statistics (NCES) classifies ''small towns'' as any incorporated or Census-defined place with fewer than 25,000 people. Some other federal programs have established even broader definitions of rural than the one we adopt today. For example, the 2014 Farm Bill included a provision related to the U.S. Department of Agriculture Rural Housing Program that increased the minimum rural population threshold for that program from 25,000 to 35,000.

135. Modifying our definition to treat areas with populations of less than 25,000 as rural achieves the policy objectives established in the *E-rate Modernization Order* by creating a rural definition based on regularly adjusted U.S. Census data while remaining simple and easy to administer. The Census Bureau already provides a spreadsheet of all urbanized areas and urban clusters with the populations of the towns and cities listed. To further eliminate any confusion regarding implementation of this new definition, the Commission will direct USAC to identify the areas that are rural for the purposes of the E-rate program and post a tool on its Web site as soon as it is practically possible. Going forward, we direct USAC to update the tool as necessary to reflect the most recent decennial census data and nationwide population estimates and update its system within 90 days of any change. However, we once again remind applicants that they have an obligation to ensure that they are seeking the correct discount rate.

136. In taking this action, we find that any additional burden on the Fund is justified by the overwhelming evidence in the record demonstrating that the rural definition adopted in the *E-rate Modernization Order* excluded many applicants located in areas that are more expensive to serve because of their remote geography. Further, we believe that this change, by ensuring that many more schools and libraries have the benefit of additional funding to compensate for their rural geography, fully satisfies section 254(h)(1)(B) of the Act, which requires that the E-rate

discount must be an amount that is ''appropriate and necessary to ensure affordable access to and use of such services.''

137. Finally, we take this opportunity to eliminate an obsolete reference to the definition of what constitutes a rural area for the purposes of the E-rate program in § 54.5 of our rules. The E-rate definitions are properly found at 54.505(b) of our rules. However, the ''Terms and definitions'' section, found in § 54.5 of our rules, also defines ''rural area'' for the E-rate program. While we could also amend the definition in 54.5 of our rules and make it parallel to the definition in § 54.505(b), we think that the better course is to have the definition only in that section of our rules that is E-rate specific. We therefore amend § 54.5 to eliminate the reference to the E-rate definition of rural.

C. Document Retention Period

138. We deny the USTelecom Petition seeking reconsideration of our extension of the E-rate document retention period from five to 10 years. The arguments offered by USTelecom were either sufficiently considered in this proceeding or do not raise new issues sufficient to warrant reconsideration. In the *E-rate Modernization Order* we concluded that the current five-year document retention requirement is not adequate for purposes of litigation under the False Claims Act (FCA). We also explained that a 10-year retention period will benefit program integrity and that electronic storage capabilities will minimize the administrative burden and cost for applicants and vendors. This decision is consistent with our adoption of 10-year document retention requirements for other universal service programs in the *USF/ICC Transformation Order* and the *Lifeline Reform Order,* 77 FR 25609, May 1, 2012.

139. In its petition, USTelecom argues that document retention requirements are not necessary for compliance with the FCA and that existing case law ''provides no basis for the Commission to claim a need for extended document retention periods in order to comply with the FCA.'' We find it unnecessary to reach these arguments because our decision to adopt a 10-year document retention period is justified on several other independent grounds unrelated to the FCA. These non-FCA grounds are sufficient in and of themselves to justify a 10-year document retention period. In particular, we continue to find that:

- Even outside the FCA context, a longer document retention period will help the Commission guard against waste, fraud, and abuse in the universal service program by ensuring that evidence will be preserved.
- Congress has imposed no statutory barrier to recovery beyond five years. Indeed, the Debt Collection Improvement Act (DCIA), 31 U.S.C. 3701 *et seq.,* generally directs agencies to ''try to collect a claim of the [U.S.] Government for money or property arising out of the activities of, or referred to, the agency.''

140. Other rationales (also unrelated to the FCA) reinforce our belief that a 10-year document retention period will help ensure the integrity of the E-rate program and will assist Commission investigations into waste, fraud, and abuse, which may extend beyond a five-year period. For instance, Government-wide regulations known as the Federal Claims Collection Standards require agencies to ''aggressively collect all debts.'' Extending the retention period to ten years will assist the agency in carrying out this objective. Because the new document retention period is amply supported by these reasons, we need not reach USTelecom's arguments regarding the FCA.

141. We also reject USTelecom's remaining arguments regarding the new retention period. For instance, the fact that some other federal programs may have shorter retention periods does not require a contrary outcome, particularly since, as noted above, a 10-year document retention rule aligns the E-rate program with the document retention requirements of other universal service programs. Also unavailing is USTelecom's argument that a 10-year document retention requirement is unnecessary, will impose significant costs on applicants and vendors, and is not supported by the record. We previously considered and rejected these arguments in this proceeding. USTelecom cites several commenters opposed to a longer document retention period. However, those commenters either failed to provide any substantive support for their opposition to a 10-year requirement or offered general arguments about school staff turnover or shorter state and federal retention requirements without providing persuasive support as to why a 10-year requirement for the E-rate program would be overly burdensome. In the *E-rate Modernization Order,* we acknowledged stakeholder concerns about the potential costs and administrative burden of a 10-year retention requirement, but concluded that those costs and burdens can be mitigated with electronic storage capabilities and concluded that any such costs would be outweighed by the benefits to the integrity of the program. We reaffirm that conclusion here.

D. Telephone Service Components, Voicemail, and Email

142. We deny those portions of the Verizon and WVDE petitions requesting us to (i) reconsider our treatment of telephone service components, including directory assistance charges, text messaging, custom calling services, direct inward dialing (DID), 900/976 call blocking, and inside wire maintenance, as part of voice services; and (ii) phase out support for those services on the same five-year schedule as voice services rather than eliminating support beginning in funding year 2015. We therefore also deny SECA's request that we remove DID numbers from the list of eliminated telephone components and instead phase out support for DID numbers on the same schedule as voice services. We also deny Verizon's requests that voicemail be phased out on the same schedule as voice service and that the E-rate program support email offered as part of an Internet access service.

143. In the *E-rate Modernization Order* we initiated a five-year phase down of E-rate support for voice services and eliminated support for other legacy and non-broadband services effective for funding year 2015. We explained that reductions in funding for voice services and eliminating funding for telephone components and non-broadband services was necessary in order to focus E-rate program spending on the high-speed broadband needed by schools to enable digital learning and by libraries to meet patrons' broadband needs.

144. Verizon and WVDE argue that cost allocating telephone service components and voicemail from a typical applicant phone bill will place a substantial burden on applicants, service providers, and USAC reviewers that is not justified by the corresponding savings to the E-rate program. SECA argues that DID numbers, unlike the other telephone service components no longer eligible for E-rate support, are an essential feature of voice service and should therefore be placed on the same phase down schedule as voice services.

145. The arguments and facts presented in the Verizon, WVDE, and SECA petitions were previously considered in this rulemaking and do not merit reconsideration of our conclusions. In the *E-rate Modernization NPRM,* we indicated our intention to refocus E-rate funding on high-speed broadband services and, as part of that effort, proposed to eliminate E-rate support for telephone service

components, voicemail, and email. With respect to the components of telephone service, in the *E-rate Modernization Order,* we acknowledged that eliminating support for these services would require cost allocation but concluded that it would not be overly burdensome for applicants to seek funding for only the voice service component of their telephone service. We concluded that the benefits of streamlining voice service support by removing these services outweighed the additional burden on applicants of cost allocation for the next few funding years. We also noted that commenters that recommended a longer phase down period for voice services did not recommend a commensurate phase down for telephone service components or argue that those services required a phase down. Similarly, eliminating support for email services will require cost allocation for email offered as part of an Internet access service but we believe that the benefits of focusing funding on high-speed broadband justify the minimal cost allocation burden on applicants. Consistent with the third goal that we adopted in the *E-rate Modernization Order,* making E-rate processes fast, simple, and efficient, and in order to reduce the administrative burden on applicants, we expect that USAC will, working with the Bureau, establish guidelines for how applicants can proportion the cost of services on telephone bills in order to cost-allocate ineligible telephone service components and voicemail.

E. Conditional or Multi-Year Commitments

146. We deny the petitions filed by SECA, Verizon, and WVDE to the extent they request that the Commission reconsider the approach to category two funding adopted in the *E-rate Modernization Order.* SECA, Verizon, and WVDE do not raise new facts or arguments that warrant Commission review of the E-rate program's prohibition on multi-year funding commitments.

147. In the *E-rate Modernization Order,* we created a mechanism for focusing funding on internal connections, including Wi-Fi, to allow schools and libraries to have affordable access to high-speed broadband connections needed for digital learning. To provide broader and more equitable support for category two services, the *E-rate Modernization Order* created five-year budgets for applicants that seek and receive category two funding in funding years 2015 and 2016. In the *Second E-rate Modernization Order,* we extend the five-year applicant budgets for category two services for three additional years. While we allow category two applicants to enter into multi-year agreements, we declined to make multi-year commitments available.

148. We deny the Verizon Petition with respect to its proposal to allow multi-year commitments for managed Wi-Fi services as a way to remove uncertainty about whether funding will be available in the later years of a five-year category two budget cycle. In the *E-rate Modernization Order* we considered and rejected arguments in favor of multi-year commitments in the E-rate program. As we explained in that order, obligating funds in advance of their availability would be detrimental to the administration of the program. We also explained that the multi-year application process we created in that order should allow applicants to achieve many of the efficiencies of a multi-year funding commitment. Furthermore, petitioners' concerns about the uncertainty of funding for category two services should be alleviated by the actions we have taken in the *Second E-rate Modernization Order* to raise the cap, and to extend the category two budget approach to cover five funding years. Therefore, we find it is in the best interest of the Fund to continue to have the Administrator obligate funds one funding year at a time.

149. We also deny SECA and WVDE's proposal that we provide conditional funding commitments to all valid applications for category two funding. Under this proposal, if funding is unavailable in the year in which it is sought, rather than being denied support, an applicant would receive a commitment of future support for those services. We find that this approach is not necessary because uncertainty about funding for category two services should be alleviated by the actions we have taken to raise the annual E-rate cap and extend the category two budget framework for the next three years. Further, if there comes a time that we are unable to meet the demand for category two support, instead of providing predictability for applicants, SECA's and WVDE's proposals would lead to greater uncertainty, and administrative complexity because applicants would not know when they would receive reimbursement or how much reimbursement they would entitled to receive. Under WVDE's proposal, applicants would use the discount rate in effect at the time the funds become available, meaning applicants would have to account for changes in student demographics and the urban/rural classification that affect the discount level. Thus, it would be very difficult for applicants to predict the level of expected reimbursement and could lead to budget shortfalls for applicants expecting a larger disbursement from the Fund.

F. Clarifications

150. *Cost-Effectiveness for Wireless Data Plans and Air Cards.* In response to Verizon's request for clarification, we offer additional guidance on the proper cost-effectiveness test for data plans and air cards for mobile devices. When purchasing any E-rate eligible service, applicants are required to carefully consider all bids and select the most cost-effective service offering, and must consider price to be the primary factor. In the *E-rate Modernization Order,* we took the opportunity to discuss the limited circumstances under which we would find data plans or air cards for mobile devices to be cost-effective. We explained that it is generally more cost-effective for schools and libraries to purchase a fixed broadband connection to the building and a WLAN capable of providing connectivity to multiple devices throughout the building. However, we recognized that there are circumstances, such as library bookmobiles or very small schools and libraries with high connectivity costs, where individual data plans or air cards for mobile devices may be the most cost-effective solution. We then provided an example of how applicants could demonstrate the cost-effectiveness of data plans or air cards for mobile devices through comparison of the costs for a WLAN deployment.

151. Verizon requests clarification that applicants should compare the cost of data plans or air cards for mobile devices to the cost of all components necessary to deliver connectivity to the end user device. Verizon also requests clarification as to whether applicants may take into account the potential limited availability of category two funding when evaluating the cost effectiveness of individual data plans and air cards for mobile devices.

152. We agree with the points raised by Verizon's first request and clarify that applicants that seek funding for data plans or air cards for mobile devices should compare the cost of all components necessary to deliver connectivity to the end user device, including the costs of Internet access and connectivity to the school or library, to the total cost of data plans or air cards when selecting the most cost-effective service option. Schools with existing fixed broadband connections should limit this comparison to the

recurring cost of their current broadband connection plus the added cost of any upgrades to their broadband connections and any additional or updated internal connections needed to deploy a sufficiently robust WLAN with all capital investments amortized over their expected lifespan. We also caution applicants that seeking support for data plans or air cards for mobile devices for use in a school or library with an existing fixed broadband connection and WLAN implicates our prohibition on requests for duplicative services. In circumstances where an applicant successfully demonstrates that mobile data plans or air cards are the most cost-effective offering, such as a bookmobile or very small school or library facility, the impracticality or unusually high cost of purchasing a fixed broadband connection to the location should be a factor in the applicant's cost-effectiveness analysis.

153. We also clarify that an applicant may not consider whether it is likely to receive category two E-rate support when analyzing the cost-effectiveness of data plans or air cards for mobile devices. While our rules allow applicants to consider relevant factors other than cost as part of the cost-effectiveness determination, price must be the primary factor in an applicant's cost-effectiveness determination regardless of whether the applicant anticipates receiving category two E-rate support. Indeed our rules require that entities use the actual, *i.e.* pre-discount, cost of the service offered as a baseline for comparison, not the cost after the E-rate discount is applied.

154. *Circuit Capacity Dedicated to Voice Services.* Verizon also requests that we clarify how the reduced discount rates for voice services apply to costs incurred for circuit capacity dedicated to providing voice services. We clarify that applicants must cost allocate charges attributable to voice services from the cost of all circuits used for dedicated voice and data services and that those voice service charges will be subject to the five-year voice service phase down. In the *E-rate Modernization Order,* we specified that the five-year phase down of support for voice services will apply to all applicants and all costs incurred for the provision of telephone services and circuit capacity dedicated to providing voice services. Verizon seeks general clarification of the term ''circuit capacity dedicated to providing voice services.'' Verizon also requests specific clarification of the proper cost allocation method for voice services on three types of circuits: (1) A circuit leased for a district-operated private voice network, (2) a leased WAN circuit that carries both voice and broadband traffic, and (3) a circuit that carries both voice and broadband services. As discussed below, Commission rules require applicants to cost allocate charges attributable to voice services from the circuit cost in all circumstances described by Verizon.

155. Under the Commission's rules, if a product or service contains both eligible and ineligible components, costs should be allocated to the extent that a clear delineation can be made between the eligible and ineligible components. The clear delineation must have a tangible basis and the price for the eligible portion must be the most cost-effective means of receiving the eligible service. We understand that application of our cost allocation rules to circuits used for both voice and data services may require some additional effort from applicants and service providers; however, the requirement does not impose a substantial burden and provides an important benefit to the program.

156. We provide the following clarifications regarding application of our cost allocation rules to circuits carrying both voice and data services.

- For a bundled voice and data service provided over a single circuit, (*e.g.,* a cable voice/data bundle) the voice service portion must be cost allocated and subject to the voice services phase down. As with telephone service components, one proper method for cost allocating the voice service portion of a bundled voice/data circuit may be for the applicant to seek an appropriate cost allocation from its service provider.
- For circuits dedicated solely to voice service, including PRIs, SIP trunks, and VoIP provider circuits, the full cost of the dedicated circuit is subject to the voice services phase down. Verizon's description of a circuit leased for a district-operated private voice network would be considered a circuit dedicated to voice service.
- For services that dedicate a portion of a data circuit to voice service, (*e.g.,* voice channels on a T–1 circuit or dedicated bandwidth for VoIP traffic using a virtual local area network) the cost of the dedicated portion of the circuit must be cost allocated and subject to the voice services phase down.
- For voice applications that run over a data circuit but do not require any dedicated circuit capacity, the applicant is not required to cost allocate any portion of the data circuit cost for voice services.

157. *Funding for Budgets.* Verizon asks the Commission to clarify that it expects full funding to be available up to the budgeted amount in each of the five years of an applicant's category two budget and that priority be given in later years of a budget cycle to applicants that receive category two support in the first funding years 2015 and 2016. Based on historic demand and the changes we made to the E-rate program in both *E-rate Modernization Orders,* we expect funding will be sufficient to meet demand but we cannot guarantee that category two funding will be available to any particular applicant in any particular year.

VII. Delegation To Revise Rules

158. Given the complexities associated with modernizing the E-rate program, modifying our rules, and the other programmatic changes we adopt in this Report and Order, we delegate authority to the Bureau to make any further rule revisions as necessary to ensure the changes to the program adopted in this Report and Order are reflected in our rules. This includes correcting any conflicts between new and/or revised rules and existing rules as well as addressing any omissions or oversights. If any such rule changes are warranted the Bureau shall be responsible for such change. We note that any entity that disagrees with a rule change made on delegated authority will have the opportunity to file an Application for Review by the full Commission. We expect the Bureau and USAC to monitor the program for waste, fraud and abuse and we delegate authority to the Bureau and OMD to specify additional administrative requirements in connection with the program changes we adopt today and authority to provide guidance to USAC in its implementation of these changes. The purpose of this delegation is to protect against potential waste, fraud, and abuse in the E-rate program.

VIII. Procedural Matters

A. Final Regulatory Flexibility Analysis

159. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Federal Communications Commission (Commission) included Initial Regulatory Flexibility Analyses (IRFAs) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *E-rate Modernization NPRM* and *E-rate Modernization FNPRM* in WC Docket No. 13–184. The Commission sought written public comment on the proposals in the *E-rate Modernization*

NPRM and *E-rate Modernization FNPRM,* including comment on the IRFAs. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

B. Need for, and Objectives of, the Proposed Rule

160. The Commission is required by section 254 of the Communications Act of 1934, as amended, to promulgate rules to implement the universal service provisions of section 254. On May 8, 1997, the Commission adopted rules to reform its system of universal service support mechanisms so that universal service is preserved and advanced as markets move toward competition. Specifically, under the schools and libraries universal service support mechanism, also known as the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may receive discounts for eligible telecommunications services, Internet access, and internal connections.

161. In July 2013, the Commission issued a Notice of Proposed Rulemaking seeking public comment on proposals to update the E-rate program to focus on 21st Century broadband needs of schools and libraries. Later, in February 2014, the Wireline Competition Bureau (Bureau) issued a Public Notice seeking focused comment on issues raised in the *E-rate Modernization NPRM.* Then, in July 2014, we adopted a number of proposals in the *E-rate Modernization NPRM* and issued a Further Notice of Proposed Rulemaking seeking public comment on additional proposals to update the E-rate program. In this Report and Order, we adopt a number of the proposals put forward in the *E-rate Modernization NPRM* and *E-rate Modernization FNPRM.*

162. This Report and Order continues the Commission's efforts to promote broadband access for schools and libraries and support the goals that we adopted in the *E-rate Modernization Order.* In it, we lower the barrier to obtaining high-speed connections and increase the E-rate funding cap to meet the needs of the program. To lower barriers to obtaining high-speed connections, we (1) provide greater flexibility for applicants with respect to payment options for large non-recurring capital costs for high-speed broadband; (2) equalize the treatment of lit and dark fiber to offer applicants an additional cost-effective option for deploying high-speed broadband; (3) allow self-construction of high-speed broadband facilities by schools and libraries when self-construction is the most cost-effective option; (4) provide up to an additional 10 percent in category one funding to match state funding for special construction charges for last-mile facilities to support high-speed broadband; and (5) obligating recipients of high-cost Universal Service Fund support to offer high-speed broadband to schools and libraries located in the geographic area where the carrier receives high-cost support at rates reasonably comparable to similar services in urban areas. To meet the needs of the program, we raise the E-rate funding cap to $3.9 billion.

C. Summary of Significant Issues Raised by Public Comments to the IRFA

163. No comments specifically addressed the IRFA.

D. Description and Estimate of the Number of Small Entities to Which the Proposed Rules May Apply

164. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Nationwide, there are a total of approximately 28.2 million small businesses, according to the SBA. A ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''

165. Nationwide, as of 2002, there were approximately 1.6 million small organizations. The term ''small governmental jurisdiction'' is defined generally as ''governments of cities, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2002 indicate that there were 87,525 local governmental jurisdictions in the United States. We estimate that, of this total, 84,377 entities were ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

166. Small entities potentially affected by the proposals herein include eligible schools and libraries and the eligible service providers offering them discounted services.

167. *Schools and Libraries.* As noted, ''small entity'' includes non-profit and small government entities. Under the schools and libraries universal service support mechanism, which provides support for elementary and secondary schools and libraries, an elementary school is generally ''a non-profit institutional day or residential school that provides elementary education, as determined under state law.'' A secondary school is generally defined as ''a non-profit institutional day or residential school that provides secondary education, as determined under state law,'' and not offering education beyond grade 12. For-profit schools and libraries, and schools and libraries with endowments in excess of $50,000,000, are not eligible to receive discounts under the program, nor are libraries whose budgets are not completely separate from any schools. Certain other statutory definitions apply as well. The SBA has defined elementary and secondary schools and libraries having $6 million or less in annual receipts as small entities. In funding year 2007, approximately 105,500 schools and 10,950 libraries received funding under the schools and libraries universal service mechanism. Although we are unable to estimate with precision the number of these entities that would qualify as small entities under SBA's size standard, we estimate that fewer than 105,500 schools and 10,950 libraries might be affected annually by our action, under current operation of the program.

168. *Telecommunications Service Providers.* First, neither the Commission nor the SBA has developed a size standard for small incumbent local exchange services. The closest size standard under SBA rules is for Wired Telecommunications Carriers. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 1,307 incumbent carriers reported that they were engaged in the provision of local exchange services. Of these 1,307 carriers, an estimated 1,006 have 1,500 or fewer employees and 301 have more than 1,500 employees. Thus, under this category and associated small business size standard, we estimate that the majority of entities are small. We have included small incumbent local exchange carriers in this RFA analysis. A ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of

Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent carriers in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

169. Second, neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the Commission's 2010 Trends Report, 359 companies reported that they were engaged in the provision of interexchange services. Of these 300 IXCs, an estimated 317 have 1,500 or few employees and 42 have more than 1,500 employees. Consequently, the Commission estimates that most providers of interexchange services are small businesses.

170. Third, neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the 2010 Trends Report, 1,442 CAPs and competitive local exchange carriers (competitive LECs) reported that they were engaged in the provision of competitive local exchange services. Of these 1,442 CAPs and competitive LECs, an estimated 1,256 have 1,500 or fewer employees and 186 have more than 1,500 employees. Consequently, the Commission estimates that most providers of competitive exchange services are small businesses.

171. *Wireless Telecommunications Carriers (except Satellite).* Since 2007, the Census Bureau has placed wireless firms within this new, broad, economic census category. Prior to that time, such firms were within the now-superseded categories of ''Paging'' and ''Cellular and Other Wireless Telecommunications.'' Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. Because Census Bureau data are not yet available for the new category, we will estimate small business prevalence using the prior categories and associated data. For the category of Paging, data for 2002 show that there were 807 firms that operated for the entire year. Of this total, 804 firms had employment of 999 or fewer employees, and three firms had employment of 1,000 employees or more. For the category of Cellular and Other Wireless Telecommunications, data for 2002 show that there were 1,397 firms that operated for the entire year. Of this total, 1,378 firms had employment of 999 or fewer employees, and 19 firms had employment of 1,000 employees or more. Thus, we estimate that the majority of wireless firms are small.

172. Wireless telephony includes cellular, personal communications services, and specialized mobile radio telephony carriers. As noted, the SBA has developed a small business size standard for Wireless Telecommunications Carriers (except Satellite). Under the SBA small business size standard, a business is small if it has 1,500 or fewer employees. According to the 2010 Trends Report, 413 carriers reported that they were engaged in wireless telephony. Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees. We have estimated that 261 of these are small under the SBA small business size standard.

173. *Common Carrier Paging.* As noted, since 2007 the Census Bureau has placed paging providers within the broad economic census category of Wireless Telecommunications Carriers (except Satellite). Prior to that time, such firms were within the now-superseded category of ''Paging.'' Under the present and prior categories, the SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. Because Census Bureau data are not yet available for the new category, we will estimate small business prevalence using the prior category and associated data. The data for 2002 show that there were 807 firms that operated for the entire year. Of this total, 804 firms had employment of 999 or fewer employees, and three firms had employment of 1,000 employees or more. Thus, we estimate that the majority of paging firms are small.

174. In addition, in the *Paging Second Report and Order,* 64 FR 33762, June 24, 1999, the Commission adopted a size standard for ''small businesses'' for purposes of determining their eligibility for special provisions such as bidding credits and installment payments. A small business is an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding $15 million for the preceding three years. The SBA has approved this definition. An initial auction of Metropolitan Economic Area (''MEA'') licenses was conducted in the year 2000. Of the 2,499 licenses auctioned, 985 were sold. Fifty-seven companies claiming small business status won 440 licenses. A subsequent auction of MEA and Economic Area (''EA'') licenses was held in the year 2001. Of the 15,514 licenses auctioned, 5,323 were sold. One hundred thirty-two companies claiming small business status purchased 3,724 licenses. A third auction, consisting of 8,874 licenses in each of 175 EAs and 1,328 licenses in all but three of the 51 MEAs, was held in 2003. Seventy-seven bidders claiming small or very small business status won 2,093 licenses.

175. Currently, there are approximately 74,000 Common Carrier Paging licenses. According to the most recent Trends in Telephone Service, 291 carriers reported that they were engaged in the provision of ''paging and messaging'' services. Of these, an estimated 289 have 1,500 or fewer employees and two have more than 1,500 employees. We estimate that the majority of common carrier paging providers would qualify as small entities under the SBA definition.

176. *Internet Service Providers.* The 2007 Economic Census places these firms, whose services might include voice over Internet protocol (VoIP), in either of two categories, depending on whether the service is provided over the provider's own telecommunications facilities (*e.g.,* cable and DSL ISPs), or over client-supplied telecommunications connections (*e.g.,* dial-up ISPs). The former are within the category of Wired Telecommunications Carriers, which has an SBA small business size standard of 1,500 or fewer employees. The latter are within the category of All Other Telecommunications, which has a size standard of annual receipts of $25 million or less. The most current Census Bureau data for all such firms, however, are the 2002 data for the previous census category called Internet Service Providers. That category had a small business size standard of $21 million or less in annual receipts, which was revised in late 2005 to $23 million. The 2002 data show that there were 2,529 such firms that operated for the entire year. Of those, 2,437 firms had annual receipts of under $10 million, and an additional 47 firms had receipts of between $10 million and $24,999,999. Consequently, we estimate that the majority of ISP firms are small entities.

177. *Vendors of Internal Connections: Telephone Apparatus Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing wire telephone and data communications equipment. These products may be standalone or board-level components of a larger system. Examples of products made by these establishments are central office switching equipment, cordless telephones (except cellular), PBX equipment, telephones, telephone answering machines, LAN modems, multi-user modems, and other data communications equipment, such as bridges, routers, and gateways.'' The SBA has developed a small business size standard for Telephone Apparatus Manufacturing, which is: all such firms having 1,000 or fewer employees. According to Census Bureau data for 2002, there were a total of 518 establishments in this category that operated for the entire year. Of this total, 511 had employment of under 1,000, and an additional seven had employment of 1,000 to 2,499. Thus, under this size standard, the majority of firms can be considered small.

178. *Vendors of Internal Connections: Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' The SBA has developed a small business size standard for firms in this category, which is: all such firms having 750 or fewer employees. According to Census Bureau data for 2002, there were a total of 1,041 establishments in this category that operated for the entire year. Of this total, 1,010 had employment of under 500, and an additional 13 had employment of 500 to 999. Thus, under this size standard, the majority of firms can be considered small.

179. *Vendors of Internal Connections: Other Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing communications equipment (except telephone apparatus, and radio and television broadcast, and wireless communications equipment).'' The SBA has developed a small business size standard for Other Communications Equipment Manufacturing, which is having 750 or fewer employees. According to Census Bureau data for 2002, there were a total of 503 establishments in this category that operated for the entire year. Of this total, 493 had employment of under 500, and an additional 7 had employment of 500 to 999. Thus, under this size standard, the majority of firms can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

180. Some of our rule changes will result in additional recordkeeping requirements for small entities. For all of those rule changes, we have determined that the benefit the rule change will bring for the program outweighs the burden of the increased recordkeeping requirement.

1. Increase in Projected Reporting, Recordkeeping and Other Compliance Requirements

181. *Compliance burdens.* All of the rules we implement impose some burden on small entities by requiring them to become familiar with the new rule to comply with it. For many new rules, the burden of becoming familiar with the new rule in order to comply with it is the only burden the rule imposes.

182. *Extending pre-discount budgets for category two services for three additional years.* This rule change will increase recordkeeping burdens by requiring applicants to calculate their budgets and keep track of the amount that they have spent in a five-year period. The benefit of making category two funding available to applicants outweighs this burden.

183. *Permitting self-construction option.* Our permitting applicants to receive E-rate funding for self-construction networks creates the minor additional burden of requiring applicants to seek bids for both self-construction and services-only. The cost savings applicants and the Fund will realize from this rule change justifies these burdens.

184. *Additional discounts when states match funds for fiber construction.* Providing additional discounts when states match funds for fiber construction will impose the additional minimal burden of requiring applicants to produce documentation verifying states' matched funds. The additional USF funding for fiber construction that this rule change makes available to applicants outweighs this burden.

185. *High-cost providers.* The requirement that recipients of high-cost support offer broadband service to eligible schools and libraries at rates reasonably comparable to rates charged in urban areas will increase recordkeeping burdens for some service providers and some E-rate applicants. Specifically, E-rate service providers who receive high-cost support will have the additional burden of bidding for, and possibly providing, services to schools and libraries in areas they receive high-cost support. Schools and libraries in those areas will have the additional burden of evaluating bids from these service providers.

2. Decrease in Projected Reporting, Recordkeeping and Other Compliance Requirements

186. *Suspending USAC's multi-year amortization policy for non-recurring construction costs.* Our suspension of USAC's multi-year amortization policy for non-recurring construction costs will decrease recordkeeping requirements by eliminating the burdens associated with amortization for the duration of the suspension.

3. Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

187. The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): ''(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

188. This rulemaking could impose minimal additional burdens on small entities. We considered alternatives to the rulemaking changes that increase projected reporting, recordkeeping and other compliance requirements for small entities.

189. Report to Congress.

190. The Commission will send a copy of this Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the SBREFA. In addition, the Commission will send a copy of the Report and Order, including

the FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Report and Order and the FRFA (or summaries thereof) will also be published in the **Federal Register**.

F. Paperwork Reduction Act Analysis

191. This Report and Order and Order or Reconsideration contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the revised information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, the Commission previously sought specific comment on how it might further reduce the information collection burden on small business concerns with fewer than 25 employees.

G. Congressional Review Act

192. The Commission will include a copy of this Report and Order and Order on Reconsideration in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

IX. Ordering Clauses

193. Accordingly, it is Ordered, that pursuant to the authority contained in sections 1 through 4, 201 through 205, 254, 303(r), 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 254, 303(r), 403, and 405, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 1302, this Report and Order and Order on Reconsideration is Adopted effective March 6, 2015, except to the extent expressly addressed below.

194. It is further ordered, that pursuant to the authority contained in sections 1 through 4, 201 through 205, 254, 303(r), 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 254, 303(r), 403, and 405 and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 1302, part 54 of the Commission's rules, 47 CFR part 54, is Amended as set forth below, and such rule amendments shall be effective March 6, 2015, except for amendments in §§ 54.313(e)(2) and (f)(1), 54.503(c)(1) and 54.504(a)(1)(iii), which are subject to the PRA and will become effective upon announcement in the **Federal Register** of OMB approval of the subject information collection requirements and of the effective date; and except for amendments in §§ 54.308(b), 54.309(b), 54.505(b)(3) and (b)(3)(i), and 54.507(a) and (c), which shall become effective on **July 1, 2015;** and amendments in § 54.518 and paragraphs (b), (c) and (f) of § 54.505, which shall become effective on **July 1, 2016**.

195. It is further ordered that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Clarification and/or Reconsideration filed by NTCA-The Rural Broadband Association and the Utah Rural Telecom Association on September 18, 2014, is Granted in Part and Denied in Part to the extent described herein.

196. It is further ordered that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Reconsideration or Clarification filed by the State E-rate Coordinators' Alliance on September 18, 2014, is Granted in Part and Denied in Part to the extent described herein.

197. It is further ordered that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Reconsideration filed by the Utah Education Network on September 18, 2014, is Granted in Part and Denied in Part to the extent described herein.

198. It is further ordered that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Reconsideration or Clarification filed by the West Virginia Department of Education on September 18, 2014, is Granted in Part and Denied in Part to the extent described herein.

199. It is further ordered that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Reconsideration filed by the United States Telecom Association on September 18, 2014, is Denied.

200. It is further ordered that, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petition for Reconsideration and/or Clarification filed by Verizon on September 18, 2014, is Granted in Part and Denied in Part to the extent described herein.

201. It is further ordered that the Commission shall send a copy of this Report and Order and Order on Reconsideration to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

202. It is furthered ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of the Report and Order, including the Final Regulatory Flexibility Analysis and Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: Sections 1, 4(i), 5, 201, 205, 214, 219, 220, 254, 303(r), and 403 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, as amended; 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 254, 303(r), 403, and 1302 unless otherwise noted.

Subpart A—General Information

§ 54.5 [Amended].

■ 2. Section 54.5 is amended by removing the definition of ''Rural area.''

■ 3. Section 54.308 is amended by adding paragraph (b) to read as follows:

§ 54.308 Broadband Public Interest Obligations for Recipients of High-Cost Support.

* * * * *

(b) Rate-of-return carrier recipients of high-cost support are required upon reasonable request to bid on category one telecommunications and Internet access services in response to a posted FCC Form 470 seeking broadband service that meets the connectivity targets for the schools and libraries universal service support program for eligible schools and libraries (as described in § 54.501) within that carrier's service area. Such bids must be at rates reasonably comparable to rates charged to eligible schools and libraries in urban areas for comparable offerings.

■ 4. Section 54.309 is amended by revising paragraph (b) to read as follows:

§ 54.309 Connect America Fund Phase II Public Interest Obligations.

* * * * *

(b) Recipients of Connect America Phase II model-based support, recipients of Phase II Connect America support awarded through a competitive bidding process, and non-contiguous price cap carriers receiving Phase II frozen support in lieu of model-based support are required to bid on category one telecommunications and Internet access services in response to a posted FCC Form 470 seeking broadband service that meets the connectivity targets for the schools and libraries universal service support program for eligible schools and libraries (as described in § 54.501) located within any area in a census block where the carrier is receiving Phase II model-based support. Such bids must be at rates reasonably comparable to rates charged to eligible schools and libraries in urban areas for comparable offerings.

■ 5. Section 54.313 is amended by revising paragraphs (e)(2)(iii) and (iv), adding paragraph (e)(2)(v), revising paragraphs (f)(1)(i) and (ii), and revising paragraph (f)(1)(iii) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

* * * * *

(e) * * *

(2) * * *

(iii) A list of the geocoded locations to which the eligible telecommunications carrier newly deployed facilities capable of delivering broadband meeting the § 54.309 public interest obligations with Connect America support in the prior year. The final progress report filed on July 1, 2021 must include the total number and geocodes of all the supported locations that a price cap carrier has built out to with service meeting the § 54.309 public interest obligations;

(iv) The total amount of Phase II support, if any, the price cap carrier used for capital expenditures in the previous calendar year; and

(v) A certification that it bid on category one telecommunications and Internet access services in response to all FCC Form 470 postings seeking broadband service that meets the connectivity targets for the schools and libraries universal service support program for eligible schools and libraries (as described in § 54.501) located within any area in a census block where the carrier is receiving Phase II model-based support, and that such bids were at rates reasonably comparable to rates charged to eligible schools and libraries in urban areas for comparable offerings.

* * * * *

(f) * * *

(1) * * *

(i) A letter certifying that it is taking reasonable steps to provide upon reasonable request broadband service at actual speeds of at least 4 Mbps downstream/1 Mbps upstream, with latency suitable for real-time applications, including Voice over Internet Protocol, and usage capacity that is reasonably comparable to comparable offerings in urban areas as determined in an annual survey, and that requests for such service are met within a reasonable amount of time;

(ii) The number, names, and addresses of community anchor institutions to which the ETC newly began providing access to broadband service in the preceding calendar year; and

(iii) For rate-of-return carrier recipients of high-cost support, a certification that it bid on category one telecommunications and Internet access services in response to all reasonable requests in posted FCC Form 470s seeking broadband service that meets the connectivity targets for the schools and libraries universal service support program for eligible schools and libraries (as described in § 54.501) within its service area, and that such bids were at rates reasonably comparable to rates charged to eligible schools and libraries in urban areas for comparable offerings.

Subpart F—Universal Service Support for Schools and Libraries

■ 6. Section 54.502 is amended by revising paragraph (a) introductory text, paragraph (b) introductory text, paragraphs (b)(1) through (3), paragraph (b)(5), and paragraph (c) to read as follows:

§ 54.502 Eligible Services.

(a) *Supported services.* All supported services are listed in the Eligible Services List as updated annually in accordance with paragraph (d) of this section. The services in this subpart will be supported in addition to all reasonable charges that are incurred by taking such services, such as state and federal taxes. Charges for termination liability, penalty surcharges, and other charges not included in the cost of taking such service shall not be covered by the universal service support mechanisms. The supported services fall within the following general categories:

* * * * *

(b) *Funding years 2015–2019.* Libraries, schools, or school districts with schools that receive funding for category two services in any of the funding years between 2015 and 2019 shall be eligible for support for category two services pursuant to paragraphs (b)(1) through (6) of this section.

(1) *Five-year budget.* Each eligible school or library shall be eligible for a budgeted amount of support for category two services over a five-year funding cycle beginning the first funding year support is received. Excluding support for internal connections received prior to funding year 2015, each school or library shall be eligible for the total available budget less any support received for category two services in the prior funding years of that school's or library's five-year funding cycle. The budgeted amounts and the funding floor shall be adjusted for inflation annually in accordance with § 54.507(a)(2).

(2) *School budget.* Each eligible school shall be eligible for support for category two services up to a pre-discount price of $150 per student over a five-year funding cycle. Applicants shall calculate the student count per school at the time the discount is calculated each funding year. New schools may estimate the number of students, but must repay any support provided in excess of the maximum budget based on student enrollment the following funding year.

(3) *Library budget.* Each eligible library located within the Institute of Museum and Library Services locale codes of ''11—City, Large,'' defined as a territory inside an urbanized area and inside a principal city with a population of 250,000 or more, ''12—City, Midsize,'' defined as a territory inside an urbanized area and inside a principal city with a population less than 250,000 and greater than or equal to 100,000, or ''21—Suburb, Large,'' defined as a territory outside a principal city and inside an urbanized area with population of 250,000 or more, shall be eligible for support for category two services, up to a pre-discount price of $5.00 per square foot over a five-year funding cycle. All other eligible libraries shall be eligible for support for category two services, up to a pre-discount price of $2.30 per square foot over a five-year funding cycle. Applicants shall provide the total area for all floors, in square feet, of each library outlet separately, including all areas enclosed by the outer walls of the library outlet and occupied by the library, including those areas off-limits to the public.

* * * * *

(5) *Requests.* Applicants shall request support for category two services for each school or library based on the number of students per school building or square footage per library building. Category two funding for a school or library may not be used for another school or library. If an applicant requests less than the maximum budgeted category two support available for a school or library, the applicant may request the remaining balance in a school's or library's category two budget in subsequent funding years of the five-year funding cycle. The costs for category two services shared by multiple eligible entities shall be divided reasonably between each of the entities for which support is sought in that funding year.

* * * * *

(c) *Funding year 2020 and beyond.* Absent further action from the Commission, each eligible library or school in a school district that either did not receive funding for category two services in funding years 2015 through 2019 or has completed its five-year funding cycle, shall be eligible for support for category two services, except basic maintenance services, no more than twice every five funding years. For the purpose of determining eligibility, the five-year period begins in any funding year in which the school or library receives discounted category two services other than basic maintenance services. If a school or library receives category two services other than basic maintenance services that are shared with other schools or libraries (for example, as part of a consortium), the shared services will be attributed to the school or library in determining whether it is eligible for support. Support is not available for category two services provided to or within non-instructional school buildings or separate library administrative buildings unless those category two services are essential for the effective transport of information to or within one or more instructional buildings of a school or non-administrative library buildings, or the Commission has found that the use of those services meets the definition of educational purpose, as defined in § 54.500.

* * * * *

■ 7. Section 54.503 is amended by revising paragraph (c)(1) to read as follows:

§ 54.503 Competitive bidding requirements.

* * * * *

(c) *Posting of FCC Form 470.* (1) An eligible school, library, or consortium that includes an eligible school or library seeking bids for eligible services under this subpart shall submit a completed FCC Form 470 to the Administrator to initiate the competitive bidding process. The FCC Form 470 and any request for proposal cited in the FCC Form 470 shall include, at a minimum, the following information:

(i) A list of specified services for which the school, library, or consortium requests bids;

(ii) Sufficient information to enable bidders to reasonably determine the needs of the applicant;

(iii) To the extent an applicant seeks the following services or arrangements, an indication of the applicant's intent to seek:

(A) Construction of network facilities that the applicant will own;

(B) A dark-fiber lease, indefeasible right of use, or other dark-fiber service agreement or the modulating electronics necessary to light dark fiber; or

(C) A multi-year installment payment agreement with the service provider for the non-discounted share of special construction costs;

(iv) To the extent an applicant seeks construction of a network that the applicant will own, the applicant must also solicit bids for both the services provided over third-party networks and construction of applicant-owned network facilities, in the same request for proposals;

(v) To the extent an applicant seeks bids for special construction associated with dark fiber or bids to lease and light dark fiber, the applicant must also solicit bids to provide the needed services over lit fiber; and

(vi) To the extent an applicant seeks bids for equipment and maintenance costs associated with lighting dark fiber, the applicant must include these elements in the same FCC Form 470 as the dark fiber.

* * * * *

■ 8. Section 54.504 is amended by revising paragraph (a)(1)(iii) to read as follows:

§ 54.504 Requests for services.

(a) * * *

(1) * * *

(iii) The entities listed on the FCC Form 471 application have secured access to all of the resources, including computers, training, software, maintenance, internal connections, and electrical connections, necessary to make effective use of the services purchased. The entities listed on the FCC Form 471 will pay the discounted charges for eligible services from funds to which access has been secured in the current funding year or, for entities that will make installment payments, they will ensure that they are able to make all required installment payments. The billed entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

* * * * *

■ 9. Section 54.505 is amended by revising paragraph (b) introductory text, paragraph (b)(3) introductory text, paragraph (b)(3)(i), and paragraphs (c) and (f) to read as follows:

§ 54.505 Discounts.

* * * * *

(b) *Discount percentages.* Except as provided in paragraph (f), the discounts available to eligible schools and libraries shall range from 20 percent to 90 percent of the pre-discount price for all eligible services provided by eligible providers, as defined in this subpart. The discounts available to a particular school, library, or consortium of only such entities shall be determined by indicators of poverty and high cost.

* * * * *

(3) The Administrator shall classify schools and libraries as ''urban'' or ''rural'' according to the following designations.

(i) The Administrator shall designate a school or library as ''urban'' if the school or library is located in an urbanized area or urban cluster area with a population equal to or greater than 25,000, as determined by the most recent rural-urban classification by the Bureau of the Census. The Administrator shall designate all other schools and libraries as ''rural.''

* * * * *

(c) *Matrices.* Except as provided in paragraphs (d) and (f) of this section, the Administrator shall use the following matrices to set discount rates to be applied to eligible category one and category two services purchased by eligible schools, school districts, libraries, or consortia based on the institution's level of poverty and location in an ''urban'' or ''rural'' area.

% of students eligible for national school lunch program	Category one schools and libraries discount matrix		Category two schools and libraries discount matrix	
	Discount level		Discount level	
	Urban discount	Rural discount	Urban discount	Rural discount
< 1	20	25	20	25
1–19	40	50	40	50
20–34	50	60	50	60
35–49	60	70	60	70
50–74	80	80	80	80
75–100	90	90	85	85

* * * * *

(f) *Additional discounts for State matching funds for special construction.* Federal universal service discounts shall be based on the price of a service prior to the application of any state-provided support for schools or libraries. When a governmental entity described below provides funding for special construction charges for networks that meet the long-term connectivity targets for the schools and libraries universal service support program, the Administrator shall match the governmental entity's contribution as provided for below:

(1) *All E-rate applicants.* When a State government provides funding for special construction charges for a broadband connection to a school or library the Administrator shall match the State's contribution on a one-dollar-to-one-dollar basis up to an additional 10 percent discount, provided however that the total support from federal universal service and the State may not exceed 100 percent.

(2) *Tribal schools.* When a State government, Tribal government, or federal agency provides funding for special construction charges for a broadband connection to a school operated by the Bureau of Indian Education or by a Tribal government, the Administrator shall match the governmental entity's contribution on a one-dollar-to-one-dollar basis up to an additional 10 percent discount, provided however that the total support from federal universal service and the governmental entity may not exceed 100 percent.

(3) *Tribal libraries.* When a State government, Tribal government, or federal agency provides funding for special construction charges for a broadband connection to a library operated by Tribal governments, the Administrator shall match the governmental entity's contribution on a one-dollar-to-one-dollar basis up to an additional 10 percent discount, provided however that the total support from federal universal service and the governmental entity may not exceed 100 percent.

■ 10. Section 54.507 is amended by revising paragraphs (a) introductory text, (a)(1) and (3), (c), and (d) to read as follows:

§ 54.507 Cap.

(a) *Amount of the annual cap.* The aggregate annual cap on federal universal service support for schools and libraries shall be $3.9 billion per funding year, of which $1 billion per funding year will be available for category two services, as described in § 54.502(a)(2), unless demand for category one services is higher than available funding.

(1) *Inflation increase.* In funding year 2016 and subsequent funding years, the $3.9 billion funding cap on federal universal service support for schools and libraries shall be automatically increased annually to take into account increases in the rate of inflation as calculated in paragraph (a)(2) of this section.

* * * * *

(3) *Public notice.* When the calculation of the yearly average GDP–CPI is determined, the Wireline Competition Bureau shall publish a public notice in the **Federal Register** within 60 days announcing any increase of the annual funding cap including any increase to the $1 billion funding level available for category two services based on the rate of inflation.

* * * * *

(c) *Requests.* The Administrator shall implement an initial filing period that treats all schools and libraries filing an application within that period as if their applications were simultaneously received. The initial filing period shall begin and conclude on dates to be determined by the Administrator with the approval of the Chief of the Wireline Competition Bureau. The Administrator shall maintain on the Administrator's Web site a running tally of the funds already committed for the existing funding year. The Administrator may implement such additional filing periods as it deems necessary.

(d) *Annual filing requirement.* (1) Schools and libraries, and consortia of such eligible entities shall file new funding requests for each funding year no sooner than the July 1 prior to the start of that funding year. Schools, libraries, and eligible consortia must use recurring services for which discounts have been committed by the Administrator within the funding year for which the discounts were sought.

(2) Installation of category one non-recurring services may begin on January 1 prior to the July 1 start of the funding year, provided the following conditions are met:

(i) Construction begins after selection of the service provider pursuant to a posted FCC Form 470,

(ii) A category one recurring service must depend on the installation of the infrastructure, and

(iii) The actual service start date for that recurring service is on or after the start of the funding year (July 1).

(3) Installation of category two non-recurring services may begin on April 1 prior to the July 1 start of the funding year.

(4) The deadline for implementation of all non-recurring services will be September 30 following the close of the funding year. An applicant may request and receive from the Administrator an extension of the implementation deadline for non-recurring services if it satisfies one of the following criteria:

(i) The applicant's funding commitment decision letter is issued by the Administrator on or after March 1 of the funding year for which discounts are authorized;

(ii) The applicant receives a service provider change authorization or service substitution authorization from the Administrator on or after March 1 of the funding year for which discounts are authorized;

(iii) The applicant's service provider is unable to complete implementation for reasons beyond the service provider's control; or

(iv) The applicant's service provider is unwilling to complete installation because funding disbursements are delayed while the Administrator investigates the application for program compliance.

* * * * *

§ 54.509 [Removed and Reserved]

■ 11. Remove and reserve § 54.509.

§ 54.518 [Removed and Reserved]

■ 12. Remove and reserve § 54.518.

Subpart I—Administration

■ 13. Revise § 54.720 to read as follows:

§ 54.720 Filing deadlines.

(a) An affected party requesting review or waiver of an Administrator decision by the Commission pursuant to § 54.719, shall file such a request within sixty (60) days from the date the Administrator issues a decision.

(b) An affected party requesting review of an Administrator decision by the Administrator pursuant to § 54.719(a), shall file such a request within sixty (60) days from the date the Administrator issues a decision.

(c) In all cases of requests for review filed under § 54.719(a) through (c), the request for review shall be deemed filed on the postmark date. If the postmark date cannot be determined, the applicant must file a sworn affidavit stating the date that the request for review was mailed.

(d) Parties shall adhere to the time periods for filing oppositions and replies set forth in 47 CFR 1.45.

[FR Doc. 2015–01414 Filed 2–3–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 120328229–5064–03]

RIN 0648–BC09

Atlantic Highly Migratory Species; 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan; Amendment 7; Correction

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

ACTION: Final rule; correcting amendment.

SUMMARY: This action corrects a typographical error that appeared in the final rule implementing Amendment 7 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) that published in the **Federal Register** on December 2, 2014 (79 FR 71510). Specifically, this rule corrects one of the coordinates in the definition of the Cape Hatteras Gear Restricted Area (GRA) to make the geographic area in the definition match the geographic area analyzed and identified in all of the Amendment 7 documents.

DATES: This rule is effective February 4, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Warren or Brad McHale at 978–281–9260.

SUPPLEMENTARY INFORMATION: NMFS implemented Amendment 7 to the 2006 Consolidated HMS FMP through a final rule that published on December 2, 2014 (79 FR 71510) and that was effective January 1, 2015, except for § 635.9(b)(2)(ii) and (e)(1), which are effective June 1, 2015; and § 635.15(b)(3), (4)(ii), and (5)(i), which are effective January 1, 2016. The December 2 final rule added regulatory text at § 635.2 to define, among other things, ''Cape Hatteras gear restricted area.'' In that definition at § 635.2, however, the sixth point of the geographic boundaries of the restricted area was incorrectly listed as ''34°30′ N. lat., 74°20′ W. long.'' Instead, it should be ''35°30′ N. lat., 74°20′ W. long.″ Thus, NMFS corrects the Cape Hatteras GRA definition at § 635.2.

This correction does not make any substantive change to the specific area presented and analyzed by NMFS in the Amendment 7 Final Environmental Impact Statement (FEIS) issued in August 2014 and included in permit holder letters and other outreach materials issued in December 2014, which contained the details and/or images of the correct area (*i.e.,* the coordinates used in those materials were correct). It only corrects an error in one of the coordinates published in the regulatory text of the definitions section of the final rule (79 FR 71510, December 2, 2014).

This correction is necessary so that pelagic longline fishermen are allowed to fish as intended by NMFS in preparing the FEIS and the final rule, in the area outside the eastern and southern boundaries of the Cape Hatteras GRA, as corrected, without being subject to the regulations that would apply within the GRA.

Classification

The Assistant Administrator (AA) for Fisheries, NOAA, finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be impracticable and contrary to the public interest. This document corrects the definition of the Cape Hatteras GRA by specifically correcting one of the coordinates that was incorrect in the December 2, 2014 final rule. The regulations regarding fishing in the Cape Hatteras GRA were effective January 1, 2015. This correction must be implemented in a timely manner so that pelagic longline fishermen are allowed to fish as intended by NMFS in preparing the FEIS and final rule, in the area outside the eastern and southern boundaries of the Cape Hatteras GRA, as corrected, without being subject to the regulations that would apply within the GRA. Implementation as defined in the current version of the regulations could result in unnecessarily restricting fishing in areas not intended to be gear restricted.

The correct coordinates in the final rule have previously been subject to notice and comment procedures through their inclusion in all of the relevant rulemaking documents and related analytical documents. The correction in this action does not make any substantive change to the requirements in the final rule. It only corrects the error in the implementing regulatory text. In addition, NMFS believes it is important for the public to have the correct information as soon as possible and finds no reason to delay its dissemination. Further delay would be contrary to the public interest, since the intended restrictions are not properly defined and, as a result, fishing could be unnecessarily restricted. This could have unintended economic consequences and unintended effects on fishing behavior.

For the reasons stated above, NMFS finds both notice and comment and the 30-day delay in effectiveness to be unnecessary pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d), respectively. Therefore, NMFS finds good cause to waive notice and comment procedures and the 30-day delay in effective date for this correcting amendment.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties,

Reporting and recordkeeping requirements, Treaties.

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 635 is corrected by making the following correcting amendments:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.2, revise the definition of ''Cape Hatteras gear restricted area'' to read as follows:

§ 635.2 Definitions.

* * * * *

Cape Hatteras gear restricted area means the area within the Atlantic Ocean bounded by straight lines connecting the following coordinates in the order stated: 34°50′ N. lat., 75°10′ W. long.; 35°40′ N. lat., 75°10′ W. long.; 35°40′ N. lat., 75°00′ W. long.; 37°10′ N. lat., 75°00′ W. long.; 37°10′ N. lat., 74°20′ W. long.; 35°30′ N. lat., 74°20′ W. long.; 34°50′ N. lat., 75°00′ W. long.; 34°50′ N. lat., 75°10′ W. long.

* * * * *

[FR Doc. 2015–01952 Filed 1–29–15; 11:15 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD749

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear 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 Pacific cod by catcher vessels less than 60 feet (18.3 meters (m)) length overall (LOA) using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2015 Pacific cod total allowable catch allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 2, 2015, through 2400 hours, A.l.t., December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 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 2015 Pacific cod total allowable catch (TAC) allocated to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI is 6,138 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014), inseason adjustment (80 FR 188, January 5, 2015), and reallocation (80 FR 3496, January 23, 2015).

In accordance with § 679.20(d)(1)(iii), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2015 Pacific cod TAC allocated as a directed fishing allowance to catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI will soon be reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI.

After the effective date 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 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 closure of directed fishing for Pacific cod by catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of January 29, 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 30, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–02138 Filed 1–30–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD750

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 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 the CAI allocated to vessels participating in the BSAI trawl limited access fishery.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 30, 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 the CAI, allocated to vessels participating in the BSAI trawl limited access fishery was established as a directed fishing allowance of 755 metric tons by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 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 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 Acting 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 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 29, 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 30, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–02140 Filed 1–30–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 23
Wednesday, February 4, 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.

DEPARTMENT OF ENERGY

10 CFR Parts 429 and 430

[Docket No. EERE–2014–BT–TP–0010]

RIN 1904–AC80

Energy Conservation Program: Test Procedures for Dehumidifiers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The U.S. Department of Energy (DOE) proposes to amend the test procedure proposals presented in a notice of proposed rulemaking (NOPR), published on May 21, 2014. The proposed revisions include modifications to the whole-home dehumidifier test setup and conduct, and revisions to the measurement of energy use in fan-only operation first proposed in the May 2014 NOPR. DOE also introduces a methodology to determine whole-home dehumidifier case volume, clarifies the equations used to calculate corrected relative humidity and capacity for portable and whole-home dehumidifiers, and provides additional technical corrections and clarifications. The additional proposals are to be combined with the initial proposals from May 2014.

DATES: DOE will accept comments, data, and information regarding this supplemental notice of proposed rulemaking (SNOPR) submitted no later than March 6, 2015. See Section V, ''Public Participation,'' for details.

ADDRESSES: Any comments submitted must identify the SNOPR for Test Procedures for Dehumidifiers, and provide docket number EE–2014–BT–TP–0010 and/or regulatory information number (RIN) number 1904–AC80. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: Dehumidifier2014TP0010@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message.

3. *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

For detailed instructions on submitting comments and additional information on the rulemaking process, see Section V of this document (Public Participation).

Docket: The docket, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials, is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available. A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=95.* This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains instructions on how to access all documents, including public comments, in the docket. See Section V, ''Public Participation,'' for information on how to submit comments through *www.regulations.gov.*

For further information on how to submit a comment or review other public comments and the docket, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT:

Mr. Bryan Berringer, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0371. Email: *bryan.berringer@ee.doe.gov.*

Mr. Peter Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: *peter.cochran@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Incorporated by Reference

DOE intends to incorporate by reference the following industry standards into 10 CFR part 430:

(1) Standard Method for Temperature Measurement, American National Standards Institute (ANSI)/American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 41.1–2013 and Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating, ANSI/Air Movement and Control Association (AMCA) 210–07.

Copies of ANSI/ASHRAE Standard 41.1–2013 can be obtained from the American National Standards Institute 25 W 43rd Street 4th Floor, New York, NY 10036, or by going to *http://webstore.ansi.org/RecordDetail.aspx?sku=ANSI%2FASHRAE+Standard+41.1-2013.*

(2) Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating, ANSI/Air Movement and Control Association (AMCA) 210–07.

Copies of ANSI/AMCA 210–07 can be obtained from the Air Movement and Control Association International, Inc. 30 West University Drive, Arlington Heights, IL 60004, or by going to *http://www.amca.org/store/item.aspx?ItemId=81.*

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I. Authority and Background

Title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291, *et seq.;* ''EPCA'' or, ''the Act'') sets forth a variety of provisions designed to improve energy efficiency.[1] Part B of title III establishes the ''Energy Conservation Program for Consumer Products Other Than Automobiles.''[2] These consumer products include dehumidifiers, the subject of this supplemental proposed rule. (42 U.S.C. 6295(cc))

Under EPCA, the energy conservation program consists essentially of four parts: (1) testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. The testing requirements consist of test procedures that manufacturers of covered products must use as the basis for: (1) certifying to DOE that their products comply with the applicable energy conservation standards adopted under EPCA; and (2) making representations about the efficiency of those products. Similarly, DOE must use these test procedures to determine whether the products comply with any relevant standards promulgated under EPCA.

General Test Procedure Rulemaking Process

Under 42 U.S.C. 6293, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered products. EPCA provides in relevant part that any test procedures prescribed or amended under this section shall be reasonably designed to produce test results that measure energy efficiency, energy use or estimated annual operating cost of a covered product during a representative average use cycle or period of use and shall not be unduly burdensome to conduct. (42 U.S.C. 6293(b)(3))

In addition, if DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written comments on them. (42 U.S.C. 6293(b)(2)) Finally, in any rulemaking to amend a test procedure, DOE must determine to what extent, if any, the proposed test procedure would alter the measured energy efficiency of any covered product as determined under the existing test procedure. (42 U.S.C. 6293(e))

DOE's test procedure for dehumidifiers is found at 10 CFR part 430, subpart B, appendix X (appendix X). For background on the establishment of the first test procedure for dehumidifiers, subsequent amendments to that procedure, and the rulemaking history for this supplemental notice of proposed rulemaking (SNOPR), please see the May 2014 NOPR. 79 FR 29271.

II. Summary of the Supplemental Notice of Proposed Rulemaking

Upon further analysis and review of the public comments received in response to the May 2014 NOPR, DOE proposes in this SNOPR the following additions and clarifications to its proposed dehumidifier test procedure: (1) various adjustments and clarifications to the whole-home dehumidifier test setup and conduct; (2) a method to determine whole-home dehumidifier case volume; (3) a revision to the method for measuring energy use in fan-only operation; (4) a clarification to the relative humidity and capacity equations incorporated from American National Standards Institute (ANSI)/ Association of Home Appliance Manufacturers (AHAM) DH–1–2008, ''Dehumidifiers'' (ANSI/AHAM DH–1–2008); and (5) additional technical corrections and clarifications.

Other than the specific amendments newly proposed in the SNOPR, DOE continues to propose the test procedure amendments originally included in the May 2014 NOPR. For the reader's convenience, DOE has reproduced in this SNOPR the entire body of proposed regulatory text from the May 2014 NOPR, amended as appropriate according to these proposals. DOE's supporting analysis and discussion for the portions of the proposed regulatory text not affected by this SNOPR may be found in the May 2014 NOPR. 79 FR 29271.

III. Discussion

A. Whole-Home Dehumidifier Test Setup and Testing Conditions

As discussed in the May 2014 NOPR, whole-home dehumidifiers are intended to be installed and operated as part of a ducted air-delivery system. These units are designed with standard-size collars to interface with the home's ducting, and typically require two ducts for the process air stream: a supply air intake from the dehumidified space and an air outlet for delivery of the dehumidified air to the same space. Refrigerant-desiccant dehumidifiers incorporate intake and outlet ducts for reactivation air in addition to the process stream supply air intake and dehumidified air outlet. Reactivation air, as defined in the May 2014 NOPR, is air drawn from unconditioned space (*e.g.,* outdoors, attic, or crawlspace) to remove moisture from the desiccant wheel of a refrigerant-desiccant dehumidifier and discharged to unconditioned space. 79 FR 29271, 29283.

Based on the unique installation and operation of whole-home dehumidifiers, DOE proposed in the May 2014 NOPR to adopt a new test procedure at 10 CFR part 430, subpart B, appendix X1 (appendix X1) that would contain, in part, a method for testing whole-home dehumidifiers.

Upon review of the public comments received in response to the May 2014 NOPR and comments received during the June 2014 public meeting, DOE determined that further clarifications and modifications were necessary to ensure the whole-home dehumidifier test procedure is repeatable and representative of actual use, while limiting test burden. In the SNOPR, DOE proposes the following additions and modifications to the proposals described in the May 2014 NOPR for whole-home dehumidifiers.

1. Inlet Temperature

As discussed in the May 2014 NOPR, DOE's analysis of weather data in regions associated with predominant dehumidifier usage and at times when dehumidification was necessary identified 65 degrees Fahrenheit (°F) as the most representative ambient dry-bulb temperature.[3] Therefore, DOE

[1] All references to EPCA refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act (AEMTCA), Pub. L. 112–210 (Dec. 18, 2012).

[2] For editorial reasons, Part B was redesignated as Part A upon incorporation into the U.S. Code.

[3] Dry-bulb temperature is an indicator of the heat content in air and can be measured using a thermometer or thermocouple exposed to air, but shielded from radiation and moisture. Wet-bulb temperature is the temperature of adiabatic saturation and is measured using a moistened thermometer or thermocouple exposed to the air flow. The adiabatic evaporation of water from the thermometer or thermocouple has a cooling effect

Continued

proposed in the May 2014 NOPR that all dehumidifier testing be conducted with an inlet dry-bulb temperature of 65 °F. However, DOE acknowledged that whole-home dehumidifiers may have inlet air dry-bulb temperatures consistent with the thermostat setting in homes. Based on an analysis of average indoor temperature data from the 2009 *Residential Energy Consumption Survey* (*RECS*), DOE proposed in the May 2014 NOPR a potential alternative inlet air dry-bulb temperature of 73 °F for testing whole-home dehumidifiers. 79 FR 29271, 29279.

In response to the May 2014 NOPR, Aprilaire, Inc. (Aprilaire) commented that the test procedure ambient conditions must represent the as-used conditions, and that the 80 °F dry-bulb temperature and 60-percent relative humidity requirements of the current test procedure are not representative of actual use conditions. Aprilaire stated that, although it tests its products at ambient dry-bulb temperatures as low as 60 °F, the alternate proposed dry-bulb temperature test condition of 73 °F is closer to the intended application for whole-home dehumidifiers and would be better than the current test condition because it better represents the normal use condition, allows for better comparison between whole-home dehumidifiers and portable dehumidifiers, and would allow building designers to better monitor and estimate home energy use. Aprilaire also noted that the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) has been trying to specify a design condition, and 73 °F is close to the temperature that the organization has agreed upon. Therefore, Aprilaire stated that it supports DOE's proposal to test whole-home dehumidifiers at 73 °F dry-bulb temperature and 60-percent relative humidity. However, Aprilaire further suggested that DOE consider an ambient dry-bulb temperature of 75 °F, which is halfway between the proposed 73 °F and the ENERGY STAR-recommended air conditioner cooling setpoint of 78 °F. Aprilaire believes that a proper cooling setpoint for a home should be 78 °F but that the average setpoint may be closer to 73 °F because consumers tend to over-cool to remove humidity. Nonetheless, Aprilaire noted that with proper humidity control, higher cooling setpoints can be used while still maintaining comfort. (Aprilaire, No. 5 at pp. 3–4; Aprilaire, Public Meeting Transcript, No. 10 at pp. 41–44, 46–47) [4]

Therma-Stor LLC (Therma-Stor) commented that the 65 °F test condition proposed in the May 2014 NOPR is more representative of a basement application than the current 80 °F, but it is not representative of above-grade conditioned spaces. Therma-Stor stated that consumers in the Southeast, Gulf Coast, and Pacific Northwest regions may be using portable and whole-home dehumidifiers in above-grade applications, which are better represented by an 80 °F test condition. Therma-Stor stated that whole-home dehumidifiers typically receive return air from the conditioned space, and the proposed 65 °F dry-bulb temperature is too low. Therma-Stor suggested that a 73 °F dry-bulb temperature test condition may represent some whole-home dehumidifier applications, but the test temperature should be even higher to correspond to real-world applications. According to Therma-Stor, whole-home dehumidifiers maintain adequate humidity control at higher indoor temperatures, and some whole-home dehumidifiers use fresh air inlets,[5] leading to a return air temperature that is higher than the indoor temperature. Therefore, Therma-Stor supports a standard rating test condition of 80 °F dry-bulb temperature for whole-home dehumidifiers. (Therma-Stor, No. 6 at pp. 3–4)

Appliance Standards Awareness Project (ASAP), Alliance to Save Energy (ASE), American Council for an Energy-Efficient Economy (ACEEE), Consumers Union (CU), National Consumer Law Center (NCLC), and Natural Resources Defense Council (NRDC) (hereinafter the ''Joint Commenters'') recommended that DOE prescribe separate ambient test conditions for portable and whole-home dehumidifiers because the temperature of the intake air for whole-home dehumidifiers is likely to be close to the thermostat setting instead of the outdoor conditions. The Joint Commenters, ASAP, and NRDC agree with DOE's alternate proposal in the May 2014 NOPR that 73 °F is a representative test condition to determine whole-home dehumidifier performance, although NRDC expressed concern that it would be difficult to then compare whole-home and portable dehumidifier performance. (Joint Commenters, No. 8 at p. 4; ASAP, Public Meeting Transcript, No. 10 at p. 46; NRDC, Public Meeting Transcript, No. 10 at p. 45) The Joint Commenters also noted that because moisture removal is more difficult at lower dry-bulb temperatures for a given relative humidity, dehumidifiers that have good performance at 65 °F would also perform well at 73 °F. (Joint Commenters, No. 8 at p. 4)

In a recent field study conducted by Burke, et al., (hereinafter referred to as the Burke Study), whole-home dehumidifiers were metered at four different field locations in Wisconsin and Florida.[6] At each location, inlet air temperatures and additional setup and performance characteristics were monitored. The Burke Study found that the average inlet dry-bulb temperatures during compressor operation in dehumidification mode for each of the four whole-home dehumidifiers ranged from 70.4 °F to 75.1 °F, with an average among all four sites of 73.2 °F.

Although this sample was very limited, DOE notes that it encompasses homes in two geographical regions with substantially different climates, with different dehumidifier locations within the home. After considering the comments received and this new field data, DOE tentatively determined that the alternative proposal of 73 °F inlet air dry-bulb temperature is most representative for whole-home dehumidifiers. DOE proposes in this document that whole-home dehumidifiers be tested with all ducted intake air at 73 °F dry-bulb temperature and 63.6 °F wet-bulb temperature to

that causes wet-bulb temperature to be less than or equal to dry-bulb temperature. Relative humidity is the ratio of the partial pressure of water vapor to the equilibrium vapor pressure of water at the same temperature, and is therefore dependent upon temperature and pressure. Relative humidity is also related to the difference between the dry-bulb and wet-bulb temperatures by means of psychrometric functions.

[4] A notation in the form ''Aprilaire, No. 5 at pp. 3–4'' identifies a written comment: (1) made by Aprilaire, Inc.; (2) recorded in document number 5 that is filed in the docket of this test procedure rulemaking (Docket No. EERE–2014–BT–TP–0010) and available for review at *www.regulations.gov;* and (3) which appears on pages 3–4 of document number 5. A notation in the form ''Aprilaire, Public Meeting Transcript, No. 10 at pp. 41–44, 46–47'' identifies an oral comment that DOE received on June 13, 2014 during the NOPR public meeting, was recorded in the public meeting transcript in the docket for this test procedure rulemaking (Docket No. EERE–2014–BT–TP–0010), and is maintained in the Resource Room of the Building Technologies Program. This particular notation refers to a comment (1) made by Aprilaire, Inc. during the public meeting; (2) recorded in document number 10, which is the public meeting transcript that is filed in the docket of this test procedure rulemaking; and (3) which appears on pages 41–44 and 46–47 of document number 10.

[5] In the May 2014 NOPR, DOE considered testing provisions for fresh air inlets, and proposed that any fresh air inlet be capped and sealed during testing because the impact of a fresh air connection was not significant enough to warrant the added test burden of providing separate fresh air inlet flow. 79 FR 29272, 29285. DOE maintains the same proposal in this SNOPR, and again invites comment on it from interested parties.

[6] T. Burke, *et al.,* Whole-Home Dehumidifiers: Field-Monitoring Study, Lawrence Berkeley National Laboratory, Report No. LBNL–6777E (September 2014). Available at *https://isswprod.lbl.gov/library/view-docs/public/output/rpt83520.PDF*

maintain a 60-percent relative humidity. DOE recognizes that the results for portable and whole-home dehumidifiers will thus not be directly comparable, but points out that the application, installation, and ambient conditions of the two product types are inherently different, and therefore it is reasonable that representative performance should also differ.

2. External Static Pressure

Frictional forces and head losses due to the air flowing in the ducting impose an external static pressure (ESP) on a whole-home dehumidifier. As duct length and the number of flow restrictions in the air system increase, ESP increases as well. Therefore, DOE proposed in the May 2014 NOPR that whole-home dehumidifier testing be conducted at an ESP representative of typical residential installations. 79 FR 29271, 29287. DOE reviewed several sources of information to determine the appropriate ESP, including the residential furnace fan rulemaking,[7] whole-home dehumidifier product literature, and data from a residential furnace fan monitoring study conducted by the Center for Energy and Environment,[8] in addition to DOE's own testing and analysis. DOE tentatively concluded that an ESP of 0.5 inches of water column (in. w.c.) would, on average, represent the ESP for a whole-home dehumidifier installed in a typical home. Therefore, DOE proposed in the May 2014 NOPR that whole-home dehumidifier testing in dehumidification mode be conducted with an ESP of 0.5 ± 0.02 in. w.c. for the process air stream of all units and for the reactivation air stream of refrigerant-desiccant dehumidifiers. 79 FR 29271, 29287–88.

The Joint Commenters agreed that whole-home dehumidifiers should be tested at an ESP of 0.5 in. w.c., aligning with the ESP in the furnace fans test procedure for furnace fans designed to be installed in systems with an internal evaporator coil. (Joint Commenters, No. 8 at pp. 4–5)

Aprilaire stated that residential heating, ventilation, and air conditioning (HVAC) systems operate at up to 0.8 in. w.c. ESP, and that 0.5 in. w.c. on average is likely representative of such systems. For whole-home dehumidifiers, however, Aprilaire commented that ESP varies due to the different potential configurations by which the products are integrated into the HVAC return and supply ducting. In addition, Aprilaire and Therma-Stor commented that whole-home dehumidifiers that utilize the higher flow rate HVAC blower will have a higher ESP than those dehumidifiers that operate with a lower flow rate internal fan. Aprilaire stated that an ESP of 0.5 in. w.c. would represent an extreme and unrealistic condition for whole-home dehumidifiers, and that testing them at this condition would require designs that would be inappropriate for typical installations. According to Therma-Stor, manufacturers would be forced to incorporate higher power, noisier fans. Therma-Stor further commented that it recommends its products be installed in a configuration that creates ESP much lower than 0.5 in. w.c., although the ESP in the field varies depending on the actual installation. Therma-Stor's whole-home dehumidifiers have duct connections that are designed to provide less than 0.15 in. w.c. ESP per 100 feet of duct. (Aprilaire, Public Meeting Transcript, No. 10 at pp. 72–74; Aprilaire, No. 5 at p. 4; Therma-Stor, No. 6 at p. 4)

The Burke Study monitored the ESP during unit operation for the three units installed in Florida sites. Static pressure probes were placed in the entry and exit ducts to the unit, with no more than one duct elbow between the probe and the dehumidifier. The ESP was initially measured with the air handler both off and on (at low and high speed), with the dehumidifier operational. The ESP was subsequently measured at 1-second intervals throughout the 7-month metering period, and data were analyzed to determine average ESP during those periods when the dehumidifier compressor and blower were activated regardless of HVAC blower activation. A summary of these measurements is presented in Table III.1.

TABLE III.1—WHOLE-HOME DEHUMIDIFIER AVERAGE EXTERNAL STATIC PRESSURE

Site designation	Average external static pressure with dehumidifier blower on (*in. w.c.*)			
	Air handler off	Air handler on at low speed	Air handler on at high speed	Average in dehumidification mode during metering period
WHD-SiteB01	0.14–0.16	0.085–0.090	—	0.117
WHD-SiteB02	0.32	0.26–0.27	0.22–0.23	0.283
WHD-SiteB03	0.23	0.18–0.19	0.11	0.205
Average *	0.23	0.18	0.17	0.20

* Calculated using the midpoint of each range

As previously noted, this sample is very small, but the results suggest that the comments characterizing 0.5 in. w.c. as an unrealistic upper bound for ESP may be valid. To further validate this matter, DOE considered the equation in the recent NOPR for the residential furnace fan test procedure that calculated ESP from the product of the square of the volumetric air flow rate (in cubic feet per minute, CFM) and a reference system constant (a value that represents the losses within the average duct system). 77 FR 28673, 28684 (May 15, 2012). Based on the average furnace fan ESP of 0.5 in. w.c. and air flow rate of 1,200 CFM, DOE calculated a reference system constant of 3.47×10^{-7} in in. w.c. per CFM. Through its review of product literature, DOE found that the typical volumetric air flow rate for whole-home dehumidifiers is approximately 300 CFM, which is significantly less than that for a furnace fan. Inserting this air flow rate value into the equation results in an ESP of 0.03 in. w.c., exclusive of the additional losses associated with ducting a whole-home dehumidifier to the home ventilation system. Based on a typical

[7] Supplemental Notice of Proposed Rulemaking for Test Procedures for Residential Furnace Fans, 78 FR 19606, 19618 (Apr. 2, 2013).

[8] Center for Energy and Environment Comment on Energy Conservation Standards for Residential Furnace Fans, Docket No. EERE–2010–BT–STD–0011, Comment Number 22 (July 27, 2010).

installation with 10-inch diameter dehumidifier ducts, 2 elbows, and connections to the larger ventilation ducts for the home, DOE estimated a total ESP of 0.22 in. w.c. for a typical whole-home dehumidifier setup, which corresponds closely with the data gathered for the Burke Study.

In sum, DOE's analysis for this SNOPR supports testing conditions for whole-home dehumidifiers at an ESP higher than 0.2 in. w.c. (the average in dehumidification mode from the Burke Study) but substantially less than the 0.5 in. w.c. proposed in the May 2014 NOPR. Due to the limited data available to more precisely define this value, DOE proposes in the SNOPR to specify ESP at 0.25 in. w.c., the nearest value in quarter inch increments, as an appropriate test condition for whole-home dehumidifiers.

3. Test Duct Length

In the May 2014 NOPR, DOE proposed a whole-home dehumidifier ducted test setup with certain duct lengths and cell-type flow straighteners to achieve laminar air flow, and specified the placement of instrumentation based on numbers of duct diameters upstream of and downstream from the test unit. For a refrigerant-only whole-home dehumidifier, one duct would be attached to the process air exhaust to maintain the necessary ESP and would include a pitot-static traverse and throttling device. For a refrigerant-desiccant dehumidifier, three test ducts would be required (two for the process air inlet and exhaust and one for the reactivation air inlet), each with a flow straightener, pitot-static traverse, air sampling instrumentation, and throttling device. 79 FR 29271, 29286.

Aprilaire commented that it would be difficult to accommodate the full length of ducting proposed in the May 2014 NOPR in existing test chambers, and estimated a cost of $30,000 to construct a new test chamber with air conditioning equipment or to move existing test chamber walls, which would be burdensome to whole-home dehumidifier manufacturers. Aprilaire further stated that unit performance would not vary greatly if a shorter length of duct were used, and noted that in its internal testing, it has used a 5-foot duct length that produces an even distribution of inlet air over the internal coils. (Aprilaire, No. 5 at p. 4; Aprilaire, Public Meeting Transcript, No. 10 at pp. 63–64, 79–80, 91–93)

Therma-Stor stated that requiring whole-home dehumidifiers to be tested with ducts would impose an unfair testing burden on whole-home dehumidifier manufacturers. Therma-Stor noted that substantially larger test chambers are required for whole-home dehumidifiers compared with portable dehumidifiers, and the additional duct instruments, measurements, and 1-minute recording interval would require more capable data acquisition systems. Therma-Stor commented that preparing and performing the test would be much more involved than for the current test, and although the cost of the proposed ducts and accessories may be relatively low, the secondary costs of a test facility and staff to support the proposed test would be substantial. (Therma-Stor, No. 6 at p. 5)

In light of these comments, DOE acknowledges the test burden associated with specifying a minimum length of 10 duct diameters for the instrumented ducts and considered whether this length could be reduced without impacting test results. DOE first calculated the duct lengths that would be necessary to ensure fully developed flow in the ducts after a component such as an inlet or elbow. For a 10-inch diameter duct and the expected range of air flow rates for whole-home dehumidifiers, DOE calculated that duct lengths of approximately 8.5–9.5 duct diameters would be necessary, which is close to the requirement of 10 duct diameters proposed in the May 2014 NOPR. However, due to comments indicating that 10 duct diameters may be overly burdensome, following the publication of the May 2014 NOPR, DOE consulted with whole-home dehumidifier manufacturers regarding their internal performance testing and with whole-home dehumidifier installation specialists to determine an appropriate yet low-burden duct length for testing. These sources suggested that 3 diameters of duct length typically allows for adequately uniform air flow within the duct to ensure proper dehumidifier operation. With the inclusion of a flow straightener upstream in the duct, as proposed in the May 2014 NOPR, DOE expects that the air flow would be sufficiently uniform with a length of 3 duct diameters upstream of the instrumentation to allow for repeatable measurements. According to discussion with manufacturers and installers, the flow does not need to be fully developed to achieve representative measurements. Additionally, with the information provided by manufacturers about the dimensions of available test chambers, DOE expects that the longer ducts proposed in the May 2014 NOPR would likely be located near the walls of the test chamber, potentially inhibiting air flow into or out of the duct. A shorter duct length would allow for a larger distance between the test ducts and the test chamber walls, allowing for unrestricted air flow into or out of the test duct.

Therefore, DOE proposes to reduce the required minimum duct lengths by placing the flow straightener at the entrance to the inlet ducting and reducing the total minimum length for all test ducts from 10 diameters to 4.5 diameters. Under DOE's modified proposal, a minimum of 3 duct diameters would be provided between any throttling device or transition section and any instrumentation measuring the air flow properties. See Figures 1, 2, and 3 in proposed Section 3.1.3 of appendix X1 of this document for specific placement of all test components (including the flow straightener, pitot-static traverse, dry-bulb temperature and relative humidity measurement devices, and throttling device) and illustrations of these configurations.

4. Relative Humidity Instrumentation

In the May 2014 NOPR, DOE considered two types of instruments to measure the water vapor content in the air: (1) a cooled surface condensation hygrometer that measures dew-point temperature, which can be used in conjunction with dry-bulb temperature to determine relative humidity; and (2) an aspirating psychrometer that measures wet-bulb temperature. DOE proposed in the May 2014 NOPR that relative humidity be measured using an aspirating psychrometer because of its simplicity, accuracy of ±1 percent, and relatively low cost. 79 FR 29271, 29287.

Aprilaire noted that the ±1 percent and ±0.1 °F accuracy of the relative humidity measurement (as determined by the psychrometer) and temperature sensors, respectively, are inconsistent because a ±0.1 °F accuracy for the wet-bulb temperature sensor correlates with a ±0.44 percent accuracy in relative humidity. Aprilaire noted that temperature is less expensive to control and measure than relative humidity. (Aprilaire, Public Meeting Transcript, No. 10 at pp. 67–68; Aprilaire, No. 5 at p. 3)

Therma-Stor recommended that the whole-home dehumidifier test procedure use relative humidity measuring devices other than aspirating psychrometers that achieve similar accuracy and directly output relative humidity. According to Therma-Stor, these instruments may reduce the burden of placing the psychrometer within the duct and would require less frequent calibration than large

aspirating psychrometers. (Therma-Stor, No. 6 at p. 2)

DOE notes that the different accuracies in relative humidity measurement arise because the aspirating psychrometers utilize thermocouples to measure both dry-bulb and wet-bulb temperatures, which leads the instrument to have a cumulative accuracy for relative humidity that is lower than the accuracy of the wet-bulb temperature measurement alone. However, DOE considered stakeholder input that certain relative humidity sensors may provide similar accuracy in relative humidity measurements as aspirating psychrometers, but would be less burdensome to implement. In a review of product specifications, DOE identified several solid-state relative humidity sensors currently available with accuracies of ±1 percent at prices similar to or less than the price of a calibrated aspirating psychrometer, which DOE estimated at $1,000 in the May 2014 NOPR. 79 FR 29271, 29293. DOE notes that these relative humidity sensors are specifically designed to be mounted and used in a duct, whereas aspirating psychrometers may be difficult to install, calibrate, and maintain in a duct. DOE is also aware that certain laboratories may already be using these relative humidity sensors, so it does not expect that switching the relative humidity instrumentation from an aspirating psychrometer to a relative humidity sensor for in-duct measurements would significantly increase test burden, and may in fact reduce test burden. Based on the two refrigerant-desiccant dehumidifiers in DOE's test sample, which is the only type of dehumidifier that would require measuring relative humidity in the ducts, duct air velocity ranges from 500 to 650 feet per minute, which is similar to the minimum air velocity of 700 feet per minute specified in ANSI/AHAM DH–1–2008 for the aspirating psychrometer. Therefore DOE tentatively concludes that there is sufficient air flow in the duct to properly monitor the relative humidity conditions of the air for these units.

Therefore, DOE proposes that refrigerant-desiccant dehumidifier testing be conducted with a relative humidity sensor accurate to within ±1 percent relative humidity. DOE is aware that some test laboratories are currently using this instrumentation, and tentatively concludes that, for other laboratories, the proposal to use a relative humidity sensor instead of an aspirating psychrometer would not add significant test burden because of the sensor's simplicity and relatively low cost. DOE expects that this proposal will likely reduce test burden associated with maintenance and calibration compared to the test setup proposed in the May 2014 NOPR.

DOE notes that refrigerant-desiccant dehumidifier testing requires in-duct relative humidity sensors to allow for capacity calculations. Because moisture is removed by the desiccant wheel and the refrigeration system, the typical condensate weighing approach for measuring capacity is not feasible for these dehumidifiers and instead, the psychrometrics in the process air inlet and outlet ducts must be measured. However, portable and refrigerant-only whole-home dehumidifiers would continue to use an aspirating psychrometer to measure inlet air relative humidity, as proposed in the May 2014 NOPR. Based on the extensive industry experience in using these instruments, along with sampling trees, to measure ambient conditions in the absence of inlet ducting, DOE determined that an aspirating psychrometer most reliably measures representative dry-bulb and wet-bulb temperatures in these conditions by inducing controlled air flow over the sensing elements. DOE also expects that when testing these units, there are typically no space constraints in test chambers that would preclude the installation and maintenance of an aspirating psychrometer. DOE also notes that dehumidifiers and other similar products are currently tested with aspirating psychrometers and typically with sampling trees, and because relative humidity sensors provide neither better accuracy nor significant cost savings, DOE proposes to maintain the current approach for portable and refrigerant-only whole-home dehumidifiers to minimize burden.

5. External Static Pressure Instrumentation

In the May 2014 NOPR, DOE proposed that ESP would be measured using pitot-static tubes and pitot-static tube traverses that conform with the specifications in Sections 4.2.2 and 4.3.1, respectively, of ANSI/ASHRAE 51–07/Air Movement and Control Association International, Inc. (AMCA) 210–07, ''Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating'' (hereinafter ''ANSI/AMCA 210''). 79 FR 29271, 29288.

Upon further review of ANSI/AMCA 210, DOE determined that Figure 3 referenced in Section 4.2.2.3 shows three rows of pressure taps, each crossing in the center of the duct. DOE performed a search of the market and was unable to locate any commercially available pitot-static tube traverses that comply with the requirements of ANSI/AMCA 210. DOE also consulted with the test laboratory that conducted whole-home dehumidifier testing in support of the May 2014 NOPR, and was informed that an instrument with two perpendicular rows of pressure taps that cross at the center of the duct would likely be sufficient to accurately measure the average ESP in the duct. Therefore, DOE proposes in the SNOPR that two intersecting and perpendicular rows of pitot-static tube traverses be used for whole-home dehumidifier testing.

In the May 2014 NOPR, DOE also proposed that static pressures at each pitot-static tube in a traverse would be measured at the static pressure tap and averaged. 79 FR 29271, 29288. Upon further consideration, DOE determined that this requirement could be interpreted to mean that the individual static pressures must be measured and recorded at each tap, and then averaged following testing. However, DOE's proposed methodology only requires that the average static pressure among all of the taps be recorded. DOE notes that commercially available pitot-static tube traverses have the individual tubes manifolded, with a single pressure tap that would measure a static pressure that is the average of the static pressures at each tube location, facilitating measurements according to DOE's proposal. Accordingly, DOE proposes to clarify the pressure measurement as follows: ''The static pressure within the test duct shall be recorded as measured at the pressure tap in the manifold of the traverses that averages the individual static pressures at each pitot-static tube.''

B. Whole-Home Dehumidifier Case Volume Measurement

On May 22, 2014, DOE published in the **Federal Register** a notice of public meeting that also announced the availability of the preliminary technical support document (79 FR 29380), which contained DOE's preliminary analysis for considering amended energy conservation standards for residential dehumidifiers. DOE proposed establishing product classes for whole-home dehumidifiers based on case volume: one for units with case volume less than or equal to 8 cubic feet, and another for units with case volume greater than 8 cubic feet. Therefore, in the SNOPR, DOE proposes methodology in appendix X1 to determine case volume for whole-home dehumidifiers. In particular, DOE proposes that whole-home dehumidifier case volume be determined based on the maximum

length of each dimension of the whole-home dehumidifier case, exclusive of any duct collar attachments or other external components. DOE proposes the following equation to determine whole-home dehumidifier case volume, in cubic feet:

$$V = \frac{D_L \times D_W \times D_H}{1728}$$

Where:

D_L is the product case length, in inches;
D_W is the product case width, in inches;
D_H is the product case height, in inches; and
1,728 converts cubic inches to cubic feet.

DOE proposes to amend 10 CFR 429.36 to require that manufacturers include whole-home dehumidifier case volume, in cubic feet, in their certification reports. DOE also proposes to require that the average of the measured case volumes for a given basic model sample size be used for compliance purposes.

For verification purposes, DOE proposes to require that the test facility measurement of case volume must be within 2 percent of the rated volume, or 0.2 cubic feet, whichever is greater. DOE notes that this tolerance is the same as for compact refrigerators, refrigerator-freezers, and freezers, which have volumes similar to whole-home dehumidifiers, under 10 CFR 429.134. If DOE determines that a rated case volume is not within 2 percent of the measured case volume, or 0.2 cubic feet, whichever is greater, the volume measured by the test facility shall be used to determine the energy conservation standard applicable to the tested model. DOE proposes to include the case volume verification requirements in 10 CFR 429.134, along with the proposed capacity verification protocol.

C. Off-Cycle Mode

As discussed in the May 2014 NOPR, DOE is aware that certain dehumidifier models maintain blower operation without activation of the compressor after the humidity setpoint has been reached. DOE proposed defining this fan operation without activation of the compressor as ''fan-only'' mode, and proposed a test procedure to measure the average power in this mode. Because DOE observed that the blower may operate continuously in fan-only mode, or may cycle on and off intermittently, DOE proposed monitoring the power consumption in fan-only mode for a minimum of 1 hour for units with continuous fan operation, or, for units with cyclical fan operation, for 3 or more full fan cycles for no less than 1 hour. This proposal was based on DOE's observation that fan cycle duration, although variable for certain units, was approximately 10 minutes. 79 FR 29271, 29290–29291.

AHAM requested clarification on whether fan-only mode would include fans that operate to facilitate active defrost. AHAM was concerned that if the test procedure includes active defrost in fan-only mode, manufacturers would not be able to provide active defrost capabilities, and dehumidifiers would have to wait for ice to fall off passively or melt, which would reduce consumer utility. AHAM also expressed concern that DOE's proposal would effectively remove fan operation with the compressor off, such that the consumer would no longer be able to control humidity as accurately and there would be a higher fluctuation of humidity in the room, impacting consumer utility. AHAM noted that for cyclic fan-only mode operation, the proposed method may work for products that cycle three or more times, but there are products that may stop cycling after only one or two cycles. For these products, AHAM stated that the proposed method may overstate the fan-only mode energy use and such products would also be impossible to test. (AHAM, No. 7 at p. 4)

Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SCG), San Diego Gas and Electric Company (SDG&E), and Southern California Edison (SCE) (hereinafter the ''California Investor-Owned Utilities (IOUs)'') commented that fan-only mode is used when the relative humidity setpoint has been reached to blow air to ensure the humidistat is monitoring changes in relative humidity or to keep air circulating in the room. However, the California IOUs suggested that fan-only mode can result in re-evaporation, thereby re-humidifying the space and reducing efficiency. They believe that improved control of fan-only mode is an energy saving measure that is currently not captured by the existing test procedure. (California IOUs, No. 9 at p. 2)

DOE notes that the proposal in the May 2014 NOPR would not preclude manufacturers from implementing fan-only mode operation, but would include the energy consumption in fan-only mode in the overall performance metric as a measure of representative energy use. However, to clarify measurement of energy consumption in periods when the refrigeration system has cycled off due to the humidistat, DOE proposes to withdraw the fan-only mode definition included in the May 2014 NOPR and instead modify the proposed off-cycle mode definition to encompass all operation when dehumidification mode has cycled off, including any intermittent, cyclic, or continuous fan operation. Therefore, in the SNOPR, DOE proposes to define off-cycle mode as a mode in which the dehumidifier:

(1) Has cycled off its main moisture removal function by humidistat or humidity sensor;

(2) May or may not operate its fan or blower; and

(3) Will reactivate the main moisture removal function according to the humidistat or humidity sensor signal.

Under this proposed definition, when the refrigeration system has cycled off because the ambient relative humidity has fallen below the relative humidity setpoint (but is in a condition to cycle on when the ambient relative humidity has risen above the relative humidity setpoint), the dehumidifier is in off-cycle mode. The fan or blower may continue to operate in off-cycle mode. Conversely, when the refrigeration system has cycled on because the ambient relative humidity has risen above the relative humidity setpoint (but will cycle off when the ambient relative humidity falls below the relative humidity setpoint), the dehumidifier is in dehumidification mode.

In addition, although the lower ambient temperature test conditions may increase the likelihood of ice formation on the evaporator, operating the fan without the refrigeration system for purposes of defrosting the coil would not be considered off-cycle mode as long as the humidity setpoint has not been reached. Any defrost events when the ambient relative humidity is above the relative humidity setpoint would be considered part of dehumidification mode.

DOE intends for the definitions of dehumidification and off-cycle mode to capture all energy used by the dehumidifier, whether the ambient relative humidity is either above or below the relative humidity setpoint, when the dehumidifier is not in inactive or off mode. DOE requests comments as to whether the proposed definitions of dehumidification mode and off-cycle mode clearly reflect this intent. In response to comments received, DOE may modify these definitions in the final rule.

The test procedure proposed in the May 2014 NOPR did not require a specific test sequence between the end of dehumidification mode and the start of fan-only mode to minimize test burden and provide flexibility in testing facilities. However, commenters raised questions about which type of fan

operation should be measured and when the fan-only mode testing should be conducted in relation to dehumidification mode testing. To ensure there is sufficient condensation on the evaporator to initiate fan operation for any units that dry the evaporator after compressor operation, DOE proposes that the off-cycle mode measurement begin immediately following compressor operation for the dehumidification mode test. This would be achieved by performing the 6-hour dehumidification mode test, and then adjusting the unit set point above the ambient relative humidity to begin the off-cycle mode test immediately after the compressor cycles off. DOE asserts that conducting the off-cycle mode test subsequent to the dehumidification mode test would capture all energy use of the dehumidifier under conditions that meet the newly proposed off-cycle mode definition, including fan operation intended to dry the evaporator coil, sample the air, or circulate the air. By capturing these types of fan operation in the off-cycle mode, DOE expects the proposed test method to reflect typical dehumidifier operation in the field while limiting potential confusion over what operations should be measured during testing.

Section 4.2 of Appendix X specifies that off-cycle mode testing be performed in accordance with ''Household electrical appliances—Measurement of standby power,'' published by the International Electrotechnical Commission (IEC), publication 62301 (Edition 2.0 2011–01) (hereinafter ''IEC Standard 62301''). However, due to the possibility for periods of fan operation and thus varying power levels during a dehumidifier's off-cycle mode, as tentatively defined in this SNOPR, the test method in IEC Standard 62301 may not be applicable for power consumption measurements in off-cycle mode. In particular, DOE notes that IEC Standard 62301 states that its methods are intended to measure power consumption of low-power modes, and not the power of products in active mode. In this case, dehumidifier fan power consumption would be considered consistent with an active mode power level instead of a low-power mode level. Therefore, DOE proposes that off-cycle mode testing be conducted in accordance with the general instrumentation and data recording requirements for dehumidification mode. With the proposed modification to the off-cycle mode test procedure to begin immediately following dehumidification mode testing, the test setup would not need to be modified, and the same instrumentation would be utilized for testing in both modes.

DOE notes that although the IEC Standard 62301 test method would not be applicable due to fan operation, the power meter accuracy specified in IEC Standard 62301 would still be necessary to accurately measure power consumption at lower power levels in off-cycle mode associated with periods of no fan operation. DOE proposes that the power metering instrumentation during dehumidification mode comply with the requirements of ANSI/AHAM DH–1–2008 and during off-cycle mode with IEC Standard 63201. DOE is aware that power meters meeting the accuracy requirements of both test standards are readily available and currently in use in certain test laboratories. Therefore, DOE does not believe that these proposals would significantly increase testing burden associated with instrumentation. DOE requests comment on the potential burden associated with maintaining the accuracy requirements of both ANSI/AHAM DH–1–2008 and IEC Standard 62301 when performing off-cycle mode testing immediately following dehumidification mode.

To determine a representative test duration for off-cycle mode, DOE monitored power, ambient relative humidity, and ambient dry-bulb temperature of several portable dehumidifiers in residential installations. The data encompassed multiple days of continuous operation. Based on this data, DOE estimates an average off-cycle duration of approximately 2 hours.

In the May 2014 NOPR, DOE stated that cyclic fan operation in off-cycle mode is typically about 10 minutes in duration. 79 FR 29291. DOE notes that even if a fan were to operate for only 10 minutes during the off-cycle to dry the evaporator coil, it would still represent a significant percentage of the energy consumption during that off-cycle mode based on the typical duration identified in DOE's limited test data. In response to the California IOU's comment, DOE notes that the proposed off-cycle mode test procedure would incorporate fan operation, thereby capturing energy savings associated with improved control schemes.

In sum, DOE proposes that the off-cycle mode testing be conducted over a duration representative of the typical off-cycle. Based on the metered off-cycle duration, DOE proposes an off-cycle mode test beginning immediately after completion of the dehumidification mode test and ending after a period of 2 hours. The average power measurement for the 2-hour period would then be applied to the 1,850 annual hours associated with off-cycle mode in the final IEF calculation.

D. Additional Technical Corrections and Clarifications

1. Average Relative Humidity

In the May 2014 NOPR, DOE proposed that ANSI/AHAM DH–1–2008 be the basis in the proposed updated test procedure for the measurement of dehumidification mode energy use in dehumidifiers but with lower ambient temperatures (65 °F dry-bulb and 56.6 °F wet-bulb temperature) that correspond to 60-percent relative humidity. 79 FR 29271, 29276–29283. AHAM commented that these proposed ambient temperatures are not within the range of Table II in ANSI/AHAM DH–1–2008 that is used to determine relative humidity under the actual testing conditions. AHAM also requested that DOE clarify the calculations used to determine the corrected relative humidity for use in the capacity calculation. (AHAM, No. 7 at pp. 7)

DOE agrees that the data in Table II in ANSI/AHAM DH–1–2008 do not cover the range of dry-bulb and wet-bulb temperatures that would be necessary to determine relative humidity at the proposed ambient test conditions. Therefore, DOE proposes to include in appendix X1 the following tables that present the relative humidity at dry-bulb and wet-bulb temperatures within the test tolerances at the 65 °F and 73 °F dry-bulb temperature inlet air test conditions for portable and whole-home dehumidifiers, respectively.

Table III.2 Percent Relative Humidity Determination for Portable Dehumidifiers

Wet-Bulb	Dry-Bulb Temperatures (°F)										
Temperature (°F)	72.5	72.6	72.7	72.8	72.9	73.0	73.1	73.2	73.3	73.4	73.5
63.3	60.59	60.26	59.92	59.59	59.26	58.92	58.60	58.27	57.94	57.62	57.30
63.4	60.98	60.64	60.31	59.75	59.64	59.31	58.98	58.65	58.32	58.00	57.67
63.5	61.37	61.03	60.70	60.36	60.02	56.69	59.36	59.03	58.70	58.38	58.05
63.6	61.76	61.42	61.08	60.75	60.41	60.08	59.74	59.41	59.08	58.76	58.43
63.7	62.16	61.81	61.47	61.13	60.80	60.46	60.13	59.80	59.47	59.14	58.81
63.8	62.55	62.20	61.86	61.52	61.18	60.85	60.51	60.18	59.85	59.52	59.19
63.9	62.94	62.60	62.25	61.91	61.57	61.23	60.90	60.56	60.23	59.90	59.57

Table III.3 Percent Relative Humidity Determination for Whole-Home Dehumidifiers

Wet-Bulb	Dry-Bulb Temperatures (°F)										
Temperature (°F)	72.5	72.6	72.7	72.8	72.9	73.0	73.1	73.2	73.3	73.4	73.5
63.3	60.59	60.26	59.92	59.59	59.26	58.92	58.60	58.27	57.94	57.62	57.30
63.4	60.98	60.64	60.31	59.75	59.64	59.31	58.98	58.65	58.32	58.00	57.67
63.5	61.37	61.03	60.70	60.36	60.02	56.69	59.36	59.03	58.70	58.38	58.05
63.6	61.76	61.42	61.08	60.75	60.41	60.08	59.74	59.41	59.08	58.76	58.43
63.7	62.16	61.81	61.47	61.13	60.80	60.46	60.13	59.80	59.47	59.14	58.81
63.8	62.55	62.20	61.86	61.52	61.18	60.85	60.51	60.18	59.85	59.52	59.19
63.9	62.94	62.60	62.25	61.91	61.57	61.23	60.90	60.56	60.23	59.90	59.57

2. Refrigerant-Desiccant Dehumidifier Calculations

a. Absolute Humidity

Upon further review of the test procedure proposed for refrigerant-desiccant dehumidifiers in the May 2014 NOPR, DOE determined that clarification is needed to calculate the absolute humidity of the process air, which is used to calculate the amount of water removed from the process air stream. The proposed provisions for refrigerant-desiccant dehumidifiers would specify recording the dry-bulb temperature and relative humidity in the ducts, and ambient barometric pressure. Based on these data, DOE proposes the following equations to calculate the absolute humidity of the process air in the inlet and exhaust ducts. The equations proposed are based on those presented in Section 7.3 of ANSI/ASHRAE Standard 41.6–1994 (RA 2006), ''Standard Method for Measurement of Moist Air Properties.''

First, the measured dry-bulb temperature of the air at each sampling time is converted from °F to Kelvin (K) according to the following equation:

$$T_K = \left(\frac{5}{9}(T_F - 32)\right) + 273.15$$

Where:

T_K is the calculated air dry-bulb temperature in K; and

T_F is the measured dry-bulb temperature of the air in °F.

The water saturation pressure is then calculated at each sampling time as follows:

$$P_{ws} = e^{\left(-\left(\frac{5.8\times10^3}{T_K}\right)-5.516-\left(4.864\times10^{-2}T_K\right)+\left(4.176\times10^{-5}{T_K}^2\right)-\left(1.445\times10^{-8}{T_K}^3\right)+6.546\,ln(T_K)\right)}$$

Where:

P_{ws} is the water vapor saturation pressure in kilopascals (kPa); and

T_K is the dry-bulb temperature of the air in K.

The water vapor pressure (P_w) under the specific ambient barometric pressure at each sampling time is calculated as follows:

$$P_w = \frac{RH \times P_{ws}}{100}$$

Where:

P_w is the water vapor pressure in kPa;

RH is the percent relative humidity; and

P_{ws} is the water vapor saturation pressure in kPa.

The mixing humidity ratio (HR) at each sampling time is then calculated as follows:

$$HR = \frac{0.62198 \times P_w}{(P \times 3.386) - P_w}$$

Where:

HR is the mixing humidity ratio, the mass of water per mass of dry air;

P_w is the water vapor pressure in kPa;

P is the ambient barometric pressure in in. Hg;

3.386 converts from in. Hg to kPa; and

0.62198 is the ratio of the molecular weight of water to the molecular weight of dry air.

The specific volume (v), in cubic feet per pound of dry air, is used to calculate the absolute humidity. The specific volume is calculated at each sampling time as follows:

$$v = \left(\frac{0.287055 \times T_K}{(P \times 3.386) - P_w}\right) \times 16.016$$

Where:

v is the specific volume in cubic feet per pound of dry air;

T_K is the dry-bulb temperature of the air in K;

P is the ambient barometric pressure in in. Hg; and

P_w is the water vapor pressure in kPa;

0.287055 is the specific gas constant for dry air in kPa times cubic meter per kg per K;

3.386 converts from in. Hg to kPa; and

16.016 converts from cubic meters per kilogram to cubic feet per pound.

The absolute humidity (AH), in units of pounds of water per cubic foot of air, at each sampling time is then calculated as follows:

$$AH = \frac{HR}{v}$$

Where:

AH is the absolute humidity in pounds of water per cubic foot of air;

HR is the mixing humidity ratio, the mass of water per mass of dry air; and

v is the specific volume in cubic feet per pound of dry air.

b. Capacity

In the May 2014 NOPR, DOE proposed that the capacity of refrigerant-desiccant dehumidifiers be calculated by measuring the total amount of moisture removed from the process air. Specifically, the measured dry-bulb temperature and relative humidity would be used to determine the absolute humidity in pounds of water per cubic foot of dry air at both the process air inlet and process air outlet. The absolute humidity would then be multiplied by the process air volumetric flow rate, measured in CFM, to determine the process air inlet and outlet moisture flow rates, measured in pounds of water per minute. The difference between the inlet and outlet moisture flow rates would equal the amount of moisture the unit removes from the process air. 79 FR 29271, 29284.

As part of the proposed vapor analysis approach, DOE proposed that the weight of water removed during the test period be calculated for each data point, collected at intervals no greater than 1 minute. The calculated water weights for each air stream at each of these data points would be summed for the entire test period and the total weight would then be used to calculate the capacity.

DOE recognizes that this approach would require calculating the absolute humidity using the equations described in the previous section for each data point to ultimately calculate the total weight of moisture removed during the test period. To consider means to reduce this testing burden, DOE compared test results obtained by using individual data points to calculate absolute humidity to those obtained by using the average temperature, average relative humidity, and average barometric pressure to calculate average absolute humidity during the test period. DOE found that the results from both methods produced overall capacities that agreed within 1 percent. In addition to reducing test burden, the average data approach may also mitigate the opportunity for potential calculation errors by requiring only one calculation of absolute humidity per test. Thus, although DOE continues to propose the summation method as proposed in the May 2014 Test Procedure NOPR because it is the most precise, DOE seeks comment from interested parties on the alternative approach that would use the average temperature, average relative humidity, and average barometric pressure to calculate the average absolute humidity during the entire test period. Under this alternative approach, the weight of water collected during the test would be calculated from the average absolute humidity and average volumetric flow rate as follows:

$$W = ((AH_{I,a} \times X_{I,a}) - (AH_{0,a} \times X_{0,a})) \times 360$$

Where:

W is the weight of water removed during the test period in pounds;

$AH_{I,a}$ is the average absolute humidity of the process air on the inlet side of the unit in pounds of water per cubic foot of dry air;

$X_{I,a}$ is the average volumetric flow rate of the process air on the inlet side of the unit in CFM;

$AH_{O,a}$ is the average absolute humidity of the process air on the outlet side of the unit in pounds of water per cubic foot of dry air;

$X_{O,a}$ is the average volumetric flow rate of the process air on the outlet side of the unit in CFM; and

360 is the number of minutes in the 6-hour test.

DOE requests comment on whether the proposed method from the May 2014 Test Procedure NOPR represents a significant burden over the averaging approach, and whether the averaging approach would accurately reflect potential variations in the air stream conditions throughout the test period.

3. Corrected Capacity and Corrected Relative Humidity Equations

In the May 2014 NOPR, DOE proposed that product capacity be calculated in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1–2008, except that the standard test conditions would be maintained at 65 °F ± 2.0 °F dry-bulb temperature and 56.6 °F ± 1.0 °F wet-bulb temperature. 79 FR 29271, 29305. The calculations in Section 7 include adjustments for variations during the rating test period in the ambient temperature, relative humidity, and barometric pressure from the standard rating conditions.

AHAM stated that it was not clear if and how DOE adjusted the capacity equation to account for the 65 °F dry-bulb temperature condition. AHAM stated that the product capacity equation in ANSI/AHAM DH–1–2008 is based on 80 °F and 60-percent relative humidity, and would require adjustment for a different nominal temperature or relative humidity. AHAM asked DOE to clarify whether and how it was proposing to adjust the capacity calculations. (AHAM, Public Meeting Transcript, No. 10 at p. 94; AHAM, No. 7 at p. 5; AHAM Std, No. 22 at p. 3)

DOE confirms that for the May 2014 NOPR, it revised the adjusted capacity equation in its analysis to include the lower nominal dry-bulb temperature (65 °F versus the current 80 °F). Upon closer examination, however, DOE concludes that the coefficients in the corrected capacity equation (adjusted for variations in temperature and relative humidity) and the corrected relative humidity equation (adjusted for variations in barometric pressure) also should be revised as follows to be representative of the proposed dry-bulb temperature test conditions.

a. Corrected Capacity

To determine the appropriate coefficients for the corrected capacity equation, DOE calculated the percent change in humidity ratio from the standard rating conditions of 65 °F dry-bulb (for portable dehumidifiers) or 73 °F dry-bulb (for whole-home dehumidifiers) and 60-percent relative humidity for small perturbations in either dry-bulb temperature or relative humidity. For the temperature adjustment coefficient, the dry-bulb temperature was varied within test tolerance while holding the relative humidity fixed. For the relative humidity adjustment coefficient, the wet-bulb temperature was varied within test tolerance while holding the dry-bulb temperature fixed, and the resulting variation in relative humidity was calculated. The coefficients themselves were calculated from linear curve fits of the changes in humidity ratio. From this analysis, DOE proposes that corrected capacity be calculated for portable and whole-home dehumidifiers

at the 65 °F and 73 °F dry-bulb temperature rating conditions, respectively, by substituting the equation included in Section 7.1.7 of ANSI/AHAM DH–1–2008 with:

$$C_{r,p} = C_t + 0.0352 \times (65 - T_t) + 0.0169 \times C_t \times (60 - H_{C,p})$$

$$C_{r,wh} = C_t + 0.0344 \times C_t \times (73 - T_t) + 0.017 \times C_t \times (60 - H_{C,wh})$$

Where:

$C_{r,p}$ is the portable dehumidifier product capacity in pints/day, corrected to standard rating conditions of 65 °F dry-bulb temperature and 60 percent relative humidity;

$C_{r,wh}$ is the whole-home dehumidifier product capacity in pints/day, corrected to standard rating conditions of 73 °F dry-bulb temperature and 60 percent relative humidity;

C_t is the product capacity determined from test data in pints/day;

T_t is the average dry-bulb temperature during the test period in °F;

$H_{C,p}$ is the portable dehumidifier corrected relative humidity, in percent, as discussed below; and

$H_{C,wh}$ is the whole-home dehumidifier corrected relative humidity, in percent, as also discussed below;

0.0352 and 0.0344 are the capacity correction factors for variations in temperature for portable and whole-home dehumidifiers, respectively, in $(°F)^{-1}$; and

0.0169 and 0.017 are the capacity correction factors for variations in relative humidity for portable and whole-home dehumidifiers, respectively.

b. Corrected Relative Humidity

DOE used a similar approach to that for corrected product capacity to determine the appropriate coefficients for the corrected relative humidity equation in Section 7.1.7 of ANSI/AHAM DH–1–2008. DOE calculated the linear percent change in relative humidity from the standard rating condition (60-percent relative humidity) for small perturbations in the barometric pressure. DOE proposes, therefore, that corrected relative humidity be calculated for portable and whole-home dehumidifiers at the 65 °F and 73 °F dry-bulb temperature rating conditions, respectively, by substituting the following equations for the corrected relative humidity equation in Section 7.1.7 of ANSI/AHAM DH–1–2008:

$$H_{c,p} = H_t \times [1 + 0.0083 \times (29.921 - B)]$$

$$H_{c,wh} = H_t \times [1 + 0.0072 \times (29.921 - B)]$$

Where:

$H_{c,p}$ is the portable dehumidifier average relative humidity from the test data, in percent, corrected to the standard barometric pressure of 29.921 in. mercury (Hg);

$H_{c,wh}$ is the whole-home dehumidifier average relative humidity from the test data, in percent, corrected to the standard barometric pressure of 29.921 in. Hg;

H_t is the average relative humidity from the test data, in percent;

B is the average barometric pressure during the test period in in. Hg; and

0.0083 and 0.0072 are the relative humidity correction factors for variations in barometric pressure for portable and whole-home dehumidifiers, respectively, in $(\text{in. Hg})^{-1}$.

4. Integrated Energy Factor Calculation

In the May 2014 NOPR, DOE proposed to modify the existing IEF equation in Section 5.2 of appendix X to incorporate the annual combined low-power mode energy consumption, E_{TLP}, in kWh per year, and the fan-only mode energy consumption, E_{FM}, in kWh per year, with the dehumidification mode energy consumption, E_{DM}, in kWh as measured during the dehumidification mode test. The proposed IEF equation used the measured condensate collected during the dehumidification mode test, with no adjustments for variations in the ambient test conditions. 79 FR 29271, 29291–92.

In response to the May 2014 NOPR, AHAM suggested that instead of using the amount of condensate measured during the test, DOE's IEF calculation should use a corrected capacity to account for variation in temperature and relative humidity. AHAM stated that the IEF equation, as proposed in the May 2014 NOPR, is not an accurate representation of the real-time test conditions in the chamber, which affect the amount of moisture that is removed from the air. (AHAM, No. 7 at pp. 9–10)

DOE agrees that use of the corrected capacity would account for variations in test chamber temperature and relative humidity; therefore, DOE proposes a modified IEF equation that utilizes the corrected capacity.

Because DOE proposes to remove fan-only mode and to consider operation in off-cycle mode, DOE also proposes to modify the IEF equation to remove fan-only mode annual energy consumption. DOE proposes an update to the definition of combined low-power mode in both appendix X and appendix X1 to clarify that it is the aggregate of available modes other than dehumidification mode. The proposed combined low-power mode would include contributions from off-cycle mode and inactive mode or off mode.

Based on these updates, DOE proposes the following IEF calculation.

$$IEF = \frac{\left(C_r \times \frac{t \times 1.04}{24}\right)}{\left[E_{DM} + \left(\frac{E_{TLP}}{1095} \times 6\right)\right]}$$

Where:

IEF is the integrated energy factor in liters per kWh;

C_r is the corrected product capacity in pints per day;

t is the test duration in hours;

E_{DM} is the dehumidification mode test energy consumption during the 6-hour dehumidification mode test in kWh;

E_{TLP} is the annual combined low-power mode energy consumption in kWh per year;

6 is the hours per dehumidification mode test;

1,095 is the number of dehumidification mode annual hours;

1.04 is the density of water in pounds per pint; and

24 is the number of hours per day.

5. Compressor Run-In

In the May 2014 NOPR, DOE noted that Section 5.5 of ANSI/AHAM DH–1–2008 does not define the term ''run-in'' when requiring a run-in period be conducted prior to testing to ensure all components work properly. Therefore, DOE proposed in appendix X1 that a single run-in period during which the compressor operates would be performed before active mode testing, and no additional run-in period would be conducted between dehumidification mode testing and fan-only mode testing. 79 FR 29271, 29291.

In response to the proposal in the May 2014 NOPR, AHAM commented that for run-in, the compressor must run for 24 hours; otherwise the unit may not perform as it would in a consumer setting. AHAM stated that if the run-in is performed in a dry environment, the unit may not run in dehumidification mode and the compressor will not engage. Therefore, AHAM proposed to require that the run-in period be conducted inside the test chamber for a complete 24 hours for units without a continuous compressor on function. (AHAM, No. 7 at p. 11)

To minimize test burden, DOE is not proposing to require that the 24 hours run-in period be conducted in the test chamber. However, DOE proposes to clarify in appendix X1 that the run-in period must contain 24 hours of continuous compressor operation. This may be achieved by running the test unit outside of the test chamber with the control setpoint below the ambient relative humidity. If the conditions outside of the test chamber are too dry, then the unit would need to be run-in in a more humid environment, which may include the test chamber.

6. Definition of ''Dehumidifier''

In the May 2014 NOPR, DOE proposed to add clarification to 10 CFR 430.2 that the definition of ''dehumidifier'' does not apply to portable air conditioners and room air conditioners. The primary function of

an air conditioner is to provide cooling by removing both sensible and latent heat, while a dehumidifier removes moisture (*i.e.,* only latent heat). DOE notes that packaged terminal air conditioners (PTACs) are currently excluded from the room air conditioner definition. Because PTACs provide a primary function similar to the other products proposed to be excluded in the dehumidifier definition, DOE additionally proposes that PTACs be excluded in the dehumidifier definition codified at 10 CFR 430.2.

7. Additional Operating Mode Definitions

Inactive mode currently means a standby mode that facilitates the activation of active mode by remote switch (including remote control), internal sensor, or timer, or that provides continuous status display. Because, unlike off-cycle mode, inactive mode does not initiate dehumidification mode when the humidity setpoint has been exceeded, DOE proposes to exclude the humidistat and humidity sensor from the ''internal sensor'' mentioned in the inactive mode definition.

Because DOE is aware that some dehumidifiers may be operated continuously in dehumidification mode by means of a user-selected option, DOE also proposes to add ''by control setting'' to the dehumidification mode definition as a means to activate the main moisture removal function.

IV. Procedural Issues and Regulatory Review

DOE has concluded that the determinations made pursuant to the various procedural requirements applicable to the May 2014 NOPR, set forth at 79 FR 29271, 29292–95, remain unchanged for this SNOPR, except for the following additional analysis and determination DOE conducted in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Regulatory Flexibility Act requires preparation of an initial regulatory flexibility analysis (IFRA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site: *http://energy.gov/gc/office-general-counsel.*

DOE reviewed the supplemental proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE's initial regulatory flexibility analysis is set forth in the May 2014 NOPR, with additional analysis below based on the proposals in this SNOPR. DOE seeks comment on its analysis and the economic impacts of the rule on small manufacturers. In the May 2014 NOPR, DOE estimated that there are five small businesses that manufacture dehumidifiers.

This SNOPR proposes modifications to the proposals included in the May 2014 NOPR. DOE believes that the proposed modifications to whole-home dehumidifier testing would not increase test burden and, in some cases, may even reduce test burden with respect to the proposals in the May 2014 NOPR and would therefore not increase the burden on small businesses. DOE investigated the following proposed modifications to determine the impact on small businesses.

In the May 2014 NOPR, DOE estimated that a non-instrumented duct with a length of 10 duct diameters would cost approximately $1,500. In this SNOPR, DOE proposes to reduce the duct length from 10 duct diameters to 4.5 duct diameters. DOE estimates that the associated cost of the non-instrumented duct would decrease to about $1,000. The reduction in duct length provides an immediate savings in the cost of the test duct setup and allows manufacturers to test in significantly smaller test chambers, thereby reducing the overall test burden. As discussed in Section III.A.3 of this notice, one manufacturer estimated that testing in an existing chamber would avoid a cost of $30,000 for a new or expanded chamber.

In this rulemaking, DOE proposes to require that ducted refrigerant-desiccant whole-home dehumidifier testing be conducted with relative humidity sensors instead of aspirating psychrometers. Based on preliminary market research and a review of product specifications, DOE identified several solid-state relative humidity sensors currently available with accuracies of ±1 percent at prices similar to or less than the price of a calibrated aspirating psychrometer, which DOE estimated at $1,000 in the May 2014 NOPR. DOE is also aware that many laboratories already use relative humidity sensors, so DOE expects little or no change in test burden with the proposal to require relative humidity sensors be used for refrigerant-desiccant whole-home dehumidifier testing. The proposed switch to relative humidity sensors may actually reduce test burden because the sensors are relatively simple and require less maintenance compared to aspirating psychrometers.

V. Public Participation

Submission of Comments

DOE will accept comments, data, and information regarding this SNOPR no later than the date provided in the **DATES** section at the beginning of this notice. Interested parties may submit comments using any of the methods described in the **ADDRESSES** section at the beginning of this SNOPR.

Submitting comments via www.regulations.gov. The *www.regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be

posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that regulations.gov provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this supplemental notice of proposed rulemaking.

List of Subjects

10 CFR Part 429

Administrative practice and procedure, Buildings and facilities, Business and industry, Energy conservation, Grant programs-energy, Housing, Reporting and recordkeeping requirements, Technical assistance.

10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Incorporation by reference, Intergovernmental relations, Small businesses.

Issued in Washington, DC, on January 27, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE proposes to amend parts 429 and 430 of Chapter II of Title 10, Code of Federal Regulations as set forth below:

PART 429—CERTIFICATION, COMPLIANCE, AND ENFORCEMENT FOR CONSUMER PRODUCTS AND COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 429 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 429.36 is amended by:
■ a. Adding paragraphs (a)(3) and (a)(4); and
■ b. Revising paragraph (b)(2).

The additions and revision read as follows:

§ 429.36 Dehumidifiers.

(a) * * *

(3) The value of capacity of a basic model reported in accordance with paragraph (b)(2) of this section shall be the mean of the measured capacities for each tested unit of the basic model. Round the mean capacity value to two decimal places.

(4) For whole-home dehumidifiers, the value of case volume of a basic model reported in accordance with paragraph (b)(2) of this section shall be the mean of the measured case volumes for each tested unit of the basic model. Round the mean case volume value to one decimal place.

(b) * * *

(2) Pursuant to § 429.12(b)(13), a certification report shall include the following public product-specific information: The energy factor in liters per kilowatt hour (liters/kWh), capacity in pints per day, and for whole-home dehumidifiers, case volume in cubic feet.

■ 3. Section 429.134 is amended by:
■ a. Reserving paragraph (e); and
■ b. Adding paragraph (f) to read as follows:

§ 429.134 Product-specific enforcement provisions.

* * * * *

(e) [Reserved]

(f) *Dehumidifiers.* (1) *Verification of capacity.* The capacity of the basic model will be measured pursuant to the test requirements of part 430 for each unit tested. The results of the measurement(s) will be averaged and compared to the value of capacity certified by the manufacturer. The certified capacity will be considered valid only if the measurement is within five percent, or 1.00 pint per day, whichever is greater, of the certified capacity.

(i) If the certified capacity is found to be valid, the certified capacity will be used as the basis for determining the minimum energy factor allowed for the basic model.

(ii) If the certified capacity is found to be invalid, the average measured capacity of the units in the sample will be used as the basis for determining the minimum energy factor allowed for the basic model.

(2) Verification of whole-home dehumidifier case volume. The case volume of the basic model will be measured pursuant to the test requirements of part 430 for each unit tested. The results of the measurement(s) will be averaged and compared to the value of case volume certified by the manufacturer. The certified case volume will be considered valid only if the measurement is within two percent, or 0.2 cubic feet, whichever is greater, of the certified case volume.

(i) If the certified case volume is found to be valid, the certified case volume will be used as the basis for determining the minimum energy factor allowed for the basic model.

(ii) If the certified case volume is found to be invalid, the average measured case volume of the units in the sample will be used as the basis for determining the minimum energy factor allowed for the basic model.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 4. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 5. Section 430.2 is amended by

■ a. Revising the definition of ''Dehumidifier''; and

■ b. Adding the definitions for ''Portable dehumidifier'', ''Refrigerant-desiccant dehumidifier'', and ''Whole-home dehumidifier'' in alphabetical order.

The revisions and additions read as follows:

§ 430.2 Definitions.

* * * * *

Dehumidifier means a product, other than a portable air conditioner, room air conditioner, or packaged terminal air conditioner, that is a self-contained, electrically operated, and mechanically encased assembly consisting of—

(1) A refrigerated surface (evaporator) that condenses moisture from the atmosphere;

(2) A refrigerating system, including an electric motor;

(3) An air-circulating fan; and

(4) A means for collecting or disposing of the condensate.

* * * * *

Portable dehumidifier means a dehumidifier designed to operate within the dehumidified space without the attachment of additional ducting, although means may be provided for optional duct attachment.

* * * * *

Refrigerant-desiccant dehumidifier means a whole-home dehumidifier that removes moisture from the process air by means of a desiccant material in addition to a refrigeration system.

* * * * *

Whole-home dehumidifier means a dehumidifier designed to be installed with ducting to deliver return process air to its inlet and to supply dehumidified process air from its outlet to one or more locations in the dehumidified space.

■ 6. Section 430.3 is amended by:

■ a. Redesignating paragraphs (f)(10) through (f)(12) as paragraphs (f)(12) through (f)(14), respectively;

■ b. Redesignating paragraphs (f)(6) through (f)(9) as paragraphs (f)(7) through (f)(10); and

■ c. Adding new paragraphs (f)(6) and (f)(11);

The additions read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(f) * * *

(6) ANSI/ASHRAE Standard 41.1–2013, *Standard Method for Temperature Measurement,* ASHRAE approved January 29, 2013, ANSI approved January 30, 2013, IBR approved for appendix X1 to subpart B.

* * * * *

(11) ANSI/ASHRAE 51–07/ANSI/AMCA 210–07, *Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating,* AMCA approved July 28, 2006, ANSI approved August 17, 2007, ASHRAE approved March 17, 2008, IBR approved for appendix X1 to subpart B.

* * * * *

■ 7. Section 430.23 is amended by revising paragraph (z) to read as follows:

§ 430.23 Test procedures for the measurement of energy and water consumption.

* * * * *

(z) *Dehumidifiers.* When using appendix X, the capacity, expressed in pints per day (pints/day), and the energy factor, expressed in liters per kilowatt hour (L/kWh), shall be measured in accordance with section 4.1 of appendix X of this subpart. When using appendix X1, the capacity, expressed in pints/day, for dehumidifiers other than refrigerant-desiccant dehumidifiers and the energy factor, expressed in L/kWh, shall be measured in accordance with section 4.1.1.1 of appendix X1 of this subpart, and the integrated energy factor, expressed in L/kWh, shall be determined according to section 5.3 of appendix X1 to this subpart. When using appendix X1, the capacity, expressed in pints/day, for refrigerant-desiccant dehumidifiers shall be measured in accordance with section 5.4 of appendix X1 of this subpart and the case volume, expressed in cubic feet, for whole-home dehumidifiers shall be measured in accordance with section 5.5 of appendix X1 of this subpart.

* * * * *

■ 8. Appendix X to subpart B of part 430 is amended:

■ a. By revising the note after the heading;

■ b. In section 2, Definitions, by revising section 2.3, redesignating sections 2.4 through 2.10 as sections 2.5 through 2.11, adding new section 2.4, and revising newly redesignated sections 2.7 and 2.10;

■ c. In section 3, Test Apparatus and General Instructions, by revising section 3.1 and adding sections 3.1.1 through 3.1.4;

■ d. In section 4, Test Measurement, by revising sections 4.1, 4.2.1, and 4.2.2; and

■ e. In section 5, Calculation of Derived Results From Test Measurements, by revising sections 5.1 and 5.2;

The additions and revisions read as follows:

Appendix X to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers

Note: After (date 180 days after the date of publication of the final rule in the **Federal Register**), any representations made with respect to the energy use or efficiency of portable dehumidifiers must be made in accordance with the results of testing pursuant to this appendix.

Until (date 180 days after the publication of the final rule in the **Federal Register**), manufacturers must either test portable dehumidifiers in accordance with this appendix, or the previous version of this appendix as it appeared in the Code of Federal Regulations on January 1, 2015. Any representations made with respect to the energy use or efficiency of such dehumidifiers must be in accordance with whichever version is selected. DOE notes that, because testing under this appendix X must be completed as of (date 180 days after publication of the final rule in the **Federal Register**), manufacturers may wish to begin using this test procedure immediately.

Alternatively, manufacturers may certify compliance with any amended energy conservation standards prior to the compliance date of those amended energy conservation standards by testing in accordance with appendix X1. Any

representations made with respect to the energy use or efficiency of such portable dehumidifiers must be in accordance with whichever version is selected.

Any representations made on or after the compliance date of any amended energy conservation standards, with respect to the energy use or efficiency of portable or whole-home dehumidifiers, must be made in accordance with the results of testing pursuant to appendix X1.

* * * * *

2. Definitions

* * * * *

2.3 *Combined low-power mode* means the aggregate of available modes other than dehumidification mode.

2.4 *Dehumidification mode* means an active mode in which a dehumidifier:

(1) Has activated the main moisture removal function according to the humidistat, humidity sensor signal, or control setting; and

(2) Has either activated the refrigeration system or activated the fan or blower without activation of the refrigeration system.

* * * * *

2.7 *Inactive mode* means a standby mode that facilitates the activation of active mode by remote switch (including remote control), internal sensor other than humidistat or humidity sensor, or timer, or that provides continuous status display.

* * * * *

2.10 *Product capacity* for dehumidifiers means a measure of the ability of the dehumidifier to remove moisture from its surrounding atmosphere, measured in pints collected per 24 hours of operation under the specified ambient conditions.

* * * * *

3. Test Apparatus and General Instructions

3.1 *Active mode.* The test apparatus and instructions for testing dehumidifiers in dehumidification mode shall conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), with the following exceptions.

3.1.1 *Psychrometer placement.* The psychrometer shall be placed perpendicular to, and 1 ft. in front of, the center of the intake grille. For dehumidifiers with multiple intake grilles, a separate sampling tree shall be placed perpendicular to, and 1 ft. in front of, the center of each intake grille, with the samples combined and connected to a single psychrometer using a minimal length of insulated ducting. The psychrometer shall be used to monitor inlet conditions of one test unit only.

3.1.2 *Condensate collection.* If means are provided on the dehumidifier for draining condensate away from the cabinet, the condensate shall be collected in a substantially closed vessel to prevent re-evaporation and shall be placed on the weight-measuring instrument. If no means for draining condensate away from the cabinet are provided, any automatic shutoff of dehumidification mode operation that is activated when the collection container is full shall be disabled and any overflow shall be collected in a pan. The pan shall be covered as much as possible to prevent re-evaporation without impeding the collection of overflow water. Both the dehumidifier and the overflow pan shall be placed on the weight-measuring instrument for direct reading of the condensate weight during the test. Any internal pump shall not be used to drain the condensate into a substantially closed vessel unless such pump operation is provided for by default in dehumidification mode.

3.1.3 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, that setting shall be selected. Otherwise, the controls shall be set to the lowest available relative humidity level and, if the dehumidifier has a user-adjustable fan speed, the maximum fan speed setting shall be selected.

3.1.4 *Recording and rounding.* Record measurements at the resolution of the test instrumentation. Round calculated values to the same number of significant digits as the previous step. Round the final capacity, energy factor and integrated energy factor values to two decimal places as follows:

(i) A fractional number at or above the midpoint between two consecutive decimal places shall be rounded up to the higher of the two decimal places; and

(ii) A fractional number below the midpoint between two consecutive decimal places shall be rounded down to the lower of the two decimal places.

4. Test Measurement

4.1 *Active mode.* Measure the energy consumption in dehumidification mode, E_{DM}, expressed in kilowatt-hours (kWh), the energy factor, expressed in liters per kilowatt-hour (L/kWh), and product capacity, expressed in pints per day (pints/day), in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3).

* * * * *

4.2.1 If the dehumidifier has an inactive mode, as defined in section 2.7 of this appendix, but not an off mode, as defined in section 2.8 of this appendix, measure and record the average inactive mode power of the dehumidifier, P_{IA}, in watts. Otherwise, if the dehumidifier has an off mode, as defined in section 2.8 of this appendix, measure and record the average off mode power of the dehumidifier, P_{OM}, in watts.

4.2.2 If the dehumidifier has an off-cycle mode, as defined in section 2.9 of this appendix, measure and record the average off-cycle mode power of the dehumidifier, P_{OC}, in watts.

5. Calculation of Derived Results From Test Measurements

5.1 *Annual combined low-power mode energy consumption.* Calculate the annual combined low-power mode energy consumption for dehumidifiers, E_{TLP}, expressed in kilowatt-hours per year, according to the following:

$$E_{TLP} = [(P_{IO} \times S_{IO}) + (P_{OC} \times S_{OC})] \times K$$

Where:

$P_{IO} = P_{IA}$, dehumidifier inactive mode power, or P_{OM}, dehumidifier off mode power in watts, as measured in section 4.2.1 of this appendix.

P_{OC} = dehumidifier off-cycle mode power in watts, as measured in section 4.2.2 of this appendix.

S_{IO} = 1,840.5 dehumidifier inactive mode or off mode annual hours.

S_{OC} = 1,840.5 dehumidifier off-cycle mode annual hours.

K = 0.001 kWh/Wh conversion factor for watt-hours to kilowatt-hours.

5.2 *Integrated energy factor.* Calculate the integrated energy factor, IEF, expressed in liters per kilowatt-hour, rounded to two decimal places, according to the following:

$$IEF = L_W/[E_{DM} + ((E_{TLP}/1095) \times 6)]$$

Where:

L_W = water removed from the air during the 6-hour dehumidification mode test in liters, as measured in section 4.1 of this appendix.

E_{DM} = energy consumption during the 6-hour dehumidification mode test in kilowatt-hours, as measured in section 4.1 of this appendix.

E_{TLP} = annual combined low-power mode energy consumption in kilowatt-hours per year, as calculated in section 5.1 of this appendix.

1,095 = dehumidification mode annual hours, used to convert E_{TLP} to combined low-power mode energy consumption per hour of dehumidification mode.

6 = hours per dehumidification mode test, used to convert combined low-power mode energy consumption per hour of dehumidification mode for integration with dehumidification mode energy consumption.

■ 9. Appendix X1 is added to subpart B of part 430 to read as follows:

Appendix X1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dehumidifiers

Note: Manufacturers may certify compliance with any amended energy conservation standards prior to the compliance date of those amended energy conservation standards by testing in accordance with this appendix. Any representations made with respect to the energy use or efficiency of such portable dehumidifiers must be in accordance with whichever version is selected.

Any representations made on or after the compliance date of any amended energy conservation standards, with respect to the energy use or efficiency of portable or whole-home dehumidifiers, must be made in accordance with the results of testing pursuant to this appendix.

1. Scope

This appendix covers the test requirements used to measure the energy performance of dehumidifiers.

2. Definitions

2.1 *ANSI/AHAM DH–1* means the test standard published by the American National Standards Institute and the Association of Home Appliance Manufacturers, titled ''Dehumidifiers,'' ANSI/AHAM DH–1–2008 (incorporated by reference; see § 430.3).

2.2 *ANSI/AMCA 210* means the test standard published by ANSI, the American Society of Heating, Refrigeration and Air-Conditioning Engineers, and the Air Movement and Control Association International, Inc., titled ''Laboratory Methods of Testing Fans for Aerodynamic Performance Rating,'' ANSI/ASHRAE 51–07/ANSI/AMCA 210–07 (incorporated by reference; see § 430.3).

2.3 *ANSI/ASHRAE 37* means the test standard published by ANSI and ASHRAE titled ''Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment,'' ANSI/ASHRAE 37–2009 (incorporated by reference; see § 430.3).

2.4 *ANSI/ASHRAE 41.1* means the test standard published by ANSI and ASHRAE, titled ''Standard Method for Temperature Measurement,'' ANSI/ASHRAE 41.1–2013 (incorporated by reference; see § 430.3).

2.5 *Active mode* means a mode in which a dehumidifier is connected to a mains power source, has been activated, and is performing the main functions of removing moisture from air by drawing moist air over a refrigerated coil using a fan or circulating air through activation of the fan without activation of the refrigeration system.

2.6 *Combined low-power mode* means the aggregate of available modes other than dehumidification mode.

2.7 *Dehumidification mode* means an active mode in which a dehumidifier:

(1) Has activated the main moisture removal function according to the humidistat, humidity sensor signal, or control setting; and

(2) Has either activated the refrigeration system or activated the fan or blower without activation of the refrigeration system.

2.8 *Energy factor for dehumidifiers* means a measure of energy efficiency of a dehumidifier calculated by dividing the water removed from the air by the energy consumed, measured in liters per kilowatt-hour (L/kWh).

2.9 *External static pressure (ESP)* means the process air outlet static pressure minus the process air inlet static pressure, measured in inches of water column (in. w.c.).

2.10 *IEC 62301* means the test standard published by the International Electrotechnical Commission, titled ''Household electrical appliances—Measurement of standby power,'' Publication 62301 (Edition 2.0 2011–01) (incorporated by reference; see § 430.3).

2.11 *Inactive mode* means a standby mode that facilitates the activation of active mode by remote switch (including remote control), internal sensor other than humidistat or humidity sensor, or timer, or that provides continuous status display.

2.12 Off-cycle mode means a mode in which the dehumidifier:

(1) Has cycled off its main moisture removal function by humidistat or humidity sensor;

(2) May or may not operate its fan or blower; and

(3) Will reactivate the main moisture removal function according to the humidistat or humidity sensor signal.

2.13 *Off mode* means a mode in which the dehumidifier is connected to a mains power source and is not providing any active mode or standby mode function, and where the mode may persist for an indefinite time. An indicator that only shows the user that the dehumidifier is in the off position is included within the classification of an off mode.

2.14 *Process air* means the air supplied to the dehumidifier from the dehumidified space and discharged to the dehumidified space after some of the moisture has been removed by means of the refrigeration system.

2.15 *Product capacity* for dehumidifiers means a measure of the ability of the dehumidifier to remove moisture from its surrounding atmosphere, measured in pints collected per 24 hours of operation under the specified ambient conditions.

2.16 *Product case volume* for whole-home dehumidifiers means a measure of the rectangular volume that the product case occupies, exclusive of any duct attachment collars or other external components.

2.17 *Reactivation air* means the air drawn from unconditioned space to remove moisture from the desiccant wheel of a refrigerant-desiccant dehumidifier and discharged to unconditioned space.

2.18 *Standby mode* means any modes where the dehumidifier is connected to a mains power source and offers one or more of the following user-oriented or protective functions which may persist for an indefinite time:

(1) To facilitate the activation of other modes (including activation or deactivation of active mode) by remote switch (including remote control), internal sensor, or timer;

(2) Continuous functions, including information or status displays (including clocks) or sensor-based functions. A timer is a continuous clock function (which may or may not be associated with a display) that provides regular scheduled tasks (*e.g.,* switching) and that operates on a continuous basis.

3. Test Apparatus and General Instructions

3.1 *Active mode.*

3.1.1 *Portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* The test apparatus and instructions for testing in dehumidification mode and off-cycle mode shall conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), with the following exceptions. Note that if a product is able to operate as both a portable and whole-home dehumidifier by means of installation or removal of an optional ducting kit, it shall be tested and rated for both configurations.

3.1.1.1 *Testing configuration for whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* Test dehumidifiers, other than refrigerant-desiccant dehumidifiers, with ducting attached to the process air outlet port. The duct configuration and component placement must conform to the requirements specified in section 3.1.3 of this appendix and Figure 1 or Figure 3, except that the flow straightener and dry-bulb temperature and relative humidity instruments are not required. Maintain the external static pressure in the process air flow and measure the external static pressure as specified in section 3.1.2.2.3.1 of this appendix.

3.1.1.2 *Psychrometer placement.* Place the psychrometer perpendicular to, and 1 ft. in front of, the center of the process air intake grille. For dehumidifiers with multiple process air intake grilles, place a separate sampling tree perpendicular to, and 1 ft. in front of, the center of each process air intake grille, with the samples combined and connected to a single psychrometer using a minimal length of insulated ducting. The psychrometer shall be used to monitor inlet conditions of one test unit only.

3.1.1.3 *Condensate collection.* If means are provided on the dehumidifier for draining condensate away from the cabinet, collect the condensate in a substantially closed vessel to prevent re-evaporation and place the vessel on the weight-measuring instrument. If no means for draining condensate away from the cabinet are provided, disable any automatic shutoff of dehumidification mode operation that is activated when the collection container is full and collect any overflow in a pan. Cover the pan as much as possible to prevent re-evaporation without impeding the collection of overflow water. Place both the dehumidifier and the overflow pan on the weight-measuring instrument for direct reading of the condensate weight collected during the rating test. Do not use any internal pump to drain the condensate into a substantially closed vessel unless such pump operation is provided for by default in dehumidification mode.

3.1.1.4 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, select that control setting. Otherwise, set the controls to the lowest available relative humidity level, and if the dehumidifier has a user-adjustable fan speed, select the maximum fan speed setting.

3.1.1.5 *Run-in period.* Perform a single run-in period during which the compressor operates continuously for at least 24 hours prior to dehumidification mode testing.

3.1.2 *Refrigerant-desiccant dehumidifiers.* The test apparatus and instructions for testing refrigerant-desiccant dehumidifiers in dehumidification mode shall conform to the requirements specified in Section 3, ''Definitions,'' Section 4, ''Instrumentation,'' and Section 5, ''Test Procedure,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except as follows.

3.1.2.1 *Testing configuration.* Test refrigerant-desiccant dehumidifiers with ducting attached to the process air inlet and outlet ports and the reactivation air inlet port. The duct configuration and components shall conform to the requirements specified in section 3.1.3 of this appendix and Figure 1 through Figure 3. Install a cell-type airflow straightener that conforms to the specifications in Section 5.2.1.6, ''Airflow straightener'', and Figure 6A, ''Flow Straightener—Cell Type'', of ANSI/AMCA 210 (incorporated by reference, see § 430.3)

in each duct consistent with Figure 1 through Figure 3.

3.1.2.2 *Instrumentation.*

3.1.2.2.1 *Temperature.* Install dry-bulb temperature sensors in a grid centered in the duct, with the plane of the grid perpendicular to the axis of the duct. Determine the number and locations of the sensors within the grid according to Section 5.3.5, ''Centers of Segments—Grids,'' of ANSI/ASHRAE Standard 41.1 (incorporated by reference, see § 430.3).

3.1.2.2.2 *Relative humidity.* Measure relative humidity with a duct-mounted, relative humidity sensor with an accuracy within ±1 percent relative humidity. Place the relative humidity sensor at the duct centerline within 1 inch of the dry-bulb temperature grid plane.

3.1.2.2.3 *Pressure.* The pressure instruments used to measure the external static pressure and velocity pressures must have an accuracy within ±0.01 in. w.c. and a resolution of no more than 0.01 in. w.c.

3.1.2.2.3.1 *External static pressure.* Measure static pressures in each duct using pitot-static tube traverses that conform with the specifications in Section 4.3.1, ''Pitot Traverse,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3), with pitot-static tubes that conform with the specifications in Section 4.2.2, ''Pitot-Static Tube,'' of ANSI/AMCA 210, except that only two intersecting and perpendicular rows of pitot-static tube traverses shall be used. Record the static pressure within the test duct as measured at the pressure tap in the manifold of the traverses that averages the individual static pressures at each pitot-static tube. Calculate duct pressure losses between the unit under test and the plane of each static pressure measurement in accordance with section 7.5.2, ''Pressure Losses,'' of ANSI/AMCA 210. The external static pressure is the difference between the measured inlet and outlet static pressure measurements, minus the sum of the inlet and outlet duct pressure losses. For any port with no duct attached, use a static pressure of 0.00 in. w.c. with no duct pressure loss in the calculation of external static pressure. During dehumidification mode testing, the external static pressure must equal 0.25 in. w.c. ± 0.02 in. w.c.

3.1.2.2.3.2 *Velocity pressure.* Measure velocity pressures using the same pitot traverses as used for measuring external static pressure, and which are specified in section 3.1.2.2.3.1 of this appendix. Determine velocity pressures at each pitot-static tube in a traverse as the difference between the pressure at the impact pressure tap and the pressure at the static pressure tap. Calculate volumetric flow rates in each duct in accordance with Section 7.3.1, ''Velocity Traverse,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3).

3.1.2.2.4 *Weight.* No weight-measuring instruments are required.

3.1.2.3 *Control settings.* If the dehumidifier has a control setting for continuous operation in dehumidification mode, select that control setting. Otherwise, set the controls to the lowest available relative humidity level, and if the dehumidifier has a user-adjustable fan speed, select the maximum fan speed setting.

3.1.2.4 *Run-in period.* Perform a single run-in period during which the compressor operates continuously for at least 24 hours before dehumidification mode testing.

3.1.3 *Ducting for whole-home dehumidifiers.* Cover and seal with tape any port designed for intake of air from outside or unconditioned space, other than for supplying reactivation air for refrigerant-desiccant dehumidifiers. Use only ducting constructed of galvanized mild steel and with a 10-inch diameter. Position inlet and outlet ducts either horizontally or vertically to accommodate the default dehumidifier port orientation. Install all ducts with the axis of the section interfacing with the dehumidifier perpendicular to plane of the collar to which each is attached. If manufacturer-recommended collars do not measure 10 inches in diameter, use transitional pieces to connect the ducts to the collars. The transitional pieces must not contain any converging element that forms an angle with the duct axis greater than 7.5 degrees or a diverging element that forms an angle with the duct axis greater than 3.5 degrees. Install mechanical throttling devices in each outlet duct consistent with Figure 1 and Figure 3 to adjust the external static pressure and in the inlet reactivation air duct for a refrigerant-desiccant dehumidifier. Cover the ducts with thermal insulation having a minimum R value of 6 h-ft^2 – °F/Btu (1.1 m^2 – K/W). Seal seams and edges with tape.

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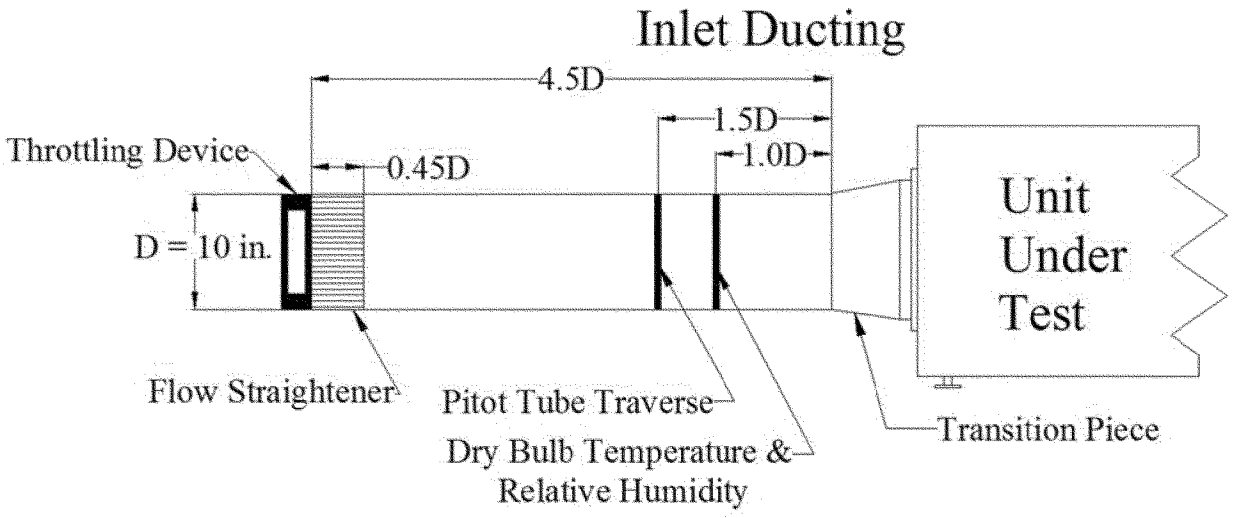

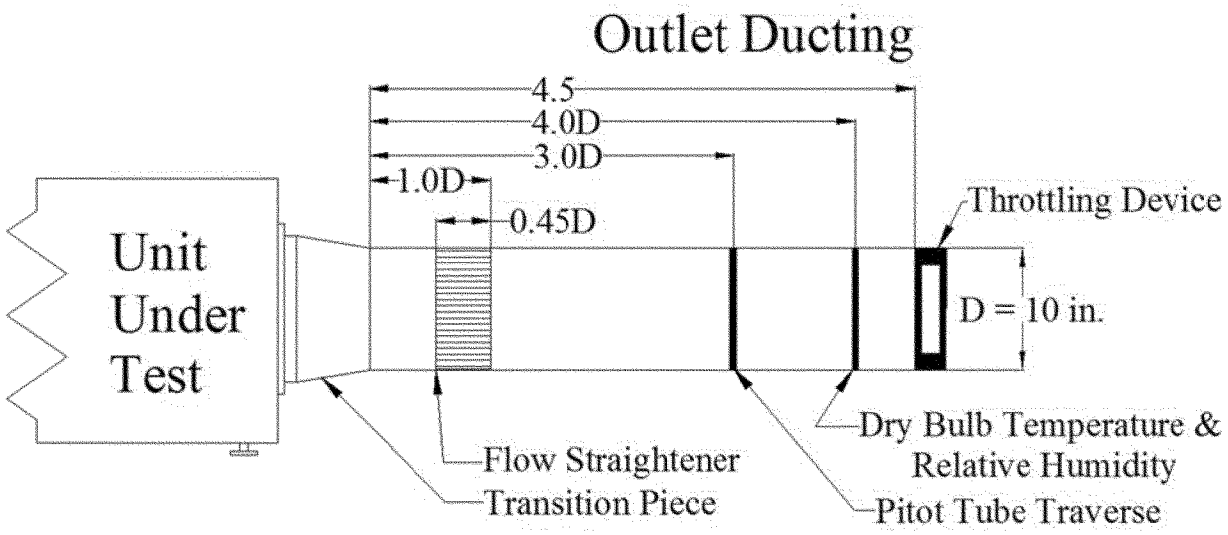

Figure 1. Inlet and Outlet Horizontal Duct Configurations and Instrumentation Placement

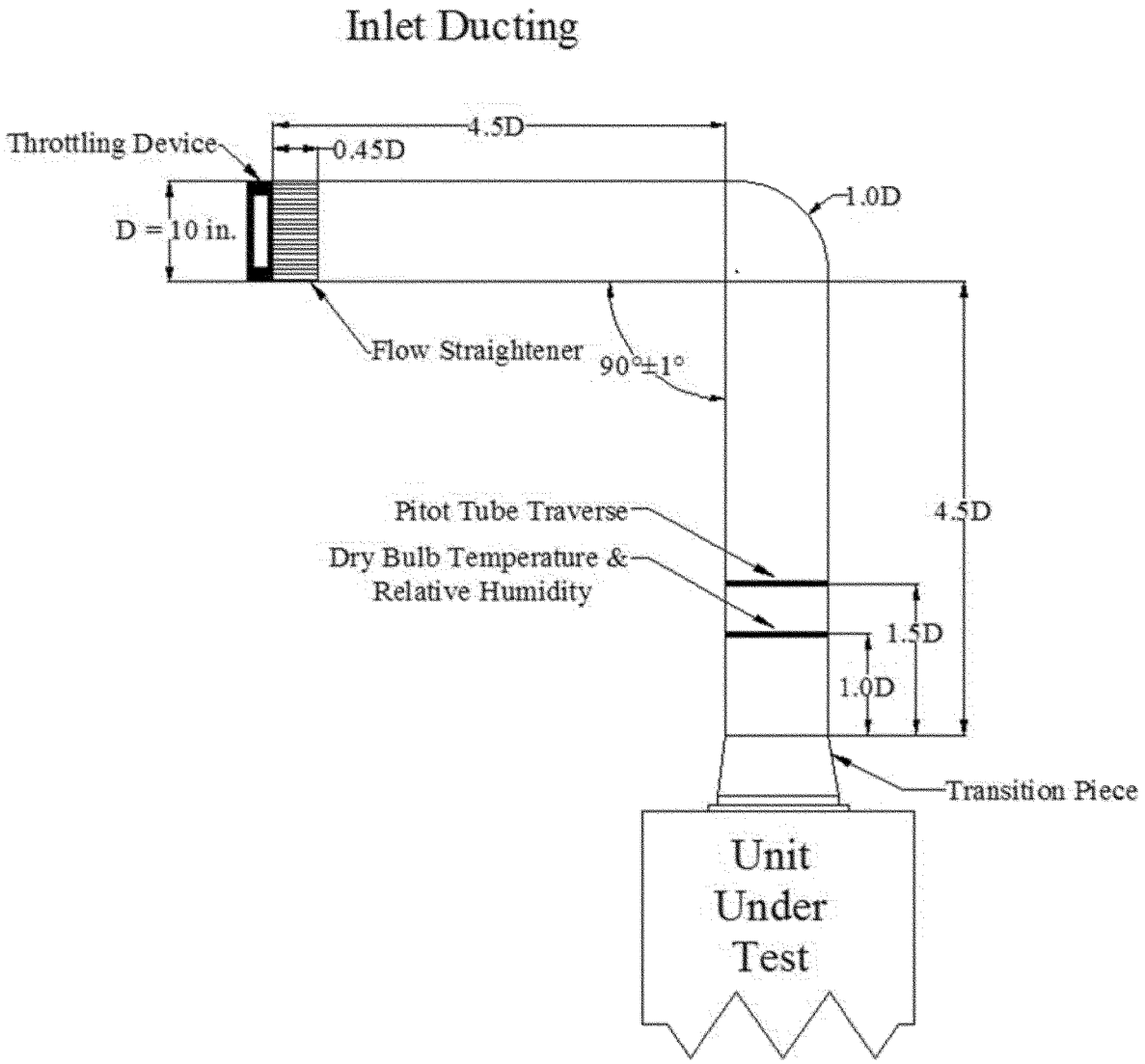

Figure 2: Inlet Vertical Duct Configuration and Instrumentation Placement

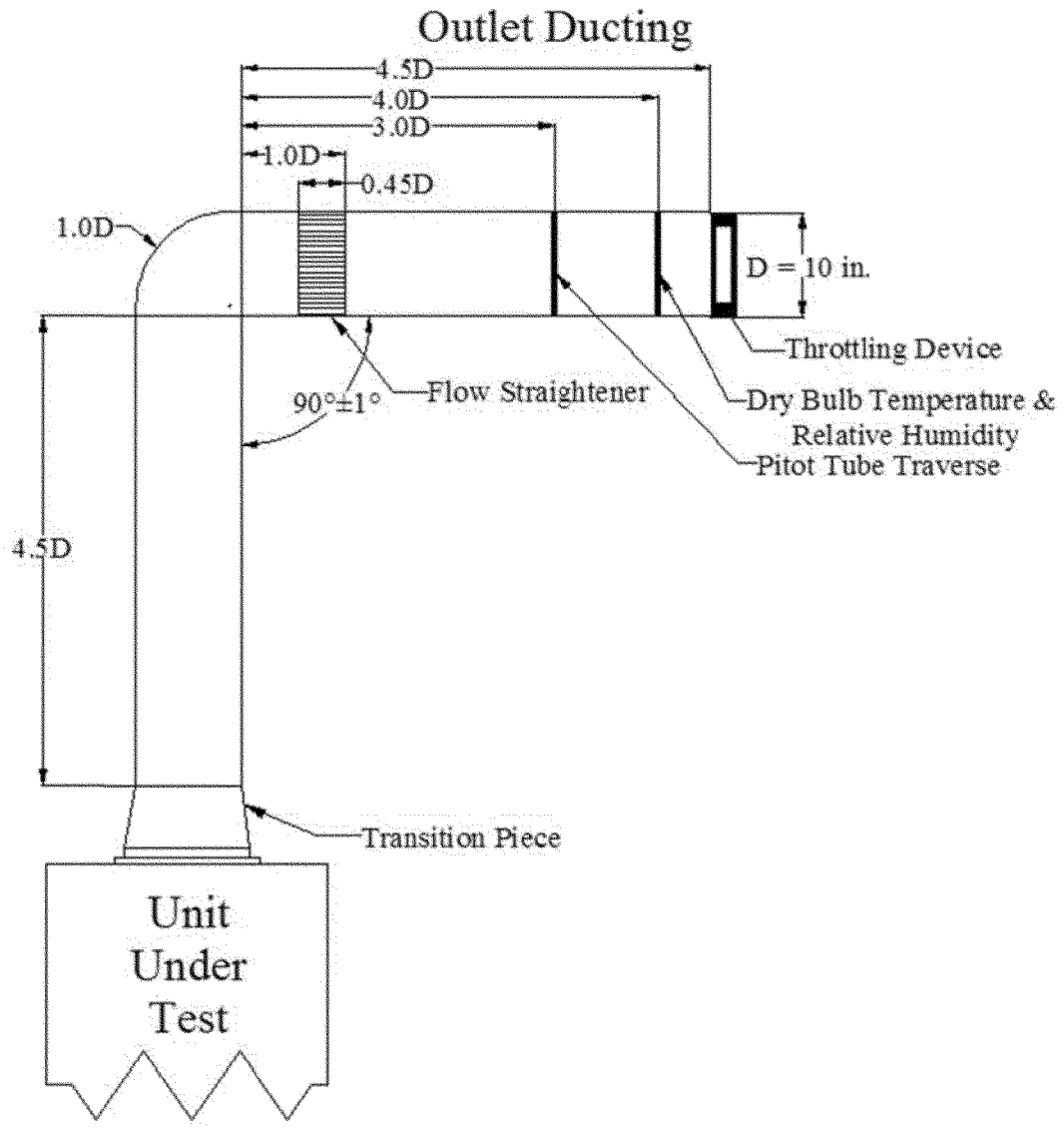

Figure 3: Outlet Vertical Duct Configurations and Instrumentation Placement

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3.1.4 *Recording and rounding.* When testing either a portable dehumidifier or a whole-home dehumidifier, record measurements at the resolution of the test instrumentation. Record measurements for portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers at intervals no greater than 10 minutes. Record measurements for refrigerant-desiccant dehumidifiers at intervals no greater than 1 minute. Round off calculations to the same number of significant digits as the previous step. Round the final product capacity, energy factor and integrated energy factor values to two decimal places, and for whole-home dehumidifiers, round the final product case volume to one decimal place, as follows:

(i) A fractional number at or above the midpoint between two consecutive decimal places shall be rounded up to the higher of the two decimal places; and

(ii) A fractional number below the midpoint between two consecutive decimal places shall be rounded down to the lower of the two decimal places.

3.2 *Inactive mode and off mode.*

3.2.1 *Installation requirements.* For the inactive mode and off mode testing, install the dehumidifier in accordance with Section 5, Paragraph 5.2 of IEC 62301 (incorporated by reference, see § 430.3), disregarding the provisions regarding batteries and the determination, classification, and testing of relevant modes.

3.2.2 *Electrical energy supply.*

3.2.2.1 *Electrical supply.* For the inactive mode and off mode testing, maintain the electrical supply voltage and frequency indicated in Section 7.1.3, ''Standard Test Voltage,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3). The electrical supply frequency shall be maintained ±1 percent.

3.2.2.2 *Supply voltage waveform.* For the inactive mode and off mode testing, maintain the electrical supply voltage waveform indicated in Section 4, Paragraph 4.3.2 of IEC 62301 (incorporated by reference, see § 430.3).

3.2.3 *Inactive mode, off mode, and off-cycle mode wattmeter.* The wattmeter used to measure inactive mode, off mode, and off-cycle mode power consumption must meet the requirements specified in Section 4, Paragraph 4.4 of IEC 62301 (incorporated by reference, see § 430.3).

3.2.4 *Inactive mode and off mode ambient temperature.* For inactive mode and off mode testing, maintain room ambient air temperature conditions as specified in Section 4, Paragraph 4.2 of IEC 62301 (incorporated by reference, see § 430.3).

3.3 *Case dimensions for whole-home dehumidifiers.* Measure case dimensions using equipment with a resolution of no more than 0.1 in.

4. Test Measurement

4.1 *Dehumidification mode.*

4.1.1 *Portable dehumidifiers and whole-home dehumidifiers other than refrigerant-desiccant dehumidifiers.* Establish the testing conditions set forth in section 3.1.1 of this appendix and measure the energy consumption in dehumidification mode, E_{DM}, expressed in kilowatt-hours (kWh), the average relative humidity, H_t, using the tables provided below, and the product capacity, C_t, expressed in pints per day (pints/day), in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except that the standard test conditions for portable dehumidifiers must be maintained at 65 °F ± 2.0 °F dry-bulb temperature and 56.6 °F ± 1.0 °F wet-bulb temperature, and for whole-home dehumidifiers must be maintained at 73 °F ± 2.0 °F dry-bulb temperature and 63.6 °F ± 1.0 °F wet-bulb temperature. Position the psychrometer as specified in section 3.1.1.2 of this appendix.

Wet-Bulb Temperature (°F)	Dry-Bulb Temperatures (°F)										
	64.5	64.6	64.7	64.8	64.9	65.0	65.1	65.2	65.3	65.4	65.5
56.3	60.32	59.94	59.57	59.17	58.80	58.42	58.04	57.67	57.30	56.93	56.56
56.4	60.77	60.38	60.00	59.62	59.24	58.86	58.48	58.11	57.73	57.36	56.99
56.5	61.22	60.83	60.44	60.06	59.68	59.30	58.92	58.54	58.17	57.80	57.43
56.6	61.66	61.27	60.89	60.50	60.12	59.74	59.36	58.98	58.60	58.23	57.86
56.7	62.40	61.72	61.33	60.95	60.56	60.18	59.80	59.42	59.04	58.67	58.29
56.8	62.56	62.17	61.78	61.39	61.00	60.62	60.24	59.86	59.48	59.10	58.73
56.9	63.01	62.62	62.23	61.84	61.45	61.06	60.68	60.30	59.92	59.54	59.16

Wet-Bulb Temperature (°F)	Dry-Bulb Temperatures (°F)										
	72.5	72.6	72.7	72.8	72.9	73.0	73.1	73.2	73.3	73.4	73.5
63.3	60.59	60.26	59.92	59.59	59.26	58.92	58.60	58.27	57.94	57.62	57.30
63.4	60.98	60.64	60.31	59.75	59.64	59.31	58.98	58.65	58.32	58.00	57.67
63.5	61.37	61.03	60.70	60.36	60.02	56.69	59.36	59.03	58.70	58.38	58.05
63.6	61.76	61.42	61.08	60.75	60.41	60.08	59.74	59.41	59.08	58.76	58.43
63.7	62.16	61.81	61.47	61.13	60.80	60.46	60.13	59.80	59.47	59.14	58.81
63.8	62.55	62.20	61.86	61.52	61.18	60.85	60.51	60.18	59.85	59.52	59.19
63.9	62.94	62.60	62.25	61.91	61.57	61.23	60.90	60.56	60.23	59.90	59.57

4.1.2 *Refrigerant-desiccant dehumidifiers.* Establish the testing conditions set forth in section 3.1.2 of this appendix. Measure the energy consumption, E_{DM}, expressed in kWh, in accordance with the test requirements specified in Section 7, ''Capacity Test and Energy Consumption Test,'' of ANSI/AHAM DH–1 (incorporated by reference, see § 430.3), except that: (1) The standard test conditions at the air entering the process air inlet duct and the reactivation air inlet must be maintained at 73 °F ± 2.0 °F dry-bulb temperature and 63.6 °F ± 1.0 °F wet-bulb temperature; (2) the instructions for psychrometer placement do not apply; (3) the data recorded must include dry-bulb temperatures, relative humidities, static pressures, velocity pressures in each duct, volumetric air flow rates, and the number of samples in the test period; (4) the condensate collected during the test need not be weighed; and (5) the calculations in Section 7.2.2, ''Energy Factor Calculation,'' of ANSI/AHAM DH–1 need not be performed. To perform the calculations in Section 7.1.7, ''Calculation of Test Results,'' of ANSI/AHAM DH–1: (1) Replace ''Condensate collected (lb)'' and ''m_{lb}'', with the weight of condensate removed, W, as calculated in section 5.6 of this appendix; and (2) use the tables in section 4.1.1 of this appendix for determining average relative humidity.

4.2 *Off-cycle mode.* Establish the test conditions specified in section 3.1.1 of this appendix, but use the wattmeter specified in section 3.2.3 of this appendix. Begin the off-cycle mode test period immediately following the dehumidification mode test period. Adjust the setpoint higher than the ambient relative humidity to ensure the product will not enter dehumidification mode and begin the test when the compressor cycles off due to the change in setpoint. The off-cycle mode test period shall be 2 hours in duration, during which the power consumption is recorded at the same intervals as recorded for dehumidification mode testing. Measure and record the average off-cycle mode power of the dehumidifier, P_{OC}, in watts.

4.3 *Inactive and off mode.* Establish the testing conditions set forth in section 3.2 of this appendix, ensuring that the dehumidifier does not enter active mode during the test. For dehumidifiers that take some time to enter a stable state from a higher power state, as discussed in Section 5, Paragraph 5.1, Note 1 of IEC 62301 (incorporated by reference; see § 430.3), allow sufficient time for the dehumidifier to reach the lower power state before proceeding with the test measurement. Follow the test procedure specified in Section 5, Paragraph 5.3.2 of IEC 62301 for testing in each possible mode as described in sections 4.3.1 and 4.3.2 of this appendix.

4.3.1 If the dehumidifier has an inactive mode, as defined in section 2.11 of this appendix, but not an off mode, as defined in section 2.12 of this appendix, measure and record the average inactive mode power of the dehumidifier, P_{IA}, in watts.

4.3.2 If the dehumidifier has an off mode, as defined in section 2.12 of this appendix, measure and record the average off mode power of the dehumidifier, P_{OM}, in watts.

4.4 *Product case volume for whole-home dehumidifiers.* Measure the maximum case length, D_L, in inches, the maximum case width, D_W, in inches, and the maximum height, D_H, in inches, exclusive of any duct collar attachments or other external components.

5. Calculation of Derived Results From Test Measurements

5.1 *Corrected relative humidity.* Calculate the average relative humidity, for portable and whole-home dehumidifiers, corrected for barometric pressure variations as:

$$H_{c,p} = H_t \times [1 + 0.0083 \times (29.921 - B)]$$

$$H_{c,wh} = H_t \times [1 + 0.0072 \times (29.921 - B)]$$

Where:

$H_{c,p}$ = portable dehumidifier average relative humidity from the test data in percent, corrected to the standard barometric pressure of 29.921 in. mercury (Hg);

$H_{c,wh}$ = whole-home dehumidifier average relative humidity from the test data in percent, corrected to the standard barometric pressure of 29.921 in. Hg;

H_t = average relative humidity from the test data in percent; and

B = average barometric pressure during the test period in in. Hg.

5.2 *Corrected product capacity.* Calculate the product capacity, for portable and whole-home dehumidifiers, corrected for variations in temperature and relative humidity as:

$C_{r,p} = C_t + 0.0352 \times C_t \times (65 - T_t) + 0.0169 \times C_t (60 - H_{c,p})$

$C_{r,wh} = C_t + 0.0034 \times C_t \times (73 - T_t) + 0.017 \times C_t \times (60 - H_{c,wh}$

Where:

$C_{r,p}$ = portable dehumidifiers product capacity in pints/day, corrected to standard rating conditions of 65 °F dry-bulb temperature and 60 percent relative humidity;

$C_{r,wh}$ = whole-home dehumidifier product capacity in pints/day, corrected to standard rating conditions of 73 °F dry-bulb temperature and 60 percent relative humidity;

C_t = product capacity determined from test data in pints/day;

T_t = average dry-bulb temperature during the test period in °F;

$H_{C,p}$ = portable dehumidifier corrected relative humidity in percent, as determined in section 5.1 of this appendix; and

$H_{C,wh}$ = whole-home dehumidifier corrected relative humidity in percent, as determined in section 5.1 of this appendix.

5.3 *Annual combined low-power mode energy consumption.* Calculate the annual combined low-power mode energy consumption for dehumidifiers, E_{TLP}, expressed in kWh per year:

$E_{TLP} = [(P_{IO} \times S_{IO}) + (P_{OC} \times S_{OC})] \times K$

Where:

$P_{IO} = P_{IA}$, dehumidifier inactive mode power, or P_{OM}, dehumidifier off mode power in watts, as measured in section 4.3 of this appendix;

P_{OC} = dehumidifier off-cycle mode power in watts, as measured in section 4.2 of this appendix;

S_{IO} = 1,840.5 dehumidifier inactive mode or off mode annual hours;

S_{OC} = 1,840.5 dehumidifier off-cycle mode annual hours; and

K = 0.001 kWh/Wh conversion factor for watt-hours to kWh.

5.4 *Integrated energy factor.* Calculate the integrated energy factor, IEF, expressed in L/kWh, rounded to two decimal places, according to the following:

$$IEF = \frac{\left(C_r \times \frac{t \times 1.04}{24}\right)}{\left[E_{DM} + \left(\left(\frac{E_{TLP}}{1095}\right) \times 6\right)\right]}$$

Where:

C_r = corrected product capacity in pints per day, as determined in section 5.2 of this appendix;

t = test duration in hours;

L_W = water removed from the air during the 6-hour dehumidification mode test in liters, as measured in section 4.1.1 of this appendix;

E_{DM} = energy consumption during the 6-hour dehumidification mode test in kWh, as measured in section 4.1.1 of this appendix;

E_{TLP} = annual combined low-power mode energy consumption in kWh per year, as calculated in section 5.3 of this appendix;

1,095 = dehumidification mode annual hours, used to convert E_{TLP} to combined low-power mode energy consumption per hour of dehumidification mode;

6 = hours per dehumidification mode test, used to convert annual combined low-power mode energy consumption per hour of dehumidification mode for integration with dehumidification mode energy consumption;

1.04 = the density of water in pounds per pint; and

24 = the number of hours per day.

5.5 *Absolute humidity for refrigerant-desiccant dehumidifiers.* Calculate the absolute humidity of the air entering and leaving the refrigerant-desiccant dehumidifier in the process air stream, expressed in pounds of water per cubic foot of air, according to the following set of equations.

5.5.1 Temperature in Kelvin. The air dry-bulb temperature, in Kelvin, is:

$$T_K = \left(\frac{5}{9}(T_F - 32)\right) - 273.15$$

Where:

T_F = the measured dry-bulb temperature of the air in °F.

5.5.2 Water saturation pressure. The water saturation pressure, expressed in kilopascals (kPa), is:

$$P_{ws} = e^{\left(-\left(\frac{5.8\times10^3}{T_K}\right)-5.516-\left(4.864\times10^{-2}T_K\right)+\left(4.176\times10^{-5}{T_K}^2\right)-\left(1.445\times10^{-8}{T_K}^3\right)+6.546\,ln(T_K)\right)}$$

Where:

T_K = the calculated dry-bulb temperature of the air in K, calculated in section 5.5.1 of this appendix.

5.5.3 Vapor pressure. The water vapor pressure, expressed in kilopascals (kPa), is:

$$P_w = \frac{RH \times P_{ws}}{100}$$

Where:

RH = percent relative humidity during the rating test period; and

P_{ws} = water vapor saturation pressure in kPa, calculated in section 5.5.2 of this appendix.

5.5.4 Mixing humidity ratio. The mixing humidity ratio, the mass of water per mass of dry air, is:

$$HR = \frac{0.62198 \times P_w}{(P \times 3.386) - P_w}$$

Where:

P_w = water vapor pressure in kPa, calculated in section 5.5.3 of this appendix;

P = measured ambient barometric pressure in in. Hg;

3.386 = the conversion factor from in. Hg to kPa; and

0.62198 = the ratio of the molecular weight of water to the molecular weight of dry air.

5.5.5 Specific volume. The specific volume, expressed in feet cubed per pounds of dry air, is:

$$v = \left(\frac{0.287055 \times T_K}{(P \times 3.386) - P_w}\right) \times 16.016$$

Where:

T_K = dry-bulb temperature of the air in K, as calculated in section 5.5.1 of this appendix;

P = measured ambient barometric pressure in in. Hg;

P_w = water vapor pressure in kPa, calculated in section 5.5.3 of this appendix;

0.287055 = the specific gas constant for dry air in kPa times cubic meter per kg per K;

3.386 = the conversion factor from in. Hg to kPa; and

16.016 = the conversion factor from cubic meters per kilogram to cubic feet per pound.

5.5.6 Absolute humidity. The absolute humidity, expressed in pounds of water per cubic foot of air, is:

$$AH = \frac{HR}{v}$$

Where:

HR = the mixing humidity ratio, the mass of water per mass of dry air, as calculated in section 5.5.4 of this appendix; and

v = the specific volume in cubic feet per pound of dry air, as calculated in section 5.5.5 of this appendix.

5.6 *Product capacity for refrigerant-desiccant dehumidifiers.* The weight of water removed during the test period, W, expressed in pounds, and capacity, C_t, expressed in pints/day, is:

$$W = \sum_{i=1}^{n} \left(\left(AH_{I,i} \times X_{I,i} \right) - \left(AH_{O,i} \times X_{O,i} \right) \right) \times \frac{t}{60}$$

Where:

n = number of samples during the test period in section 4.1.1.2 of this appendix;

$AH_{I,i}$ = absolute humidity of the process air on the inlet side of the unit in pounds of water per cubic foot of dry air, as calculated for sample *i* in section 5.5.6 of this appendix;

$X_{I,i}$ = volumetric flow rate of the process air on the inlet side of the unit in cubic feet per minute, measured for sample *i* in section 4.1.1.2 of this appendix. Calculate the volumetric flow rate in accordance with Section 7.3, ''Fan airflow rate at test conditions,'' of ANSI/AMCA 210 (incorporated by reference, see § 430.3);

$AH_{O,i}$ = absolute humidity of the process air on the outlet side of the unit in pounds of water per cubic foot of dry air, as calculated for sample *i* in section 5.5.6 of this appendix;

$X_{O,i}$ = volumetric flow rate of the process air on the outlet side of the unit in cubic feet per minute, measured for sample *i* in section 4.1.1.2 of this appendix. Calculate the volumetric flow rate in accordance with Section 7.3, ''Fan airflow rate at test conditions,'' of ANSI/AMCA 210; and

t = time interval in seconds between samples, with a maximum of 60; and

60 = conversion from minutes to seconds.

$$C_t = \frac{W \times 24}{1.04 \times T}$$

Where:

24 = number of hours per day;

1.04 = density of water in pounds per pint; and

T = total test period time in hours.

Then correct the product capacity, $C_{r,wh}$, according to section 5.2 of this appendix.

5.7 *Product case volume for whole-home dehumidifiers.* The product case volume, V, in cubic feet, is:

$$V = \frac{D_L \times D_W \times D_H}{1728}$$

Where:

D_L = product case length in inches, measured in section 4.4 of this appendix;

D_W = product case width in inches, measured in section 4.4 of this appendix;

D_H = product case height in inches, measured in section 4.4 of this appendix; and

1,728 = conversion from cubic inches to cubic feet.

[FR Doc. 2015–02204 Filed 2–3–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket No. EERE–2010–BT–STD–0043]

RIN 1904–AC36

Energy Conservation Program: Energy Conservation Standards for High-Intensity Discharge Lamps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Reopening of public comment period.

SUMMARY: On October 21, 2014, the U.S. Department of Energy (DOE) published a notice of proposed determination (NOPD) regarding energy conservation standards for high-intensity discharge (HID) lamps in the **Federal Register**. This notice tentatively determined that potential standards for three subcategories of HID lamps are either not technologically feasible or not economically justified. On December 22, 2014, DOE received a joint comment from the Appliance Standards Awareness Project (ASAP), Northwest Energy Efficiency Alliance (NEEA), the American Council for an Energy-Efficient Economy (ACEEE), and the Natural Resources Defense Council (NRDC) (Joint Comment), opposing DOE's proposed determination. This document announces a reopening of the public comment period for submitting comments and data in response to the Joint Comment. The comment period is extended to March 6, 2015.

DATES: DOE will accept comments, data, and information in response to the Joint Comment received no later than March 6, 2015.

ADDRESSES: Interested persons may submit comments, identified by docket number EERE–2010–BT–STD–0043 and/or Regulation Identification Number (RIN) 1904–AC36, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: HIDLamps-2010-STD-0043@ee.doe.gov.* Include the docket number EERE–2010–BT–STD–0043 and/or RIN 1904–AC36 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. [Please note that comments and CDs sent by mail are often delayed and may be damaged by mail screening processes.]
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone (202) 586–2945. If possible, please submit all items on CD, in which case it is not necessary to include printed copies.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, framework documents, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The rulemaking Web page can be found at: *www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/23.* This Web page contains a link to the docket for this notice on the *www.regulations.gov* site. The *www.regulations.gov* Web page contains instructions on how to access all documents in the docket, including public comments.

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: *high_intensity_discharge@ee.doe.gov.*

Ms. Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6111. Email: *Jennifer.Tiedeman@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On October 21, 2014, DOE published a NOPD in the **Federal Register** that tentatively determined that potential standards for HID lamps are either not technologically feasible or not economically justified. 79 FR 62910.

The notice provided for the submission of written comments by December 22, 2014.

On December 22, 2014, DOE received a joint comment from the Appliance Standards Awareness Project (ASAP), Northwest Energy Efficiency Alliance (NEEA), the American Council for an Energy-Efficient Economy (ACEEE), and the Natural Resources Defense Council (NRDC) (Joint Comment). The full comment can be found in Docket No. EERE–2010–BT–STD–0043–43. The Joint Comment opposed DOE's proposed determination for the following reasons:

1. Energy conservation standards for the [400 watt] metal halide representative lamp type are technically feasible and economically justified, and would result in significant energy savings (Joint Comment, No. 43 at p. 1); [1]

2. DOE's analysis fails to properly consider the likely consumer responses to replacing existing HID lamps (Joint Comment, No. 43 at p. 2); and

3. DOE's analysis should be based on mean lumen output and not on initial lumen output (Joint Comment, No. 43 at p. 3).

DOE is reopening the public comment period for the October 21, 2014 NOPD to allow interested parties to provide DOE with comments and data in response to the points made in the Joint Comment. DOE will consider any comments in response to the Joint Comment received by midnight of March 6, 2015, and deems any comments received by that time to be timely submitted.

Issued in Washington, DC, on January 26, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–02157 Filed 2–3–15; 8:45 am]

BILLING CODE 6450–01–P

[1] A notation in the form of ''Joint Comment, No. 43 at p. 1'' identifies a written comment that DOE received and included in the docket of this rulemaking. This particular notation refers to a comment: (1) In the Joint Comment; (2) in the document number 43 of the docket; and (3) on page 1 of that document.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2014–19–05 that applies to all Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, 1S1, 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines. AD 2014–19–05 requires an initial one-time vibration check of the engine accessory gearbox (AGB) on certain higher risk Arriel 1 and Arriel 2 model engines and repetitive vibration checks for all Arriel 1 and Arriel 2 engines. Since we issued AD 2014–19–05, we determined that a Technical Instruction (TI) number and a Test Bed Acceptance Test Specifications number in the Actions and Compliance and the Related Information sections are incorrect. This proposed AD would correct these numbers. We are proposing this AD to prevent failure of the engine AGB, which could lead to in-flight shutdown and damage to the engine, which may result in damage to the aircraft.

DATES: We must receive comments on this proposed AD by April 6, 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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Turbomeca S.A., 40220 Tarnos, France; phone: 33 0 5 59 74 40 00; telex: 570 042; fax: 33 0 5 59 74 45 15. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2014–0164; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information, regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of 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 proposed AD.

Discussion

On September 15, 2014, we issued AD 2014–19–05, Amendment 39–17973 (79 FR 59091, October 1, 2014), for all Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, 1S1, 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines. AD 2014–19–05 requires an initial one-time vibration check of the engine AGB on certain higher risk Arriel 1 and Arriel 2 model engines. AD 2014–19–05 also requires repetitive vibration checks of the engine AGB for all Arriel 1 and Arriel 2 engines

at every engine shop visit. AD 2014–19–05 resulted from reports of uncommanded in-flight shutdowns on Turbomeca S.A. Arriel 1 and Arriel 2 engines, following rupture of the 41-tooth gear forming part of the 41/23-tooth bevel gear located in the engine AGB. We issued AD 2014–19–05 to prevent failure of the engine AGB, which could lead to in-flight shutdown and damage to the engine, which may result in damage to the aircraft.

Actions Since AD 2014–19–05 Was Issued

Since we issued AD 2014–19–05, Amendment 39–17973 (79 FR 59091, October 1, 2014), we determined that a TI number and a Test Bed Acceptance Test Specifications number in the Actions and Compliance and the Related Information sections are incorrect. This proposed AD would correct these numbers.

Relevant Service Information

We reviewed Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 72 0839, Version B, dated November 25, 2013, and MSB No. 292 72 2849, Version B, dated November 25, 2013. The service information describes procedures for performing vibration checks of the engine AGB.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require an initial one-time vibration check of the engine AGB on certain higher risk Arriel 1 and Arriel 2 model engines. This AD also requires repetitive vibration checks of the engine AGB for all Arriel 1 and Arriel 2 engines at every engine shop visit.

Costs of Compliance

We estimate that this proposed AD would affect 1,268 engines installed on aircraft of U.S. registry. We also estimate that it would take about 4 hours per engine to comply with the inspection requirement in this proposed AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $431,120.

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 have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would 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 the proposed regulation:

(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 to the extent that it justifies making a regulatory distinction, 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.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 removing airworthiness directive (AD) 2014–19–05, Amendment 39–17973 (79 FR 59091, October 1, 2014), and adding the following new AD:

Turbomeca S.A.: Docket No. FAA–2014–0164; Directorate Identifier 2014–NE–02–AD.

(a) Comments Due Date

We must receive comments by April 6, 2015.

(b) Affected ADs

This AD supersedes AD 2014–19–05, Amendment 39–17973 (79 FR 59091, October 1, 2014).

(c) Applicability

This AD applies to all Turbomeca S.A. Arriel 1A1, 1A2, 1B, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K1, 1S, 1S1, 2B, 2B1, 2C, 2C1, 2C2, 2S1, and 2S2 turboshaft engines.

(d) Unsafe Condition

This AD was prompted by reports of uncommanded in-flight shutdowns on Turbomeca S.A. Arriel 1 and Arriel 2 engines following rupture of the 41-tooth gear forming part of the 41/23-tooth bevel gear located in the engine accessory gearbox (AGB). We are issuing this AD to prevent failure of the engine AGB, which could lead to in-flight shutdown and damage to the engine, which may result in damage to the aircraft.

(e) Compliance

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

(1) For all Turbomeca S.A. Arriel 1B, 1D, 1D1, 2B, and 2B1 turboshaft engines, perform a one-time vibration check of the AGB 41/23-tooth bevel gear meshing within 32 months of the effective date of this AD, as follows:

(i) For all Turbomeca S.A. Arriel 1B, 1D, and 1D1 engines, except those engines with an AGB installed with a serial number (S/N) listed in Figure 1 of Turbomeca S.A. Mandatory Service Bulletin (MSB) No. 292 72 0839, Version B, dated November 25, 2013, use paragraphs 6.A. through 6.C. of Turbomeca S.A. MSB No. 292 72 0839, Version B, dated November 25, 2013, to perform the vibration check. Turbomeca S.A. MSB No. 292 72 0839 refers to Turbomeca S.A. Arriel 1 Technical Instruction (TI) No. 292 72 0839, Version E, dated February 20, 2014, and Turbomeca S.A. Arriel 1 TI No. 292 72 0840, Version A, dated November 29, 2013, which you must also use to do the vibration check.

(ii) The reporting requirements in paragraphs 6.A.(1)(c), 6.A.(2)(b), and 6.B.(1)(c) and the requirement to return module M01 in paragraph 6.B.(2)(b)*2* of Turbomeca S.A. MSB No. 292 72 0839, Version B, dated November 25, 2013, are not required by this AD.

(iii) For all Turbomeca S.A. Arriel 2B and 2B1engines, except those engines with an AGB installed with an S/N listed in Figure 1 of Turbomeca S.A. MSB No. 292 72 2849, Version B, dated November 25, 2013, use paragraphs 6.A. through 6.C. of Turbomeca S.A. MSB No. 292 72 2849, Version B, dated November 25, 2013, to perform the vibration

check. Turbomeca S.A. MSB No. 292 72 2849 refers to Turbomeca S.A. Arriel 2 TI No. 292 72 2849, Version E, dated February 20, 2014, and Turbomeca S.A. Arriel 2 TI No. 292 72 2850, Version A, dated November 29, 2013, which you must also use to do the vibration check.

(iv) The reporting requirements in paragraphs 6.A.(1)(c), 6.A.(2)(b), and 6.B.(1)(c), and the requirement to return module M01 in paragraph 6.B.(2)(b)*2* of Turbomeca S.A. MSB No. 292 72 2849, Version B, dated November 25, 2013, are not required by this AD.

(2) For all affected Turbomeca S.A. engines, during each engine shop visit after the effective date of this AD, perform a vibration check of the AGB 41/23-tooth bevel gear meshing.

(3) If the AGB does not pass the vibration check required by paragraphs (e)(1) or (e)(2) of this AD, replace the AGB with a part eligible for installation.

(f) Credit for Previous Action

If you performed a vibration check of the AGB before the effective date of this AD using Turbomeca S.A. MSB No. 292 72 0839, Version A, dated September 9, 2013; or MSB No. 292 72 2849, Version A, dated September 9, 2013, or during an engine shop visit per paragraph (e)(2) of this AD, you met the initial inspection requirement of paragraph (e)(1) of this AD.

(g) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine flanges. The separation of engine flanges solely for the purpose of transportation without subsequent engine maintenance does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov*.

(i) Related Information

(1) For more information about this AD, contact Mark Riley, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7758; fax: 781–238–7199; email: *mark.riley@faa.gov*.

(2) Refer to MCAI European Aviation Safety Agency AD 2014–0036, dated February 11, 2014, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0164-0003*.

(3) Turbomeca S.A. MSB No. 292 72 0839, Version B, dated November 25, 2013; and MSB No. 292 72 2849, Version B, dated November 25, 2013, provide guidance on performing the one-time vibration check. Arriel 1 TI No. 292 72 0839, Version E, dated February 2014; Arriel 1 TI No. 292 72 0840, Version A, dated November 29, 2013; Arriel 2 TI No. 292 72 2849, Version E, dated February 20, 2014; and Arriel 2 TI No. 292 72 2850, Version A, dated November 29, 2013, provide detailed instructions on performing the one-time vibration check for Arriel 1 and Arriel 2 engines as indicated. Turbomeca Engine Test Bed Acceptance Test Specifications CCT No. 0292009400, Version T; CCT No. 0292019400, Version R; CCT No. 0292019690, Version I; CCT No. 0292019530, Version K; CCT No. 0292019610, Version K; CCT No. 0292029450, Version J; CCT No. 0292029490, Version I; CCT No. 0292029440, Version I; CCT No. 0292029480, Version K; CCT No. 0292029520, Version H; CCT No. 0292029410, Version L; CCT No. 0292029530, Version H; or Turbomeca ID No. 383952; or Turbomeca RTD No. X 292 65 327 2, provide information on performing a vibration check during an engine shop visit. These service documents, which are not incorporated by reference in this AD, can be obtained from Turbomeca S.A. using the contact information in paragraph (i)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Turbomeca S.A., 40220 Tarnos, France; phone: 33 0 5 59 74 40 00; telex: 570 042; fax: 33 0 5 59 74 45 15.

(5) You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on January 26, 2015.

Colleen M. D'Alessandro,

Assistant Directorate Manager, Engine & Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2015–02082 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R03–OAR–2014–0789; FRL–9922–52–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Allentown Nonattainment Area to Attainment for the 2006 24-Hour Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the Commonwealth of Pennsylvania's request to redesignate to attainment the Allentown nonattainment area (Allentown Area or Area) for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standard (NAAQS). EPA is also proposing to determine that the Allentown Area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. In addition, EPA is proposing to approve as a revision to the Pennsylvania State Implementation Plan (SIP) the associated maintenance plan to show maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS through 2025 for the Area. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and nitrogen oxides (NO_x) mobile vehicle emissions budgets (MVEBs) for the Area for the 2006 24-hour $PM_{2.5}$ NAAQS, which EPA is proposing to approve for transportation conformity purposes. Finally, EPA is proposing to approve as a revision to the Pennsylvania SIP the 2007 base year emissions inventory for the Area for the 2006 24-hour $PM_{2.5}$ NAAQS. This rulemaking action to propose approval of the 2006 24-hour $PM_{2.5}$ NAAQS redesignation request and associated maintenance plan for the Allentown Area is based on EPA's determination that Pennsylvania has met the criteria for redesignation to attainment specified in the Clean Air Act (CAA) for the 2006 24-hour $PM_{2.5}$ NAAQS.

DATES: Written comments must be received on or before March 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0789 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: powers.marilyn@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0789 Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0789. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system,

which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by email at *quinto.rose@epa.gov.*

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VI. Proposed Actions
VII. Statutory and Executive Order Reviews

I. Background

The first air quality standards for $PM_{2.5}$ were established on July 18, 1997 (62 FR 38652). EPA promulgated an annual standard at a level of 15 micrograms per cubic meter (μg/m³), based on a three-year average of annual mean $PM_{2.5}$ concentrations (the 1997 annual $PM_{2.5}$ NAAQS). In the same rulemaking action, EPA promulgated a 24-hour standard of 65 μg/m³, based on a three-year average of the 98th percentile of 24-hour concentrations.

On October 17, 2006 (71 FR 61144), EPA retained the annual average standard at 15 μg/m³, but revised the 24-hour standard to 35 μg/m³ based on the three-year average of the 98th percentile of the 24-hour concentrations (the 2006 24-hour $PM_{2.5}$ NAAQS). On November 13, 2009 (74 FR 58688), EPA published designations for the 2006 24-hour $PM_{2.5}$ NAAQS, which became effective on December 14, 2009. In that rulemaking action, EPA designated the Allentown Area as nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS. The Allentown Area is comprised of Lehigh and Northampton Counties. *See* 40 CFR 81.339.

On March 29, 2012 (77 FR 18922), EPA determined that the Allentown Area had clean data and monitored attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. Pursuant to 40 CFR 51.1004(c) and based on this determination, the requirements for the Area to submit an attainment demonstration and associated reasonably available control measures (RACM), reasonable further progress (RFP) plan, contingency measures, and other planning SIP revisions related to the attainment of the 2006 24-hour $PM_{2.5}$ NAAQS are suspended until such time as: The Area is redesignated to attainment for the standard, at which time the section 51.1004(c) requirements no longer apply; or EPA determines that the Area has again violated the standard, at which time such plans are required to be submitted. EPA's review of the most recent certified monitoring data for the Area shows that the Area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS.

On September 5, 2014, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), formally submitted a request to redesignate the Allentown Area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. Concurrently, PADEP submitted a maintenance plan for the Area as a SIP revision to ensure continued attainment throughout the Area over the next 10 years. The maintenance plan includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the Area for the 2006 24-hour $PM_{2.5}$ NAAQS. PADEP also submitted a 2007 comprehensive emissions inventory for the Area for the 2006 24-hour $PM_{2.5}$ NAAQS for $PM_{2.5}$, NO_X, sulfur dioxide (SO_2), volatile organic compounds (VOCs), and ammonia (NH_3).

In this proposed rulemaking action, EPA addresses the effects of several decisions of the United States Court of Appeals for the District of Columbia (D.C. Circuit Court) and a decision of the United States Supreme Court: (1) The D.C. Circuit Court's August 21, 2012 decision to vacate and remand to EPA the Cross-State Air Pollution Control Rule (CSAPR); (2) the Supreme Court's April 29, 2014 reversal of the vacature of CSAPR, and remand to the D.C. Circuit Court; (3) the D.C. Circuit Court's October 23, 2014 decision to lift the stay of CSAPR; and (4) the D.C. Circuit Court's January 4, 2013 decision to remand to EPA two final rules implementing the $PM_{2.5}$ NAAQS.

II. EPA's Requirements

A. Criteria for Redesignation to Attainment

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation providing that: (1) EPA determines that the area has attained the applicable NAAQS; (2) EPA has fully approved the applicable implementation plan for the area under section 110(k) of the CAA; (3) EPA determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) EPA has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the CAA; and (5) the state containing such area has met all requirements applicable to the area under section 110 and part D of the CAA. Each of these requirements are discussed in Section V. of today's proposed rulemaking action.

EPA provided guidance on redesignations in the ''SIPs; General Preamble for the Implementation of Title I of the CAA Amendments of 1990,'' (57 FR 13498, April 16, 1992) (the General Preamble) and has provided further guidance on processing

redesignation requests in the following documents: (1) ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereafter referred to as the 1992 Calcagni Memorandum); (2) ''SIP Actions Submitted in Response to CAA Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and (3) ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994.

B. Requirements of a Maintenance Plan

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A of the CAA, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after approval of a redesignation of an area to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures, with a schedule for implementation, as EPA deems necessary to assure prompt correction of any future $PM_{2.5}$ violations.

The 1992 Calcagni Memorandum provides additional guidance on the content of a maintenance plan. The Memorandum states that a maintenance plan should address the following provisions: (1) An attainment emissions inventory; (2) a maintenance demonstration showing maintenance for 10 years; (3) a commitment to maintain the existing monitoring network; (4) verification of continued attainment; and (5) a contingency plan to prevent or correct future violations of the NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIP revisions and maintenance plans for nonattainment areas and for areas seeking redesignation to attainment for a given NAAQS. These emission control strategy SIP revisions (*e.g.,* RFP and attainment demonstration SIP revisions) and maintenance plans create MVEBs based on onroad mobile source emissions for the relevant criteria pollutants and/or their precursors, where appropriate, to address pollution from onroad transportation sources. The MVEBs are the portions of the total allowable emissions that are allocated to onroad vehicle use that, together with emissions from all other sources in the area, will provide attainment, RFP, or maintenance, as applicable. The budget serves as a ceiling on emissions from an area's planned transportation system. Under 40 CFR part 93, a MVEB for an area seeking a redesignation to attainment is established for the last year of the maintenance plan.

The maintenance plan for the Allentown Area, that comprises Lehigh and Northampton Counties in Pennsylvania, includes the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for transportation conformity purposes. The transportation conformity determination for the Area is further discussed in Section V.C. of today's proposed rulemaking action and in a technical support document (TSD) dated December 1, 2014, which is available in the docket for this proposed rulemaking.

III. Summary of Proposed Actions

EPA is proposing to take several rulemaking actions related to the redesignation of the Allentown Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is proposing to find that the Area meets the requirements for redesignation for the 2006 24-hour $PM_{2.5}$ NAAQS under section 107(d)(3)(E) of the CAA. EPA is thus proposing to approve Pennsylvania's request to change the legal definition for the Allentown Area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also proposing to approve the associated maintenance plan for the Area as a revision to the Pennsylvania SIP for the 2006 24-hour $PM_{2.5}$ NAAQS, including the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for the Area for transportation conformity purposes. Approval of the maintenance plan is one of the CAA criteria for redesignation of the Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. Pennsylvania's maintenance plan is designed to ensure continued attainment in the Area for at least 10 years after redesignation for the 2006 24-hour $PM_{2.5}$ NAAQS.

EPA previously determined that the Allentown Area had clean data showing monitored attainment for the 2006 24-hour $PM_{2.5}$ NAAQS, and EPA is proposing to find that the Allentown Area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also proposing to approve the 2007 comprehensive emissions inventory submitted by PADEP that includes $PM_{2.5}$, SO_2, NO_X, VOC, and NH_3 for the Area as a revision to the Pennsylvania SIP for the 2006 24-hour $PM_{2.5}$ NAAQS in order to meet the requirements of section 172(c)(3) of the CAA.

IV. Effects of Recent Court Decisions on Proposed Actions

A. Effects of the August 21, 2012 D.C. Circuit Court Decision Regarding EPA's CSAPR

1. Background

The D.C. Circuit Court and the Supreme Court have issued a number of decisions and orders regarding the status of EPA's regional trading programs for transported air pollution, the Clean Air Interstate Rule (CAIR) and CSAPR, that impact this proposed redesignation action. In 2008, the D.C. Circuit Court initially vacated CAIR, *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur to preserve the environmental benefits provided by CAIR, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit Court's remand, EPA promulgated CSAPR, to address interstate transport of emissions and resulting secondary air pollutants and to replace CAIR.[1] CSAPR requires substantial reductions of SO_2 and NO_X emissions from electric generating units (EGUs) in 28 states in the Eastern United States. Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR's cap-and-trade programs would have superseded the CAIR cap-and-trade programs. Numerous parties filed petitions for review of CSAPR, and on December 30, 2011, the D.C. Circuit Court issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Dec. 30, 2011), Order at 2.

On August 21, 2012, the D.C. Circuit Court issued its ruling, vacating and remanding CSAPR to EPA and once again ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit Court subsequently denied EPA's petition for rehearing en banc. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302, 2013 WL 656247 (D.C. Cir. Jan. 24, 2013), at *1. EPA and other parties then petitioned the Supreme Court for a writ of certiorari, and the Supreme Court granted the petitions on June 24,

[1] CAIR addressed the 1997 $PM_{2.5}$ annual NAAQS and the 1997 8-hour ozone NAAQS. CSAPR addresses contributions from upwind states to downwind nonattainment and maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS as well as the ozone and $PM_{2.5}$ NAAQS addressed by CAIR.

2013. *EPA* v. *EME Homer City Generation, L.P.,* 133 S. Ct. 2857 (2013). On April 29, 2014, the Supreme Court vacated and reversed the D.C. Circuit Court's decision regarding CSAPR, and remanded that decision to the D.C. Circuit Court to resolve remaining issues in accordance with its ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). EPA moved to have the stay of CSAPR lifted in light of the Supreme Court decision. *EME Homer City Generation, L.P.* v. *EPA,* Case No. 11–1302, Document No. 1499505 (D.C. Cir. filed June 26, 2014). In its motion, EPA asked the D.C. Circuit Court to toll CSAPR's compliance deadlines by three years, so that the Phase 1 emissions budgets apply in 2015 and 2016 (instead of 2012 and 2013), and the Phase 2 emissions budgets apply in 2017 and beyond (instead of 2014 and beyond). On October 23, 2014, the D.C. Circuit granted EPA's motion and lifted the stay of CSAPR which was imposed on December 30, 2011. *EME Homer City Generation, L.P.* v. *EPA,* No. 11–1302 (D.C. Cir. Oct. 23, 2014), Order at 3. EPA issued an interim final rule to clarify how EPA will implement CSAPR consistent with the D.C. Circuit Court's order granting EPA's motion requesting lifting the stay and tolling the rule's deadlines. *See* 79 FR 71663, December 3, 2014 (interim final rulemaking). Consistent with the rule, EPA began implementing CSAPR on January 1, 2015.

2. Proposal on This Issue

Because CAIR was promulgated in 2005 and incentivized sources and states to begin achieving early emission reductions, the air quality data examined by EPA in issuing a final determination of attainment for the Allentown Area in 2012 (March 29, 2012, 77 FR 18922) and the air quality data from the Area since 2005 necessarily reflect reductions in emissions from upwind sources as a result of CAIR, and Pennsylvania included CAIR as one of the measures that helped to bring the Area into attainment. However, modeling conducted by EPA during the CSAPR rulemaking process, which used a baseline emissions scenario that ''backed out'' the effects of CAIR, *see* 76 FR at 48223, projected that Lehigh and Northampton Counties would have a $PM_{2.5}$ 24-hour design value below the level of the 2006 24-hour $PM_{2.5}$ NAAQS for 2012 and 2014 without taking into account emission reductions from CAIR or CSAPR. *See* Appendix B of EPA's ''Air Quality Modeling Final Rule Technical Support Document,'' (Page B–86), which is available in the docket for this proposed rulemaking action. In addition, the 2010–2012 quality-assured, quality-controlled, and certified monitoring data for the Allentown Area confirms that the 24-hour $PM_{2.5}$ design value for the Area remained well below the 2006 24-hour $PM_{2.5}$ NAAQS in 2012.

The status of CSAPR is not relevant to this redesignation. CSAPR was promulgated in June 2011, and the rule was stayed by the D.C. Circuit Court just six months later, before the trading programs it created were scheduled to go into effect. Therefore, the Allentown Area's attainment of the 2006 24-hour $PM_{2.5}$ NAAQS cannot have been a result of any emission reductions associated with CSAPR. In addition, on October 23, 2014, the D.C. Circuit Court lifted the stay on CSAPR and EPA began implementing CSAPR on January 1, 2015. In summary, neither the status of CAIR nor the current status of CSAPR affects any of the criteria for proposed approval of this redesignation request for the Area.

B. Effect of the January 4, 2013 D.C. Circuit Court Decision Regarding $PM_{2.5}$ Implementation Under Subpart 4 of Part D of Title I of the CAA

1. Background

On January 4, 2013, in *NRDC* v. *EPA,* the D.C. Circuit Court remanded to EPA the ''Final Clean Air Fine Particle Implementation Rule'' (72 FR 20586, April 25, 2007) and the ''Implementation of the New Source Review (NSR) Program for $PM_{2.5}$'' final rule (73 FR 28321, May 16, 2008) (collectively, 1997 $PM_{2.5}$ Implementation Rule). 706 F.3d 428 (D.C. Cir. 2013). The D.C. Circuit Court found that EPA erred in implementing the 1997 annual $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of subpart 1 of part D of Title I of the CAA (subpart 1), rather than the particulate-matter-specific provisions of subpart 4 of part D of Title I (subpart 4). Prior to the January 4, 2013 decision, the states had worked towards meeting the air quality goals of the 2006 $PM_{2.5}$ NAAQS in accordance with EPA regulations and guidance derived from subpart 1 of Part D of Title I of the CAA. In response to the D.C. Circuit Court's remand, EPA took this history into account by setting a new deadline for any remaining submissions that may be required for moderate nonattainment areas as a result of the D.C. Circuit Court's decision regarding the applicability of subpart 4 of part D of Title I of the CAA.

On June 2, 2014 (79 FR 31566), EPA issued a final rule, ''Identification of Nonattainment Classification and Deadlines for Submission of SIP Provisions for the 1997 and 2006 $PM_{2.5}$ NAAQS'' (the $PM_{2.5}$ Subpart 4 Classification and Deadline Rule), which identifies the classification under subpart 4 for areas currently designated nonattainment for the 1997 annual and/or 2006 24-hour $PM_{2.5}$ NAAQS. The rule set a deadline for states to submit attainment plans and meet other subpart 4 requirements. The rule specifies December 31, 2014 as the deadline for states to submit any additional attainment-related SIP elements that may be needed to meet the applicable requirements of subpart 4 for areas currently designated nonattainment for the 1997 $PM_{2.5}$ and/or 2006 $PM_{2.5}$ NAAQS and to submit SIPs addressing the nonattainment new source review (NSR) requirements in subpart 4.

As explained in detail in the following section, since Pennsylvania submitted its request to redesignate the Allentown Area on September 5, 2014, any additional attainment-related SIP elements that may be needed for the Area to meet the applicable requirements of subpart 4 were not due at the time Pennsylvania submitted its request to redesignate the Allentown Area for the 2006 24-hour $PM_{2.5}$ NAAQS.

2. Proposal on This Issue

In this proposed rulemaking action, EPA addresses the effect of the D.C. Circuit Court's January 4, 2013 ruling and the June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule on the Area's redesignation request. EPA is proposing to determine that the D.C. Circuit Court's January 4, 2013 decision does not prevent EPA from redesignating the Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. Even in light of the D.C. Circuit Court's decision, redesignation for this Area is appropriate under the CAA and EPA's longstanding interpretations of the CAA's provisions regarding redesignation. EPA first explains its longstanding interpretation that requirements that are imposed, or that become due, after a complete redesignation request is submitted for an area that is attaining the standard, are not applicable for purposes of evaluating a redesignation request. Second, EPA then shows that, even if EPA applies the subpart 4 requirements to the redesignation request of the Area and disregards the provisions of its 1997 $PM_{2.5}$ Implementation Rule recently remanded by the D.C. Circuit Court, Pennsylvania's request for redesignation

of the Area still qualifies for approval. EPA's discussion takes into account the effect of the D.C. Circuit Court's ruling and the June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule on the maintenance plan of the Area, which EPA views as approvable when subpart 4 requirements are considered.

a. Applicable Requirements Under Subpart 4 for Purposes of Evaluating the Redesignation Request of the Area

With respect to the 1997 $PM_{2.5}$ Implementation Rule, the D.C. Circuit Court's January 4, 2013 ruling rejected EPA's reasons for implementing the $PM_{2.5}$ NAAQS solely in accordance with the provisions of subpart 1, and remanded that matter to EPA, so that it could address implementation of the $PM_{2.5}$ NAAQS under subpart 4 of part D of the CAA, in addition to subpart 1. For the purposes of evaluating Pennsylvania's redesignation request for the Allentown Area, to the extent that implementation under subpart 4 would impose additional requirements for areas designated nonattainment, EPA believes that those requirements are not ''applicable'' for the purposes of section 107(d)(3)(E) of the CAA, and thus EPA is not required to consider subpart 4 requirements with respect to the redesignation of the Area. Under its longstanding interpretation of the CAA, EPA has interpreted section 107(d)(3)(E) to mean, as a threshold matter, that the part D provisions which are ''applicable'' and which must be approved in order for EPA to redesignate an area include only those which came due prior to a state's submittal of a complete redesignation request. *See* 1992 Calcagni Memorandum. *See also* ''SIP Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) NAAQS on or after November 15, 1992,'' Memorandum from Michael Shapiro, Acting Assistant Administrator, Air and Radiation, September 17, 1993 (Shapiro memorandum); Final Redesignation of Detroit-Ann Arbor, (60 FR 12459, 12465–66, March 7, 1995); Final Redesignation of St. Louis, Missouri, (68 FR 25418, 25424–27, May 12, 2003); *Sierra Club* v. *EPA,* 375 F.3d 537, 541 (7th Cir. 2004) (upholding EPA's redesignation rulemaking applying this interpretation and expressly rejecting Sierra Club's view that the meaning of ''applicable'' under the statute is ''whatever should have been in the plan at the time of attainment rather than whatever actually was in the plan and already implemented or due at the time of attainment'').[2] In this case, at the time that Pennsylvania submitted its redesignation request for the Allentown Area for the 2006 24-hour $PM_{2.5}$ NAAQS, the requirements under subpart 4 were not due.

EPA's view that, for purposes of evaluating the redesignation of the Area, the subpart 4 requirements were not due at the time Pennsylvania submitted the redesignation request is in keeping with the EPA's interpretation of subpart 2 requirements for subpart 1 ozone areas redesignated subsequent to the D.C. Circuit Court's decision in *South Coast Air Quality Mgmt. Dist.* v. *EPA,* 472 F.3d 882 (D.C. Cir. 2006). In *South Coast,* the D.C. Circuit Court found that EPA was not permitted to implement the 1997 8-hour ozone standard solely under subpart 1, and held that EPA was required under the statute to implement the standard under the ozone-specific requirements of subpart 2 as well. Subsequent to the *South Coast* decision, in evaluating and acting upon redesignation requests for the 1997 8-hour ozone standard that were submitted to EPA for areas under subpart 1, EPA applied its longstanding interpretation of the CAA that ''applicable requirements,'' for purposes of evaluating a redesignation, are those that had been due at the time the redesignation request was submitted. *See, e.g.,* Proposed Redesignation of Manitowoc County and Door County Nonattainment Areas (75 FR 22047, 22050, April 27, 2010). In those rulemaking actions, EPA therefore did not consider subpart 2 requirements to be ''applicable'' for the purposes of evaluating whether the area should be redesignated under section 107(d)(3)(E) of the CAA.

EPA's interpretation derives from the provisions of section 107(d)(3) of the CAA. Section 107(d)(3)(E)(v) states that, for an area to be redesignated, a state must meet ''all requirements 'applicable' to the area under section 110 and part D.'' Section 107(d)(3)(E)(ii) provides that EPA must have fully approved the ''applicable'' SIP for the area seeking redesignation. These two sections read together support EPA's interpretation of ''applicable'' as only those requirements that came due prior to submission of a complete redesignation request.

First, holding states to an ongoing obligation to adopt new CAA requirements that arose after the state submitted its redesignation request, in order to be redesignated, would make it problematic or impossible for EPA to act on redesignation requests in accordance with the 18-month deadline Congress set for EPA action in section 107(d)(3)(D). If ''applicable requirements'' were interpreted to be a continuing flow of requirements with no reasonable limitation, states, after submitting a redesignation request, would be forced continuously to make additional SIP submissions that in turn would require EPA to undertake further notice-and-comment rulemaking actions to act on those submissions. This would create a regime of unceasing rulemaking that would delay action on the redesignation request beyond the 18-month timeframe provided by the CAA for this purpose.

Second, a fundamental premise for redesignating a nonattainment area to attainment is that the area has attained the relevant NAAQS due to emission reductions from existing controls. Thus, an area for which a redesignation request has been submitted would have already attained the NAAQS as a result of satisfying statutory requirements that came due prior to the submission of the request. Absent a showing that unadopted and unimplemented requirements are necessary for future maintenance, it is reasonable to view the requirements applicable for purposes of evaluating the redesignation request as including only those SIP requirements that have already come due. These are the requirements that led to attainment of the NAAQS. To require, for redesignation approval, that a state also satisfy additional SIP requirements coming due after the state submits its complete redesignation request, and while EPA is reviewing it, would compel the state to do more than is necessary to attain the NAAQS, without a showing that the additional requirements are necessary for maintenance.

In the context of this redesignation, the timing and nature of the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA,* and EPA's June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule compound the consequences of imposing requirements that come due after the redesignation request is submitted. Pennsylvania submitted its redesignation request for the 2006 24-hour $PM_{2.5}$ NAAQS on September 5, 2014 for the Allentown Area, which is prior to the deadline by which the Area is required to meet the attainment plan and other requirements pursuant to subpart 4.

To require Pennsylvania's fully-completed and pending redesignation

[2] Applicable requirements of the CAA that come due subsequent to the area's submittal of a complete redesignation request remain applicable until a redesignation is approved, but are not required as a prerequisite to redesignation. *See* section 175A(c) of the CAA.

request for the 2006 24-hour $PM_{2.5}$ NAAQS to comply now with requirements of subpart 4 that the D.C. Circuit Court announced only in January 2013 and for which the deadline to comply has not yet come would be to give retroactive effect to such requirements and provide Pennsylvania a unique and earlier deadline for compliance solely on the basis of submitting its redesignation request for the Area. The D.C. Circuit Court recognized the inequity of this type of retroactive impact in *Sierra Club Whitman,* 285 F.3d 63 (D.C. Cir. 2002),[3] where it upheld the D.C. Circuit Court's ruling refusing to make retroactive EPA's determination that the Area did not meet its attainment deadline. In that case, petitioners urged the D.C. Circuit Court to make EPA's nonattainment determination effective as of the date that the statute required, rather than the later date on which EPA actually made the determination. The D.C. Circuit Court rejected this view, stating that applying it ''would likely impose large costs on States, which would face fines and suits for not implementing air pollution prevention plans . . . even though they were not on notice at the time.''
Id. at 68. Similarly, it would be unreasonable to penalize Pennsylvania by rejecting its redesignation request for an area that is already attaining the 2006 24-hour $PM_{2.5}$ NAAQS and that met all applicable requirements known to be in effect at the time of the request. For EPA now to reject the redesignation request solely because Pennsylvania did not expressly address subpart 4 requirements which have not yet come due and for which it had little to no notice, would inflict the same unfairness condemned by the D.C. Circuit Court in *Sierra Club* v. *Whitman.*

b. Subpart 4 Requirements and Pennsylvania's Redesignation Requests

Even if EPA were to take the view that the D.C. Circuit Court's January 4, 2013 decision requires that, in the context of pending redesignation for the 2006 24-hour $PM_{2.5}$ NAAQS, subpart 4 requirements were due and in effect at the time Pennsylvania submitted its redesignation request, EPA proposes to determine that the Area still qualifies for redesignation to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. As explained subsequently, EPA believes that the redesignation request for the Area, though not expressed in terms of subpart 4 requirements, substantively meets the requirements of that subpart for purposes of redesignating the Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS.

With respect to evaluating the relevant substantive requirements of subpart 4 for purposes of redesignating the Allentown Area, EPA notes that subpart 4 incorporates components of subpart 1 of part D, which contains general air quality planning requirements for areas designated as nonattainment. *See* section 172(c). Subpart 4 itself contains specific planning and scheduling requirements for coarse particulate matter (PM_{10})[4] nonattainment areas, and under the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA,* these same statutory requirements also apply for $PM_{2.5}$ nonattainment areas. EPA has longstanding general guidance that interprets the 1990 amendments to the CAA, making recommendations to states for meeting the statutory requirements for SIPs for nonattainment areas. *See* the General Preamble. In the General Preamble, EPA discussed the relationship of subpart 1 and subpart 4 SIP requirements, and pointed out that subpart 1 requirements were to an extent ''subsumed by, or integrally related to, the more specific PM_{10} requirements'' (57 FR 13538, April 16, 1992). The subpart 1 requirements include, among other things, provisions for attainment demonstrations, RACM, RFP, emissions inventories, and contingency measures.

For the purposes of this redesignation request, in order to identify any additional requirements which would apply under subpart 4, consistent with EPA's June 2, 2014 $PM_{2.5}$ Subpart 4 Classification and Deadline Rule, EPA is considering the Allentown Area to be a ''moderate'' $PM_{2.5}$ nonattainment area. As EPA explained in its June 2, 2014 rule, section 188 of the CAA provides that all areas designated nonattainment areas under subpart 4 are initially classified by operation of law as ''moderate'' nonattainment areas, and remain moderate nonattainment areas unless and until EPA reclassifies the area as a ''serious'' nonattainment area. Accordingly, EPA believes that it is appropriate to limit the evaluation of the potential impact of subpart 4 requirements to those that would be applicable to moderate nonattainment areas. Sections 189(a) and (c) of subpart 4 apply to moderate nonattainment areas and include the following: (1) An approved permit program for construction of new and modified major stationary sources (section 189(a)(1)(A)); (2) an attainment demonstration (section 189(a)(1)(B)); (3) provisions for RACM (section 189(a)(1)(C)); and (4) quantitative milestones demonstrating RFP toward attainment by the applicable attainment date (section 189(c)).

The permit requirements of subpart 4, as contained in section 189(a)(1)(A), refer to and apply the subpart 1 permit provisions requirements of sections 172 and 173 to PM_{10}, without adding to them. Consequently, EPA believes that section 189(a)(1)(A) does not itself impose for redesignation purposes any additional requirements for moderate areas beyond those contained in subpart 1.[5] In any event, in the context of redesignation, EPA has long relied on the interpretation that a fully approved nonattainment NSR program is not considered an applicable requirement for redesignation, provided the area can maintain the standard with a prevention of significant deterioration (PSD) program after redesignation. A detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' *See also* rulemakings for Detroit, Michigan (60 FR 12467–12468, March 7, 1995); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Louisville, Kentucky (66 FR 53665, October 23, 2001); and Grand Rapids, Michigan (61 FR 31834–31837, June 21, 1996).

With respect to the specific attainment planning requirements under subpart 4,[6] when EPA evaluates a redesignation request under either subpart 1 or 4, any area that is attaining the $PM_{2.5}$ NAAQS is viewed as having satisfied the attainment planning requirements for these subparts. For redesignations, EPA has for many years interpreted attainment-linked requirements as not applicable for areas attaining the standard. In the General Preamble, EPA stated that: ''The requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that

[3] *Sierra Club* v. *Whitman* was discussed and distinguished in a recent D.C. Circuit Court decision that addressed retroactivity in a quite different context, where, unlike the situation here, EPA sought to give its regulations retroactive effect. *National Petrochemical and Refiners Ass'n* v. *EPA,* 630 F.3d 145, 163 (D.C. Cir. 2010), rehearing denied 643 F.3d 958 (D.C. Cir. 2011), *cert denied* 132 S. Ct. 571 (2011).

[4] PM_{10} refers to particulates nominally 10 micrometers in diameter or smaller.

[5] The potential effect of section 189(e) on section 189(a)(1)(A) for purposes of evaluating this redesignation is discussed in the rulemaking action.

[6] EPA refers to attainment demonstration, RFP, RACM, milestone requirements, and contingency measures.

the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.''

The General Preamble also explained that: ''[t]he section 172(c)(9) requirements are directed at ensuring RFP and attainment by the applicable date. These requirements no longer apply when an area has attained the standard and is eligible for redesignation. Furthermore, section 175A for maintenance plans . . . provides specific requirements for contingency measures that effectively supersede the requirements of section 172(c)(9) for these areas.'' *Id.* EPA similarly stated in its 1992 Calcagni Memorandum that, ''The requirements for reasonable further progress and other measures needed for attainment will not apply for redesignations because they only have meaning for areas not attaining the standard.''

It is evident that even if we were to consider the D.C. Circuit Court's January 4, 2013 decision in *NRDC* v. *EPA* to mean that attainment-related requirements specific to subpart 4 should be imposed retroactively [7] or prior to December 31, 2014 and thus, were due prior to Pennsylvania's redesignation request, those requirements do not apply to an area that is attaining the 2006 24-hour $PM_{2.5}$ NAAQS, for the purpose of evaluating a pending request to redesignate the area to attainment. EPA has consistently enunciated this interpretation of applicable requirements under section 107(d)(3)(E) since the General Preamble was published more than twenty years ago. Courts have recognized the scope of EPA's authority to interpret ''applicable requirements'' in the redesignation context. *See Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004).

Moreover, even outside the context of redesignations, EPA has viewed the obligations to submit attainment-related SIP planning requirements of subpart 4 as inapplicable for areas that EPA determines are attaining the 2006 24-hour $PM_{2.5}$ NAAQS. EPA's prior ''Clean Data Policy'' rulemakings for the PM_{10} NAAQS, also governed by the requirements of subpart 4, explain EPA's reasoning. They describe the effects of a determination of attainment on the attainment-related SIP planning requirements of subpart 4. *See* ''Determination of Attainment for Coso Junction Nonattainment Area,'' (75 FR 27944, May 19, 2010). *See also* Coso Junction Proposed PM_{10} Redesignation, (75 FR 36023, 36027, June 24, 2010); Proposed and Final Determinations of Attainment for San Joaquin Nonattainment Area (71 FR 40952, 40954–55, July 19, 2006; and 71 FR 63641, 63643–47, October 30, 2006). In short, EPA in this context has also long concluded that to require states to meet superfluous SIP planning requirements is not necessary and not required by the CAA, so long as those areas continue to attain the relevant NAAQS.

Elsewhere in this rule, EPA determined that the Area has attained and continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. Under its longstanding interpretation, EPA is proposing to determine here that the Area meets the attainment-related plan requirements of subparts 1 and 4 for the 2006 24-hour $PM_{2.5}$ NAAQS. Thus, EPA is proposing to conclude that the requirements to submit an attainment demonstration under section 189(a)(1)(B), a RACM determination under section 172(c)(1) and section 189(a)(1)(c), a RFP demonstration under 189(c)(1), and contingency measure requirements under section 172(c)(9) are satisfied for purposes of evaluating this redesignation request.

c. Subpart 4 and Control of $PM_{2.5}$ Precursors

The D.C. Circuit Court in *NRDC* v. *EPA* remanded to EPA the two rules at issue in the case with instructions to EPA to re-promulgate them consistent with the requirements of subpart 4. EPA in this section addresses the D.C. Circuit Court's opinion with respect to $PM_{2.5}$ precursors. While past implementation of subpart 4 for PM_{10} has allowed for control of PM_{10} precursors such as NO_X from major stationary, mobile, and area sources in order to attain the standard as expeditiously as practicable, section 189(e) of the CAA specifically provides that control requirements for major stationary sources of direct PM_{10} shall also apply to PM_{10} precursors from those sources, except where EPA determines that major stationary sources of such precursors ''do not contribute significantly to PM_{10} levels which exceed the standard in the area.''

EPA's 1997 $PM_{2.5}$ Implementation Rule, remanded by the D.C. Circuit Court, contained rebuttable presumptions concerning certain $PM_{2.5}$ precursors applicable to attainment plans and control measures related to those plans. Specifically, in 40 CFR 51.1002, EPA provided, among other things, that a state was ''not required to address VOC [and NH_3] as . . . $PM_{2.5}$ attainment plan precursor[s] and to evaluate sources of VOC [and NH_3] emissions in the State for control measures.'' EPA intended these to be rebuttable presumptions. EPA established these presumptions at the time because of uncertainties regarding the emission inventories for these pollutants and the effectiveness of specific control measures in various regions of the country in reducing $PM_{2.5}$ concentrations. EPA also left open the possibility for such regulation of VOC and NH_3 in specific areas where that was necessary.

The D.C. Circuit Court in its January 4, 2013 decision made reference to both section 189(e) and 40 CFR 51.1002, and stated that, ''In light of our disposition, we need not address the petitioners' challenge to the presumptions in [40 CFR 51.1002] that VOCs and NH_3 are not $PM_{2.5}$ precursors, as subpart 4 expressly governs precursor presumptions.'' *NRDC* v. *EPA,* at 27, n.10.

Elsewhere in the D.C. Circuit Court's opinion, however, the D.C. Circuit Court observed: ''NH_3 is a precursor to fine particulate matter, making it a precursor to both $PM_{2.5}$ and PM_{10}. For a PM_{10} nonattainment area governed by subpart 4, a precursor is presumptively regulated. *See* 42 U.S.C. 7513a(e) [section 189(e)].'' *Id.* at 21, n.7.

For a number of reasons, the redesignation of the Allentown Area for the 2006 24-hour $PM_{2.5}$ NAAQS is consistent with the D.C. Circuit Court's decision on this aspect of subpart 4. While the D.C. Circuit Court, citing section 189(e), stated that ''for a PM_{10} area governed by subpart 4, a precursor is 'presumptively' regulated,'' the D.C. Circuit Court expressly declined to decide the specific challenge to EPA's 1997 $PM_{2.5}$ Implementation Rule provisions regarding NH_3 and VOC as precursors. The D.C. Circuit Court had no occasion to reach whether and how it was substantively necessary to regulate any specific precursor in a particular $PM_{2.5}$ nonattainment area, and did not address what might be necessary for purposes of acting upon a redesignation request.

However, even if EPA takes the view that the requirements of subpart 4 were deemed applicable at the time the state submitted the redesignation request, and disregards the 1997 $PM_{2.5}$ Implementation Rule's rebuttable presumptions regarding NH_3 and VOC as $PM_{2.5}$ precursors, the regulatory consequence would be to consider the need for regulation of all precursors from any sources in the Area to demonstrate attainment and to apply the section 189(e) provisions to major stationary sources of precursors. In the case of the Allentown Area, EPA

[7] As explained earlier, EPA does not believe that the D.C. Circuit Court's January 4, 2013 decision should be interpreted so as to impose these requirements on the states retroactively. *Sierra Club* v. *Whitman, supra.*

believes that doing so is consistent with proposing redesignation of the Area for the 2006 24-hour $PM_{2.5}$ NAAQS. The Area has attained the 2006 24-hour $PM_{2.5}$ NAAQS without any specific additional controls of NH_3 and VOC emissions from any sources in the Area.

Precursors in subpart 4 are specifically regulated under the provisions of section 189(e), which requires, with important exceptions, control requirements for major stationary sources of PM_{10} precursors.[8] Under subpart 1 and EPA's prior implementation rule, all major stationary sources of $PM_{2.5}$ precursors were subject to regulation, with the exception of NH_3 and VOC. Thus EPA must address here whether additional controls of NH_3 and VOC from major stationary sources are required under section 189(e) of subpart 4 in order to redesignate the Area for the 2006 24-hour $PM_{2.5}$ NAAQS. As explained subsequently, any additional controls of NH_3 and VOC are required in the context of this redesignation.

In the General Preamble, EPA discusses its approach to implementing section 189(e). *See* 57 FR 13538–13542. With regard to precursor regulation under section 189(e), the General Preamble explicitly stated that control of VOC under other CAA requirements may suffice to relieve a state from the need to adopt precursor controls under section 189(e). *See* 57 FR 13542. EPA in this rulemaking action, proposes to determine that the Pennsylvania SIP revisions have met the provisions of section 189(e) with respect to NH_3 and VOC as precursors. This proposed determination is based on EPA's findings that: (1) The Area contains no major stationary sources of NH_3, and (2) existing major stationary sources of VOC are adequately controlled under other provisions of the CAA regulating the ozone NAAQS.[9] In the alternative, EPA proposes to determine that, under the express exception provisions of section 189(e), and in the context of the redesignation of the Area, which is attaining the 2006 24-hour $PM_{2.5}$ NAAQS, at present NH_3 and VOC precursors from major stationary sources do not contribute significantly to levels exceeding the 2006 24-hour $PM_{2.5}$ NAAQS in the Area. *See* 57 FR 13539–42.

EPA notes that its 1997 $PM_{2.5}$ Implementation Rule provisions in 40 CFR 51.1002 were not directed at evaluation of $PM_{2.5}$ precursors in the context of redesignation, but at SIP plans and control measures required to bring a nonattainment area into attainment of the 1997 annual $PM_{2.5}$ NAAQS. By contrast, redesignation to attainment primarily requires the nonattainment area to have already attained due to permanent and enforceable emission reductions, and to demonstrate that controls in place can continue to maintain the standard. Thus, even if we regard the DC Circuit Court's January 4, 2013 decision as calling for ''presumptive regulation'' of NH_3 and VOC for $PM_{2.5}$ under the attainment planning provisions of subpart 4, those provisions in and of themselves do not require additional controls of these precursors for an area that already qualifies for redesignation. Nor does EPA believe that requiring Pennsylvania to address precursors differently than it has already would result in a substantively different outcome.

Although, as EPA has emphasized, its consideration here of precursor requirements under subpart 4 is in the context of a redesignation to attainment, EPA's existing interpretation of subpart 4 requirements with respect to precursors in attainment plans for PM_{10} contemplates that states may develop attainment plans that regulate only those precursors that are necessary for purposes of attainment in the area in question, *i.e.,* states may determine that only certain precursors need be regulated for attainment and control purposes.[10] Courts have upheld this approach to the requirements of subpart 4 for PM_{10}.[11] EPA believes that application of this approach to $PM_{2.5}$ precursors under subpart 4 is reasonable. Because the Area has already attained the 2006 24-hour $PM_{2.5}$ NAAQS with its current approach to regulation of $PM_{2.5}$ precursors, EPA believes that it is reasonable to conclude in the context of this redesignation that there is no need to revisit the attainment control strategy with respect to the treatment of precursors. Even if the DC Circuit Court's decision is construed to impose an obligation, in evaluating these redesignation requests, to consider additional precursors under subpart 4, it would not affect EPA's approval here of Pennsylvania's request for redesignation of the Area for the 2006 24-hour $PM_{2.5}$ NAAQS. In the context of a redesignation, the Area has shown that it has attained the 2006 24-hour $PM_{2.5}$ NAAQS. Moreover, Pennsylvania has shown and EPA has proposed to determine that attainment of the 2006 24-hour $PM_{2.5}$ NAAQS in this Area is due to permanent and enforceable emissions reductions on all precursors necessary to provide for continued attainment of the NAAQS. *See* Section V.A.3. of this rulemaking. It follows logically that no further control of additional precursors is necessary. Accordingly, EPA does not view the January 4, 2013 decision of the DC Circuit Court as precluding redesignation of the Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS at this time.

In summary, even if, prior to the date of the redesignation request submittal, Pennsylvania was required to address precursors for the Area under subpart 4 rather than under subpart 1, as interpreted in EPA's remanded 1997 $PM_{2.5}$ Implementation Rule, EPA would still conclude that the Area had met all applicable requirements for purposes of redesignation in accordance with section 107(d)(3(E)(ii) and (v) of the CAA.

V. EPA's Analysis of Pennsylvania's SIP Submittal

EPA is proposing, several rulemaking actions for the Allentown nonattainment area: (1) To redesignate the Allentown Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS; (2) to approve into the Pennsylvania SIP the associated maintenance plan for the 2006 24-hour $PM_{2.5}$ NAAQS; and (3) to approve the 2007 comprehensive emissions inventory into the Pennsylvania SIP to satisfy the requirements of section 172(c)(3) of the CAA for the Area, which is one of the criteria for redesignation. EPA's proposed approval of the redesignation request and maintenance plan for the 2006 24-hour $PM_{2.5}$ NAAQS are based upon EPA's determination that the Area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS, which EPA is proposing in this rulemaking action, and that all other redesignation criteria have been met for the Area. In addition, EPA is proposing to approve the 2017 and 2025 MVEBs for Lehigh and Northampton Counties, Pennsylvania for transportation conformity purposes. The

[8] Under either subpart 1 or subpart 4, for purposes of demonstrating attainment as expeditiously as practicable, a state is required to evaluate all economically and technologically feasible control measures for direct PM emissions and precursor emissions, and adopt those measures that are deemed reasonably available.

[9] The Area has reduced VOC emissions through the implementation of various control programs including VOC Reasonably Available Control Technology (RACT) regulations and various on-road and non-road motor vehicle control programs.

[10] *See, e.g.,* ''Approval and Promulgation of Implementation Plans for California—San Joaquin Valley PM_{10} Nonattainment Area; Serious Area Plan for Nonattainment of the 24-Hour and Annual PM_{10} Standards,'' (69 FR 30006, May 26, 2004) (approving a PM_{10} attainment plan that impose controls on direct PM_{10} and NO_X emissions and did not impose controls on SO_2, VOC, or NH_3 emissions).

[11] *See, e.g., Assoc. of Irritated Residents* v. *EPA et al.,* 423 F.3d 989 (9th Cir. 2005).

following is a description of how the Pennsylvania September 5, 2014 submittal satisfies the requirements of the CAA including specifically section 107(d)(3)(E) for the 2006 24-hour $PM_{2.5}$ NAAQS.

A. Redesignation Request

1. Attainment

As noted previously, in the final rulemaking action dated March 29, 2012 (77 FR 18922), EPA determined that the Allentown Area had clean data for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA based this determination upon complete, quality assured, quality controlled, and certified ambient air monitoring data showing that the Area has monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS based on the 2008–2010 data in EPA's Air Quality System (AQS) database.

EPA has reviewed the ambient air quality $PM_{2.5}$ monitoring data in the Area consistent with the requirements contained at 40 CFR part 50, and recorded in EPA's AQS database. To support the previous determination of attainment of the Area, EPA has also reviewed more recent data in its AQS database, including certified, quality-assured data for the period from 2008–2010, 2009–2011, 2010–2012 and 2011–2013. This data, shown in Table 1, shows that the Area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS. In addition, as discussed subsequently with respect to the maintenance plan, PADEP has committed to continue monitoring ambient $PM_{2.5}$ concentrations in accordance with 40 CFR part 58. Thus, EPA is proposing to determine that the Area continues to attain the 2006 24-hour $PM_{2.5}$ NAAQS.

TABLE 1—DESIGN VALUES FOR THE ALLENTOWN AREA FOR THE 2006 24-HOUR $PM_{2.5}$ NAAQS (μG/M³) FOR 2008–2010, 2009–2011, 2010–2012, AND 2011–2013 (35 μG/M³)

Monitor ID #	2008–2010	2009–2011	2010–2012	2011–2013
Freemansburg 42–095–0025	32	33	32	32

2. The Area Has Met All Applicable Requirements Under Section 110 and Subpart 1 of the CAA and Has a Fully Approved SIP Under Section 110(k) of the CAA

In accordance with section 107(d)(3)(E)(v) of the CAA, the SIP revisions for the 2006 24-hour $PM_{2.5}$ NAAQS for the Allentown Area must be fully approved under section 110(k) of the CAA and all the requirements applicable to the Area under section 110 of the CAA (general SIP requirements) and part D of Title I of the CAA (SIP requirements for nonattainment areas) must be met.

a. Section 110 General SIP Requirements

Section 110(a)(2) of Title I of the CAA delineates the general requirements for a SIP, which include enforceable emissions limitations and other control measures, means, or techniques, provisions for the establishment and operation of appropriate devices necessary to collect data on ambient air quality, and programs to enforce the limitations. The general SIP elements and requirements set forth in section 110(a)(2) of the CAA include, but are not limited to the following: (1) Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; (2) provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; (3) implementation of a minor source permit program; provisions for the implementation of part C requirements (PSD); (4) provisions for the implementation of part D requirements for NSR permit programs; (5) provisions for air pollution modeling; and (6) provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) of the CAA requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants in accordance with the NO_X SIP Call (63 FR 57356, October 27, 1998), amendments to the NO_X SIP Call (64 FR 26298, May 14, 1999 and 65 FR 11222, March 2, 2000), CAIR (70 FR 25162, May 12, 2005), and CSAPR. However, section 110(a)(2)(D) of the CAA requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that these requirements are applicable requirements for purposes of redesignation.

In addition, EPA believes that the other section 110(a)(2) elements of the CAA not connected with nonattainment plan submissions and not linked with an area's attainment status are not applicable requirements for purposes of redesignation. The Area will still be subject to these requirements after it is redesignated. EPA concludes that section 110(a)(2) of the CAA and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request, and that section 110(a)(2) elements of the CAA not linked in the area's nonattainment status are not applicable for purposes of redesignation. This approach is consistent with EPA's existing policy on applicability of conformity (*i.e.,* for redesignations) and oxygenated fuels requirement. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174, October 10, 1996), (62 FR 24826, May 7, 1997); Cleveland-Akron-Lorain, Ohio final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida final rulemaking (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio redesignation (65 FR 37890, June 19, 2000) and in the Pittsburgh, Pennsylvania redesignation (66 FR 53099, October 19, 2001).

EPA has reviewed the Pennsylvania SIP and has concluded that it meets the general SIP requirements under section 110(a)(2) of the CAA to the extent they are applicable for purposes of redesignation. EPA has previously approved provisions of Pennsylvania's SIP addressing section 110(a)(2) requirements, including provisions addressing $PM_{2.5}$. *See* 77 FR 58955 (September 25, 2012). These requirements are, however, statewide requirements that are not linked to the $PM_{2.5}$ nonattainment status of the Area. Therefore, EPA believes that these SIP elements are not applicable requirements for purposes of review of

Pennsylvania's $PM_{2.5}$ redesignation request.

b. Subpart 1 Requirements

Subpart 1 sets forth the basic nonattainment plan requirements applicable to $PM_{2.5}$ nonattainment areas. Under section 172 of the CAA, states with nonattainment areas must submit plans providing for timely attainment and meet a variety of other requirements.

EPA's longstanding interpretation of the nonattainment planning requirements of section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of section 107(d)(3)(E)(ii) and therefore need not be approved into the SIP before EPA can redesignate the area. In the 1992 General Preamble for Implementation of Title I, EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard. *See* 57 FR 13498, 13564 (April 16, 1992). EPA noted that the requirements for RFP and other measures designed to provide for attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard. *Id.* This interpretation was also set forth in the 1992 Calcagni Memorandum. EPA's understanding of section 172 also forms the basis of its Clean Data Policy, which was articulated with regard to $PM_{2.5}$ in 40 CFR 51.1004(c), and suspends a state's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for RFP, RACM, and contingency measures under section 172(c)(9).[12] Courts have upheld EPA's interpretation of section 172(c)(1)'s ''reasonably available'' control measures and control technology as meaning only those controls that advance attainment, which precludes the need to require additional measures where an area is already attaining. *NRDC* v. *EPA,* 571 F.3d 1245, 1252 (D.C. Cir. 2009); *Sierra Club* v. *EPA,* 294 F.3d 155, 162 (D.C. Cir. 2002); *Sierra Club* v. *EPA,* 314 F.3d 735, 744 (5th Cir. 2002).

Therefore, because attainment has been reached in the Allentown Area, no additional measures are needed to provide for attainment, and section 172(c)(1) requirements for an attainment demonstration and RACM are no longer considered to be applicable for purposes of redesignation as long as the Area continues to attain the standard until redesignation. Section 172(c)(2)'s requirement that nonattainment plans contain provisions promoting reasonable further progress toward attainment is also not relevant for purposes of redesignation because EPA has determined that the Allentown Area has monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS. In addition, because the Allentown Area has attained the 2006 24-hour $PM_{2.5}$ NAAQS and is no longer subject to a RFP requirement, the requirement to submit the section 172(c)(9) contingency measures is not applicable for purposes of redesignation. Section 172(c)(6) requires the SIP to contain control measures necessary to provide for attainment of the NAAQS. Because attainment has been reached, no additional measures are needed to provide for attainment.

The requirement under section 172(c)(3) was not suspended by EPA's clean data determination for the 2006 24-hour $PM_{2.5}$ NAAQS and is the only remaining requirement under section 172 of the CAA to be considered for purposes of redesignation of the Area. Section 172(c)(3) of the CAA requires submission and approval of a comprehensive, accurate and current inventory of actual emissions. As part of Pennsylvania's redesignation request submittal, Pennsylvania submitted a 2007 base year emissions inventory for the Area for the 2006 24-hour $PM_{2.5}$ NAAQS which includes emissions estimates that cover the general source categories of point sources, nonroad mobile sources, area sources and on-road mobile sources. The pollutants that comprise the inventory are NO_X, VOC, $PM_{2.5}$, NH_3, and SO_2.

In this rulemaking action, EPA is proposing to approve the 2007 base year emissions inventory in accordance with section 172(c)(3) of the CAA for the Area. Final approval of the 2007 base year emissions inventory will satisfy the emissions inventory requirement under section 172(c)(3) of the CAA. For more information on the evaluation and EPA's analysis of the 2007 base year emissions inventory, *see* Appendices B–1 and C–1 of Pennsylvania's submittals and the emissions inventory technical support document (TSD) dated December 17, 2014, which is available in the docket for this proposed rulemaking action. The summary of the 2007 base year emissions inventory in tons per year (tpy) are shown in Table 2.

TABLE 2—ALLENTOWN AREA 2007 EMISSIONS BY SOURCE SECTOR

Sector	$PM_{2.5}$	PM_{10}	SO_2	NO_X	VOC	NH_3
Point	3,565	4,641	54,071	13,663	1,151	31
Area	2,150	6,415	2,552	1,987	8,266	582
Nonroad	536	647	118	15,857	6,936	245
Onroad	256	272	158	3,177	2,685	3
Total	6,507	11,975	56,900	34,685	19,038	861

Section 172(c)(4) of the CAA requires the identification and quantification of allowable emissions for major new and modified stationary sources in an area, and section 172(c)(5) of the CAA requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. EPA has determined that, since the PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a nonattainment NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994 entitled, ''Part D NSR Requirements for Areas Requesting Redesignation to

[12] This regulation was promulgated as part of the 1997 $PM_{2.5}$ NAAQS implementation rule that was subsequently challenged and remanded in *NRDC* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013), as discussed in Section IV.B of this rule. However, the Clean Data Policy portion of the implementation rule was not at issue in that case.

Attainment.'' Nevertheless, Pennsylvania currently has an approved NSR program, codified in the Commonwealth's regulations at 25 Pa. Code 127.201 *et seq. See* 77 FR 41276 (July 13, 2012) (approving NSR program into the SIP). *See also* 49 FR 33127 (August 21, 1984) (approving Pennsylvania's PSD program). However, Pennsylvania's PSD program for the 2006 24-hour $PM_{2.5}$ NAAQS will become effective in the Allentown Area upon redesignation to attainment.

Section 172(c)(7) of the CAA requires the SIP to meet the applicable provisions of section 110(a)(2) of the CAA. As noted previously, Pennsylvania SIP revisions meet the requirements of section 110(a)(2) of the CAA that are applicable for purposes of redesignation.

Section 175A of the CAA requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' In conjunction with its request to redesignate the Area to attainment status, Pennsylvania submitted a SIP revision to provide for maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS in the Area for at least 10 years after redesignation, through 2025. Pennsylvania is requesting that EPA approve this SIP revision as meeting the requirement of section 175A of the CAA. Once approved, the maintenance plan for the Area will ensure that the SIP for Pennsylvania meets the requirements of the CAA regarding maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS for the Area. EPA's analysis of the maintenance plan is provided in Section V.B. of today's proposed rulemaking action.

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that Federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects developed, funded or approved under Title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other Federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement and enforceability which EPA promulgated pursuant to its authority under the CAA. EPA approved Pennsylvania's transportation conformity SIP requirements on April 29, 2009 (74 FR 19541).

Thus, for purposes of redesignating the Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS, EPA determines that upon final approval of the 2007 comprehensive emissions inventory as proposed in this rulemaking action, the Area will meet all applicable SIP requirements under part D of Title I of the CAA for purposes of redesignating the Area to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS.

c. Pennsylvania Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

Upon final approval of the 2007 comprehensive emissions inventory proposed in this rulemaking action, EPA will have fully SIP-approved, all applicable requirements of the Pennsylvania SIP revisions for the Area for purposes of redesignaton to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS in accordance with section 110(k) of the CAA. As noted in this rulemaking action, EPA is proposing to approve the Area's 2007 emissions inventory (submitted as part of the maintenance plan) as meeting the requirement of section 172(c)(3) of the CAA for the 2006 24-hour $PM_{2.5}$ NAAQS. Therefore, upon approval of the 2007 emissions inventory, Pennsylvania will have satisfied all applicable requirements under part D of Title I of the CAA for the Area.

3. Permanent and Enforceable Reductions in Emissions

For redesignating a nonattainment area to attainment, section 107(d)(3)(E)(iii) of the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions. In making this demonstration, Pennsylvania has calculated the change in emissions between 2005, which is the year used to designate the Area as nonattainment, and 2007, which is one of the years the Area monitored attainment, as shown in Table 3. The reduction in emissions (negative values) in tpy, and the corresponding improvement in air quality from 2005 to 2007 in the Area can be attributed to a number of regulatory control measures that have been implemented in the Area and contributing areas in recent years. For more information on EPA's analysis of the 2005 and 2007 emissions inventories, see EPA's emissions inventory TSD dated December 17, 2014, available in the docket for this proposed rulemaking action.

TABLE 3—EMISSION REDUCTIONS FROM 2005 BASE YEAR TO 2007 ATTAINMENT YEAR IN THE ALLENTOWN AREA

Change from 2005 to 2007	$PM_{2.5}$	SO_2	NO_X	VOC	NH_3
Point & Area Sources	−1,023	−6,848	−5,194	−2,660	−507
Highway Vehicle Sources	340	−136	5,204	−536	−261
Nonroad Sources	−17	−151	−66	−243	0
Total	−699	−7,136	−57	−3,439	−768

a. Federal Measures Implemented

Reductions in $PM_{2.5}$ precursor emissions have occurred statewide and in upwind states as a result of Federal emission control measures, with additional emission reductions expected to occur in the future.

NO_X SIP Call—On October 27, 1998 (63 FR 57356), EPA issued the NO_X SIP Call requiring the District of Columbia and 22 states to reduce emissions of NO_X, a precursor to ozone pollution.[13] Affected states were required to comply with Phase I of the SIP Call beginning in 2004 and Phase II beginning in 2007. Emission reductions resulting from regulations developed in response to the NO_X SIP Call are permanent and enforceable. By imposing an emissions cap regionally, the NO_X SIP Call reduced NO_X emissions from large EGUs and large non-EGUs such as industrial boilers, internal combustion engines, and cement kilns. In response to the NO_X SIP Call, Pennsylvania

[13] Although the NO_X SIP Call was issued in order to address ozone pollution, reductions of NO_X as a result of that program have also impacted $PM_{2.5}$ pollution, for which NO_X is also a precursor emission.

adopted its NO_X Budget Trading Program regulations for EGUs and large industrial boilers, with emission reductions starting in May 2003. Pennsylvania's NO_X Budget Trading Program regulation was approved into the Pennsylvania SIP on August 21, 2001 (66 FR 43795). To meet other requirements of the NO_X SIP Call, Pennsylvania adopted NO_X control regulations for cement plants and internal combustion engines, with emission reductions starting in May 2005. These regulations were approved into the Pennsylvania SIP on September 29, 2006 (71 FR 57428).

CAIR—As previously noted, CAIR (70 FR 25162, May 12, 2005) created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 28 eastern states, including Pennsylvania. EPA approved the Commonwealth's CAIR regulation, codified in 25 Pa. Code Chapter 145, Subchapter D, into the Pennsylvania SIP on December 10, 2009 (74 FR 65446). In 2009, the CAIR ozone season NO_X trading program superseded the NO_X Budget Trading Program, although the emission reduction obligations of the NO_X SIP Call were not rescinded. *See* 40 CFR 51.121(r) and 51.123(aa). EPA promulgated CSAPR to replace CAIR as an emission trading program for EGUs. As discussed previously, pursuant to the DC Circuit Court's October 23, 2014 Order, the stay of CSAPR has been lifted and implementation of CSAPR began in January 2015. EPA expects that the implementation of CSAPR will preserve the reductions achieved by CAIR and result in additional SO_2 and NO_X emission reductions throughout the maintenance period.

Tier 2 Emission Standards for Vehicles and Gasoline Sulfur Standards

These emission control requirements result in lower NO_X emissions from new cars and light duty trucks, including sport utility vehicles. The Federal rules were phased in between 2004 and 2009. EPA estimated that, after phasing in the new requirements, the following vehicle NO_X emission reductions will have occurred nationwide: Passenger cars (light duty vehicles) (77 percent); light duty trucks, minivans, and sports utility vehicles (86 percent); and larger sports utility vehicles, vans, and heavier trucks (69 to 95 percent). Some of the emissions reductions resulting from new vehicle standards occurred during the 2008–2010 attainment period; however, additional reductions will continue to occur throughout the maintenance period as new vehicles replace older vehicles. EPA expects fleet wide average emissions to decline by similar percentages as new vehicles replace older vehicles.

Heavy-Duty Diesel Engine Rule

EPA issued the Heavy-Duty Diesel Engine Rule in July 2000. This rule included standards limiting the sulfur content of diesel fuel, which went into effect in 2004. A second phase took effect in 2007 which reduced $PM_{2.5}$ emissions from heavy-duty highway engines and further reduced the highway diesel fuel sulfur content to 15 ppm. Standards for gasoline engines were phased in starting in 2008. The total program is estimated to achieve a 90 percent reduction in direct $PM_{2.5}$ emissions and a 95 percent reduction in NO_X emissions for new engines using low sulfur diesel fuel.

Nonroad Diesel Rule

On June 29, 2004 (69 FR 38958), EPA promulgated the Nonroad Diesel Rule for large nonroad diesel engines, such as those used in construction, agriculture, and mining, to be phased in between 2008 and 2014. The rule phased in requirements for reducing the sulfur content of diesel used in nonroad diesel engines. The reduction in sulfur content prevents damage to the more advanced emission control systems needed to meet the engine standards. It will also reduce fine particulate emissions from diesel engines. The combined engine standards and the sulfur in fuel reductions will reduce NO_X and PM emissions from large nonroad engines by over 90 percent, compared to current nonroad engines using higher sulfur content diesel.

Nonroad Large Spark-Ignition Engine and Recreational Engine Standards

In November 2002, EPA promulgated emission standards for groups of previously unregulated nonroad engines. These engines include large spark-ignition engines such as those used in forklifts and airport ground-service equipment; recreational vehicles using spark-ignition engines such as off-highway motorcycles, all-terrain vehicles, and snowmobiles; and recreational marine diesel engines. Emission standards from large spark-ignition engines were implemented in two tiers, with Tier 1 starting in 2004 and Tier 2 in 2007. Recreational vehicle emission standards are being phased in from 2006 through 2012. Marine Diesel engine standards were phased in from 2006 through 2009. With full implementation of all of the nonroad spark-ignition engine and recreational engine standards, an overall 80 percent reduction in NO_X is expected by 2020. Some of these emission reductions occurred by the 2002–2007 attainment period and additional emission reductions will occur during the maintenance period as the fleet turns over.

Federal Standards for Hazardous Air Pollutants

As required by the CAA, EPA developed Maximum Available Control Technology (MACT) Standards to regulate emissions of hazardous air pollutants from a published list of industrial sources referred to as ''source categories.'' The MACT standards have been adopted and incorporated by reference in Section 6.6 of Pennsylvania's Air Pollution Control Act and implementing regulations in 25 Pa. Code § 127.35 and are also included in Federally enforceable permits issued by PADEP for affected sources. The Industrial/Commercial/Institutional (ICI) Boiler MACT standards (69 FR 55217, September 13, 2004, and 76 FR 15554, February 21, 2011) are estimated to reduce emissions of PM, SO_2, and VOCs from major source boilers and process heaters nationwide. Also, the Reciprocating Internal Combustion Engines (RICE) MACT will reduce NO_X and PM emissions from engines located at facilities such as pipeline compressor stations, chemical and manufacturing plants, and power plants.

b. State Measures

Heavy-Duty Diesel Emissions Control Program

In 2002, Pennsylvania adopted the Heavy-Duty Diesel Emissions Control Program for model years starting in May 2004. The program incorporates California standards by reference and required model year 2005 and beyond heavy-duty diesel highway engines to be certified to the California standards, which were more stringent than the Federal standards for model years 2005 and 2006. After model year 2006, Pennsylvania required implementation of the Federal standards that applied to model years 2007 and beyond, discussed in the Federal measures section of this proposed rulemaking action. This program reduced emissions of NO_X statewide.

Vehicle Emission Inspection/ Maintenance (I/M) Program

Pennsylvania's Vehicle Emission I/M program was expanded into the Allentown Area in early 2004, and applies to model year 1975 and newer gasoline-powered vehicles that are 9,000 pounds and under. The program, approved into the Pennsylvania SIP on October 6, 2005 (70 FR 58313), consists

of annual on-board diagnostics and gas cap test for model year 1996 vehicles and newer, and an annual visual inspection of pollution control devices and gas cap test for model year 1995 vehicles and older. This program reduces emissions of NO_X from affected vehicles.

Consumer Products Regulation

Pennsylvania regulation ''Chapter 130, Subchapter B. Consumer Products'' established, effective January 1, 2005, VOC emission limits for numerous categories of consumer product, and applies statewide to any person who sells, supplies, offers for sale, or manufactures such consumer products on or after January 1, 2005 for use in Pennsylvania. It was approved into the Pennsylvania SIP on December 8, 2004 (69 FR 70895). Amendments to the Consumer Products regulations was approved into the Pennsylvania SIP on October 18, 2010 (75 FR 63717).

Adhesives, Sealants, Primers and Solvents Regulation

Pennsylvania adopted a regulation in 2010 to control VOC emissions from adhesives, sealants, primers and solvents. This regulation was approved into the Pennsylvania SIP on September 26, 2012 (77 FR 59090).

Based on the information summarized above, Pennsylvania has adequately demonstrated that the improvement in air quality in the Allentown Area are due to permanent and enforceable emissions reductions. The reductions result from Federal and State requirements and regulation of precursors within Pennsylvania that affect the Allentown Area.

B. Maintenance Plan

On September 5, 2014, PADEP submitted a maintenance plan for the Allentown Area for the 2006 24-hour $PM_{2.5}$ NAAQS as required by section 175A of the CAA. EPA's analysis for proposing approval of the maintenance plan is provided in this section.

1. Attainment Emissions Inventory

Section 172(c)(3) requires states to submit a comprehensive, accurate, current inventory of actual emissions from all sources in the nonattainment area. For a maintenance plan, states are required to submit an inventory to identify the level of emissions in the area which is sufficient to attain the NAAQS, referred to as the attainment inventory (or the maintenance plan base year inventory), and which should be based on actual emissions. PADEP submitted an attainment inventory for 2007, which is one of the years in the period during which the Allentown Area monitored attainment of the 2006 24-hour $PM_{2.5}$ NAAQS. The inventory for 2007 is comprised of NO_X, $PM_{2.5}$, SO_2, VOC, and NH_3 emissions from point sources, nonpoint sources, onroad mobile sources, and nonroad mobile sources.

The 2007 point source inventory contained emissions for EGU and non-EGU sources in Lehigh and Northampton Counties that were directly reported by the facilities. Since the reported emissions did not include condensable emissions, the EGU inventory was augmented to account for condensable emissions by application of emission factors developed by the Mid-Atlantic Regional Air Management Association (MARAMA) in 2008. The nonpoint source emissions inventory for 2007 was developed using 2007 specific activity data along with EPA emission factors and the most recent available emission calculation methodologies. PADEP used the 2008 National Emissions Inventory (NEI) data to fill in any missing categories in the 2007 inventory. For the 2007 nonroad mobile sources, PADEP generated emissions using EPA's National Mobile Inventory Model (NMIM) 2008 model. Since marine, air and rail/locomotive (MAR) emissions are not part of the NONROAD model, they were calculated separately outside of the NONROAD model. The 2007 onroad mobile source inventory was developed using EPA's highway mobile source emissions model MOVES2010. PADEP used local activity to replace default inputs in the model where appropriate.

EPA has reviewed the documentation provided by PADEP and found the 2007 emissions inventory acceptable for meeting the requirements under section 172(c)(3). For more information on the emissions inventory submitted by PADEP for the Area and EPA's analysis of the emissions inventory, see Appendices B–1 and C–1 of the Pennsylvania submittal and the emissions inventory TSD dated December 17, 2014, which is available in the docket for this proposed rulemaking action.

2. Maintenance Demonstration

Section 175A requires a state seeking redesignation to attainment to submit a SIP revision to provide for the maintenance of the NAAQS in the area ''for at least 10 years after the redesignation.'' EPA has interpreted this as a showing of maintenance ''for a period of ten years following redesignation.'' Where the emissions inventory method of showing maintenance is used, its purpose is to show that emissions during the maintenance period will not increase over the attainment year inventory. *See* 1992 Calcagni Memorandum, pages 9–10.

For a demonstration of maintenance, emissions inventories are required to be projected to future dates to assess the influence of future growth and controls; however, the maintenance demonstration need not be based on modeling. *See Wall* v. *EPA, supra; Sierra Club* v. *EPA, supra. See also* 66 FR 53099–53100; 68 FR 25430–32. PADEP uses projection inventories to show that the Area will remain in attainment and developed projection inventories for an interim year of 2017 and a maintenance plan end year of 2025 to show that future emissions of NO_X, SO_2, VOC, NH_3, and $PM_{2.5}$ will remain at or below the attainment year 2007 emissions levels throughout the Area through the year 2025.

The Federal and State measures described in Section V.A.3. of this proposed rulemaking action demonstrate that the reductions in emissions from point, area, and mobile sources in the Area has occurred and will continue to occur through 2025. In addition, the following State and Federal regulations and programs ensure the continuing decline of SO_2, NO_X, $PM_{2.5}$, and VOC emissions in the Area during the maintenance period and beyond:

Non-EGUs Previously Covered Under the NO_X SIP Call

Pennsylvania established NO_X emission limits for the large industrial boilers that were previously subject to the NO_X SIP Call, but were not subject to CAIR. For these units, Pennsylvania established an allowable ozone season NO_X limit based on the unit's previous ozone season's heat input. A combined NO_X ozone season emissions cap of 3,418 tons applies for all of these units.

CSAPR (August 8, 2011, 76 FR 48208)

EPA promulgated CSAPR to replace CAIR as an emission trading program for EGUs. As discussed previously, pursuant to the D.C. Circuit Court's October 23, 2014 Order, the stay of CSAPR has been lifted and EPA began implementation of CSAPR in January 2015. EPA expects that the implementation of CSAPR will preserve the reductions achieved by CAIR and result in additional SO_2 and NO_X emission reductions throughout the maintenance period.

Regulation of Cement Kilns

On July 19, 2011 (76 FR 52558), EPA approved amendments to 25 Pa. Code

Chapter 145 Subchapter C to further reduce NO_X emissions from cement kilns. The amendments established NO_X emission rate limits for long wet kilns, long dry kilns, and preheater and precalciner kilns that are lower by 35 to 63 percent from the previous limit of 6 pounds of NO_X per ton of clinker that applied to all kilns. The amendments were effective on April 15, 2011.

Stationary Source Regulations

Pennsylvania regulation 25 Pa. Code Chapter 130, Subchapter D for Adhesives, Sealers, Primers, and Solvents was approved into the Pennsylvania SIP on September 26, 2012 (77 FR 59090). The regulation established VOC content limits for various categories of adhesives, sealants, primers, and solvent, and became applicable on January 1, 2012.

Amendments to Pennsylvania regulation 25 Pa. Code Chapter 130, Subchapter B established, effective January 1, 2009, new or more stringent VOC standards for consumer products. The amendments were approved into the Pennsylvania SIP on October 18, 2010 (75 FR 63717).

Pennsylvania's Clean Vehicle Program

The Pennsylvania Clean Vehicles Program (formerly, New Motor Vehicle Control Program) incorporates by reference the California Low Emission Vehicle program (CA LEVII), although it allowed automakers to comply with the NLEV program as an alternative to this program until Model Year (MY) 2006. The Clean Vehicles Program, codified in 25 Pa. Code Chapter 126, Subchapter D, was modified to require CA LEVII to apply to MY 2008 and beyond, and was approved into the Pennsylvania SIP on January 24, 2012 (77 FR 3386). The Clean Vehicles Program incorporates by reference the emission control standards of CA LEVII, which, among other requirements, reduces emissions of NO_X by requiring that passenger car emission standards and fleet average emission standards also apply to light duty vehicles. Model year 2008 and newer passenger cars and light duty trucks are required to be certified for emissions by the California Air Resource Board (CARB), in order to be sold, leased, offered for sale or lease, imported, delivered, purchased, rented, acquired, received, titled or registered in Pennsylvania. In addition, manufacturers are required to demonstrate that the California fleet average standard is met based on the number of new light-duty vehicles delivered for sale in the Commonwealth. The Commonwealth's submittal for the January 24, 2012 rulemaking projected that, by 2025, the program will achieve 318 tons more NO_X reductions than Tier II for the counties in the Allentown Area.

Two Pennsylvania regulations—its Diesel-Powered Motor Vehicle Idling Act (August 1, 2011, 76 FR 45705) and its Outdoor Wood-Fired Boiler regulation (September 20, 2011, 76 FR 58114)—were not included in the projection inventories, but may also assist in maintaining the NAAQS. Also, the Tier 3 Motor Vehicle Emission and Fuel Standards (79 FR 23414, April 29, 2014) establishes more stringent vehicle emissions standards and will reduce the sulfur content of gasoline beginning in 2017. The fuel standard will achieve NO_X reductions by further increasing the effectiveness of vehicle emission controls for both existing and new vehicles.

The projection inventories for the 2017 and 2025 point, area, and nonroad sources were taken from regional inventories coordinated by MARAMA for the states in the Mid-Atlantic/Northeast Visibility Union and Virginia (MANE–VU+VA), which includes Pennsylvania. Detailed discussion of how 2017 and 2025 projections were developed are contained in Appendix C–2 and C–3, respectively, of Pennsylvania's submittal. EPA has reviewed the documentation provided by PADEP and found the methodologies acceptable.

EPA has determined that the 2017 and 2025 projected emissions inventories provided by PADEP are approvable. For more information on EPA's analysis of the emissions inventory, *see* EPA's TSD dated December 17, 2014, which is available in the docket for this proposed rulemaking action. Table 5 provides a summary of the inventories for the 2007 attainment year, as compared to the projected inventories for the 2017 interim year and the 2025 maintenance plan end year for the Area in tpy.

TABLE 5—COMPARISON OF 2007 ATTAINMENT YEAR AND 2017 AND 2025 PROJECTED $PM_{2.5}$ EMISSIONS IN THE ALLENTOWN AREA

	$PM_{2.5}$	NO_X	SO_2	NH_3	VOC
2007 (attainment)	6,507	34,685	56,900	861	19,038
2017 (interim)	5,875	20,471	27,731	809	14,627
2017 (projected decrease)	682	14,214	29,169	52	4,411
2025 (maintenance)	5,745	17,281	26,850	807	13,133
2025 (projected decrease)	762	17,467	30,050	54	5,905

As shown in Table 5, the projected levels of $PM_{2.5}$, NO_X, SO_2, NH_3, and VOC are well under the 2007 attainment year levels for each of these pollutants. Pennsylvania has adequately demonstrated that the Area will continue to maintain the 2006 24-hour $PM_{2.5}$ NAAQS during the 10 year maintenance period.

While Pennsylvania's maintenance plan submitted for the Allentown Area for CAA section 175A did not specifically include or mention the SO_2 emission limits EPA imposed on the Portland Generating Station located in Northampton County, Pennsylvania (Portland Facility) in 2011, EPA notes that those limits will likely support the Allentown Area's ability to maintain the 2006 $PM_{2.5}$ NAAQS going forward because SO_2 is a precursor to $PM_{2.5}$. Thus, reduced SO_2 emissions from the Portland Facility should also reduce subsequent $PM_{2.5}$ formation. Pursuant to section 126 of the CAA, on November 7, 2011, EPA promulgated SO_2 emission limitations and reporting requirements for the coal-fired boilers (Units 1 and 2) at the Portland Facility after EPA made a finding that the coal-fired units at the Portland Facility significantly contribute to nonattainment for the 1-hour 2010 SO_2 NAAQS in New Jersey. *See* 76 FR 69052 (relating to final response to petition from New Jersey regarding SO_2 emissions from the Portland Facility). The federally enforceable SO_2 emission limitations and reporting requirements for the coal-fired boilers (Units 1 and 2) at the Portland Facility are established in 40 CFR 52.2039.

The SO_2 emission limits in 40 CFR 52.2039 represent an 81 percent reduction of SO_2 emissions from the Portland Facility's previously permitted levels. In 2010, Portland emitted approximately 23,000 tons of SO_2. The

limits and requirements in 40 CFR 52.2039 are ''applicable requirements'' as defined in 25 Pa. Code § 121.1 (which is included in the federally enforceable Pennsylvania SIP) because they have been promulgated or approved by the EPA under the CAA or the regulations adopted under the CAA through rulemaking. As applicable requirements, they must therefore be included in a Title V operating permit for the Portland Facility pursuant to 25 Pa. Code § 127.502.

3. Monitoring Network

Pennsylvania's maintenance plan includes a commitment to continue to operate its EPA-approved monitoring network, as necessary to demonstrate ongoing compliance with the NAAQS. Pennsylvania currently operates a $PM_{2.5}$ monitor at the Freemansburg monitoring site in Northampton County. In its September 5, 2014 submittal, Pennsylvania stated that it will consult with EPA prior to making any necessary changes to the network and will continue to quality assure the monitoring data in accordance with the requirements of 40 CFR part 58.

4. Verification of Continued Attainment

To provide for tracking of the emission levels in the Area, PADEP requires major point sources to submit air emissions information annually and prepares a new periodic inventory for all $PM_{2.5}$ precursors every three years in accordance with EPA's Air Emissions Reporting Requirements (AERR). Emissions information will be compared to the attainment year inventory (2007) to assure continued attainment with the 2006 24-hour $PM_{2.5}$ NAAQS and will be used to assess emissions trends, as necessary. Also, as noted in the previous subsection, PADEP will continue to operate its monitoring system in accordance with 40 CFR 58 and remains obligated to quality-assure monitoring data and enter all data into the AQS in accordance with Federal requirements. PADEP will use this data, supplemented with additional data, as necessary, to assure continuing attainment in the Area.

5. Contingency Measures

The contingency plan provisions are designed to promptly correct any violation of the 2006 24-hour $PM_{2.5}$ NAAQS that occurs in the Area after redesignation. Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to ensure that a state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the events that would ''trigger'' the adoption and implementation of a contingency measure(s), the contingency measure(s) that would be adopted and implemented, and the schedule indicating the time frame by which the state would adopt and implement the measure(s).

Pennsylvania's maintenance plan describes the procedures for the adoption and implementation of contingency measures to reduce emissions should a violation occur. Pennsylvania's contingency measures include a first level response and a second level response. A first level response is triggered when the annual mean $PM_{2.5}$ concentration exceeds 35.0 $\mu g/m^3$ in a single calendar year within the Area, or if the periodic emissions inventory for the Area exceeds the attainment year inventory by more than ten percent. The first level response will consist of a study to determine if the emissions trends show increasing concentrations of $PM_{2.5}$, and whether this trend is likely to continue. If it is determined through the study that action is necessary to reverse a trend of emissions increases, Pennsylvania will, as expeditiously as possible, implement necessary and appropriate control measures to reverse the trend.

A second level response will be prompted if the two-year average of the annual mean concentration exceeds 35.0 $\mu g/m^3$ within the Area. This would trigger an evaluation of the conditions causing the exceedence, whether additional emission control measures should be implemented to prevent a violation of the standard, and analysis of potential measures that could be implemented to prevent a violation. Pennsylvania would then begin its adoption process to implement the measures as expeditiously as practicable.

Pennsylvania's candidate contingency measures include the following: (1) A regulation based on the Ozone Transport Commission (OTC) Model Rule to update requirements for consumer products; (2) a regulation based on the Control Techniques Guidelines (CTG) for industrial cleaning solvents; (3) voluntary diesel projects such as diesel retrofit for public or private local onroad or offroad fleets, idling reduction technology for Class 2 yard locomotives, and idling reduction technologies or strategies for truck stops, warehouses, and other freight-handling facilities; (4) promotion of accelerated turnover of lawn and garden equipment, focusing on commercial equipment; and (5) promotion of alternative fuels for fleets, home heating and agricultural use. Pennsylvania's rulemaking process and schedule for adoption and implementation of any necessary contingency measure is shown in the SIP submittals as being 18 months from PADEP's approval to initiate rulemaking. For all of the reasons discussed in this section, EPA is proposing to approve Pennsylvania's 2006 24-hour $PM_{2.5}$ maintenance plan for the Allentown Area as meeting the requirements of section 175A of the CAA.

C. Transportation Conformity

Section 176(c) of the CAA requires Federal actions in nonattainment and maintenance areas to ''conform to'' the goals of SIPs. This means that such actions will not cause or contribute to violations of a NAAQS, worsen the severity of an existing violation, or delay timely attainment of any NAAQS or any interim milestone. Actions involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval are subject to the transportation conformity rule (40 CFR part 93, subpart A). Under this rule, metropolitan planning organizations (MPOs) in nonattainment and maintenance areas coordinate with state air quality and transportation agencies, EPA, and the FHWA and FTA to demonstrate that their long range transportation plans and transportation improvement programs (TIP) conform to applicable SIPs. This is typically determined by showing that estimated emissions from existing and planned highway and transit systems are less than or equal to the MVEBs contained in the SIP. On September 5, 2014, Pennsylvania submitted SIP revisions that contain the 2017 and 2025 $PM_{2.5}$ and NO_X onroad mobile source budgets for Lehigh and Northampton Counties, Pennsylvania. Pennsylvania did not provide emission budgets for SO_2, VOC, and NH_3 because it concluded, consistent with the presumptions regarding these precursors in the Transportation Conformity Rule at 40 CFR 93.102(b)(2)(v), which predated and were not disturbed by the litigation on the 1997 $PM_{2.5}$ Implementation Rule, that emissions of these precursors from motor vehicles are not significant contributors to the Area's $PM_{2.5}$ air quality problem. EPA issued conformity regulations to implement the 1997 annual $PM_{2.5}$ NAAQS in July 2004 and May 2005 (69 FR 40004, July 1, 2004 and 70 FR 24280, May 6, 2005). That decision does not affect EPA's proposed approval of the MVEBs for the Area. The MVEBs are presented in Table 6.

TABLE 6—MVEBS FOR LEHIGH AND NORTHAMPTON COUNTIES IN PENNSYLVANIA FOR THE 2006 24-HOUR NAAQS, IN TPY

Year	$PM_{2.5}$	NO_X
2017	297	8,081
2025	234	5,303

EPA's substantive criteria for determining adequacy of MVEBs are set out in 40 CFR 93.118(e)(4). Additionally, to approve the MVEBs, EPA must complete a thorough review of the SIP, in this case the $PM_{2.5}$ maintenance plan, and conclude that with the projected level of motor vehicle and all other emissions, the SIPs will achieve its overall purpose, in this case providing for maintenance of the 2006 24-hour $PM_{2.5}$ NAAQS. EPA's process for determining adequacy of a MVEB consists of three basic steps: (1) Providing public notification of a SIP submission; (2) providing the public the opportunity to comment on the MVEB during a public comment period; and (3) EPA taking action on the MVEB.

In this proposed rulemaking action, EPA is also initiating the process for determining whether or not the MVEBs are adequate for transportation conformity purposes. The publication of this rule starts a 30-day public comment period on the adequacy of the submitted MVEBs. This comment period is concurrent with the comment period on this proposed action and comments should be submitted to the docket for this rulemaking. EPA may choose to make its determination on the adequacy of the budgets either in the final rulemaking on this maintenance plan and redesignation request or by informing Pennsylvania of the determination in writing, publishing a notice in the **Federal Register** and posting a notice on EPA's adequacy Web page *(http://www.epa.gov/otaq/state resources/transconf/adequacy.htm).*[14]

EPA has reviewed the MVEBs and finds them consistent with the maintenance plan and that the budgets meet the criteria for adequacy and approval in 40 CFR 93, Subpart A. Therefore, EPA is proposing to approve the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for Lehigh and Northampton Counties for transportation conformity purposes. Additional information pertaining to the review of the MVEBs can be found in the TSD, ''Adequacy Findings for the Motor Vehicle Emissions Budgets in the Maintenance Plan for the Allentown 2006 Fine Particulate National Ambient Air Quality Standard Nonattainment Area,'' dated December 1, 2014, available on line at *www.regulations.gov,* Docket ID No. EPA–R03–OAR–2014–0789.

[14] For additional information on the adequacy process, please refer to 40 CFR 93.118(f) and the discussion of the adequacy process in the preamble to the 2004 final transportation conformity rule. *See* 69 FR 40039–40043.

VI. Proposed Actions

EPA is proposing to approve Pennsylvania's request to redesignate the Allentown Area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA has evaluated Pennsylvania's redesignation request and determined that the Area meets the redesignation criteria set forth in section 107(d)(3)(E) of the CAA. The monitoring data demonstrates that the Area had attained the 2006 24-hour $PM_{2.5}$ NAAQS as determined by EPA in a prior rulemaking, and, for the reasons discussed herein, that it will continue to attain the NAAQS. Final approval of this redesignation request would change the designation of the Allentown Area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. EPA is also proposing to approve the associated maintenance plan for the Area as a revision to the Pennsylvania SIP because it meets the requirements of section 175A of the CAA as described previously in this proposed rulemaking. In addition, EPA is proposing to approve the 2007 base year emissions inventory as meeting the requirement of section 172(a)(3) of the CAA. Furthermore, EPA is proposing to approve the 2017 and 2025 $PM_{2.5}$ and NO_X MVEBs for Lehigh and Northampton Counties for transportation conformity purposes. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule proposing to approve Pennsylvania's redesignation request, maintenance plan, 2007 base year emissions inventory, and MVEBs for transportation conformity purposes for the Allentown Area for the 2006 24-hour $PM_{2.5}$ NAAQS, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 21, 2015.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2015–02207 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2002–0037; FRL–9921–81–OAR]

RIN 2060–AS45

National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources Wastewater Limit Withdrawal

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend the National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources. In addition to this proposed rule, the EPA is publishing a direct final rule that withdraws the total non-vinyl chloride organic hazardous air pollutant (TOHAP) area source process wastewater emission standards for new and existing polyvinyl chloride and copolymers area sources. If we receive no adverse comment, we will not take further action on this proposed rule.

DATES: Written comments must be received by March 13, 2015.

Public Hearing. If anyone contacts the EPA requesting a public hearing by February 9, 2015, the EPA will hold a public hearing on February 11, 2015 from 1:00 p.m. (Eastern Standard Time) to 5:00 p.m. (Eastern Standard Time) at the U.S. Environmental Protection Agency building located at 109 T.W. Alexander Drive, Research Triangle Park, NC 27711. If the EPA holds a public hearing, the EPA will keep the record of the hearing open for 30 days after completion of the hearing to provide an opportunity for submission of rebuttal and supplementary information.

ADDRESSES: *Comments.* Submit your comments, identified by Docket ID Number EPA–HQ–OAR–2002–0037, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Attention Docket ID Number EPA–HQ–OAR–2002–0037.
- *Fax:* (202) 566–9744. Attention Docket ID Number EPA–HQ–OAR–2002–0037.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Mail Code: 28221T, Attention Docket ID Number EPA–HQ–OAR–2002–0037, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* U.S. Environmental Protection Agency, EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Ave. NW., Washington, DC 20004. Attention Docket ID Number EPA–HQ–OAR–2002–0037. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions. Direct your comments to Docket ID Number EPA–HQ–OAR–2002–0037. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at: *http://www.epa.gov/dockets.*

We request that you also send a separate copy of each comment to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ms. Jodi Howard, Sector Policies and Programs Division (E143–01), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–4607; fax number: (919) 541–2406; and email address: *howard.jodi@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is the EPA issuing this proposed rule?

The EPA is proposing this rule to take action on amendments to the National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources (40 CFR part 63, subpart DDDDDD). We are proposing to withdraw the area source process wastewater emission standards for new and existing sources in Tables 1 and 2 of 40 CFR part 63, subpart DDDDDD. In addition, the EPA has published a direct final rule withdrawing the area source process wastewater TOHAP emission standards in the ''Rules and Regulations'' section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this action in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposed rule. If we receive adverse comment on a distinct portion of the direct final rule, we will withdraw that portion of the rule and it will not take effect. In this instance, we would address all public comments in any subsequent final rule based on this proposed rule.

If we receive adverse comment on a distinct provision of the direct final rule, we will publish a timely withdrawal in the **Federal Register** indicating which provisions we are withdrawing. The provisions that are not withdrawn will become effective on the date set out in the direct final rule, notwithstanding adverse comment on any other provision. We do not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time.

The regulatory text for this proposal is identical to that for the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**. For further supplementary information, the detailed rationale for this proposal and the regulatory

revisions, see the direct final rule published in a separate part of this **Federal Register**.

II. Does this action apply to me?

Categories and entities potentially regulated by this proposed rule include:

Category	NAICS code [1]	Examples of regulated entities
Polyvinyl chloride resins manufacturing	325211	Facilities that polymerize vinyl chloride monomer to produce polyvinyl chloride and/or copolymers products.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed rule. To determine whether your facility would be regulated by this proposed rule, you should examine the applicability criteria in 40 CFR 63.11140. If you have any questions regarding the applicability of this action to a particular entity, consult either the air permitting authority for the entity or your EPA regional representative as listed in 40 CFR 63.13.

III. Statutory and Executive Orders

For a complete discussion of all of the administrative requirements applicable to this action, see the direct final rule in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: January 23, 2015.

Gina McCarthy,

Administrator.

[FR Doc. 2015–01923 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1983–0002; FRL–9922–36–Region–2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List: Partial Deletion of the Fulton Terminals Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent for partial deletion.

SUMMARY: The Fulton Terminals Superfund site (Site), located in the City of Fulton, Oswego County, New York, consists of an ''On-Property'' portion, an approximately 1.5-acre parcel of land bounded on the west by First Street, on the south by Shaw Street, on the east by New York State Route 481 and on the north by a warehouse, and an ''Off-Property'' portion, defined by the area between the On-Property portion's western property boundary to the Oswego River (approximately 50 feet).

The Environmental Protection Agency (EPA), Region 2, is issuing this Notice of Intent for Partial Deletion (NOIPD) of the On-Property portion of the Site from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, as amended, is an appendix of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA and the State of New York, through the New York State Department of Environmental Conservation (NYSDEC), have determined that all appropriate response actions under CERCLA have been completed at the Site and that the soil on the On-Property portion of the Site and the groundwater beneath the On-Property portion of the Site no longer pose a threat to public health or the environment. Therefore, EPA and NYSDEC have concluded that this NOIPD, which pertains only to the On-Property portion of the Site, may proceed. The Off-Property portion of the Site will remain on the NPL. Because residual groundwater contamination remains in the Off-Property portion of the Site, groundwater monitoring and five-year reviews will still be required for this the Off-Property portion of the Site.

DATES: Comments must be received by March 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1983–0002, by mail to Christos Tsiamis, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region 2, 290 Broadway, 20th Floor, New York, NY, 10007–1866. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Mr. Tsiamis at the address noted above or by email at *tsiamis.christos@epa.gov.*

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' Section of today's **Federal Register**, EPA is publishing a direct final Notice of Partial Deletion (NOPD) of the Site without prior NOIPD because EPA views this as a noncontroversial revision and anticipates no adverse comment. EPA has explained its reasons for this partial deletion in the preamble to the direct final Notice of Partial Deletion. If EPA receives no adverse comment(s) on this NOIPD or the direct final NOPD, EPA will proceed with the partial deletion without further action on this NOIPD. If EPA receives adverse comment(s), EPA will withdraw the direct final NOPD, and it will not take effect. EPA will, as appropriate, address all public comments in a subsequent final NOPD based on this NOIPD. EPA will not institute a second comment period on this NOIPD. Any parties interested in commenting must do so at this time.

For additional information, see the direct final NOPD, which is located in the ''Rules'' section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9675; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Dated: January 6, 2015.

Judith A. Enck,

Regional Administrator, EPA Region 2.

[FR Doc. 2015–02268 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 511 and 552

[GSAR Case 2014–G504; Docket No. 2015–0003; Sequence No. 1]

RIN 3090–AJ53

General Services Administration Acquisition Regulation (GSAR); Unique Item Identification (UID)

AGENCY: Office of Acquisition Policy, General Services Administration.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to remove the GSAR clause Unique Item Identification (UID).

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before April 6, 2015 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to GSAR Case 2014–G504 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments by searching for ''GSAR Case 2014–G504.'' Select the link ''Comment Now'' and follow the instructions provided at the ''You are commenting on'' screen. Please include your name, company name (if any), and ''GSAR Case 2014–G504'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Hada Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Case 2014–G504, in all correspondence related to this case. 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: Mr. James Tsujimoto, Program Analyst, at 202–208–3585 or *james.tsujimoto@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite GSAR Case 2014–G504.

SUPPLEMENTARY INFORMATION:

I. Background

GSA is proposing to amend the GSAR to delete GSAR clause 552.211–93, Unique Item Identification (UID), and provide other conforming changes.

The Director of Defense Procurement and Acquisition Policy has notified GSA that GSAR clause 552.211–93 is no longer needed with respect to serially managed supply items and supply items of $5,000 or more. The GSAR clause found at 552.211–93 is unnecessarily duplicative of the Defense Federal Acquisition Regulation Supplement (DFARS), which can be used directly. Because the clause only pertains to deliveries to military activities, GSA defers to the interpretation of the Department of Defense (DoD). The DFARS already includes clauses that address the requirements underlying GSAR clause 552.211–93. As a result, the GSAR clause is not needed.

II. Discussion and Analysis

GSAR clause 552.211–93 was incorporated in Change 42 (GSAR 2007–G507, 74 FR 66251, Dec. 15, 2009) on January 14, 2010. The clause was intended to implement DFARS clauses 252.211–7003 and 252.211–7007. The Director of Defense Procurement and Acquisition Policy has since notified GSA that the GSAR implementation found at 552.211–93 mixes the two UID-related DFARS clauses and confuses the intent. DFARS 252.211–7003 relates to UID of new items delivered on a contract, while DFARS 252.211–7007 refers to marking and reporting of government furnished property and itself refers to DFARS 252.211–7003 for marking requirements. Inclusion of the actual DFARS clauses in lieu of 552.211.93 will reduce confusion and streamline the acquisition process.

The specific changes contained in this rule are as follows:

- GSAR Subpart 511.2, Using and Maintaining Requirements Documents, delete GSAR paragraph 511.204(b)(12) in its entirety.
- GSAR Subpart 552.2, Text of Provisions and Clauses, delete GSAR provision 552.211–93 in its entirety.
- General Services Administration Acquisition Manual (GSAM), GSAM Subpart 552.3, Provision and Clause Matrixes, delete the row corresponding to GSAR number 552.211–93 in the table.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the deletion of the clause will not substantively change the reporting, recordkeeping, or compliance requirements for contractors.

Therefore, an Initial Regulatory Flexibility Analysis has not been performed. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (GSAR Case 2014–G504), in correspondence.

V. Paperwork Reduction Act

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 511 and 552

Government procurement.

Dated: January 22, 2015.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.

Therefore, GSA proposes to amend 48 CFR parts 511 and 552 as set forth below:

■ 1. The authority citation for 48 CFR parts 511 and 552 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 511—DESCRIBING AGENCY NEEDS

511.204 [Amended]

■ 2. Amend section 511.204 by removing paragraph (b)(12).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

552.211–93 [Removed and Reserved]

■ 3. Remove and reserve section 552.211–93.

[FR Doc. 2015–02119 Filed 2–3–15; 8:45 am]

BILLING CODE 6820–61–P

Notices

Federal Register

Vol. 80, No. 23

Wednesday, February 4, 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

Submission for OMB Review; Comment Request

January 29, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (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 burden 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 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of Procurement and Property Management

Title: Guidelines for Designating Biobased Products for Federal Procurement.

OMB Control Number: 0503–0011.

Summary of Collection: Section 9002 of the Farm Security and Rural Investment Act (FSRIA) of 2002, as amended by the Food, Conservation, and Energy Act (FCEA) of 2008, and the Agricultural Act of 2014 [7 U.S.C. 8102] provides for a preferred procurement program under which Federal agencies are required to purchase biobased products, with certain exceptions. Product categories (which are generic groupings of products) are designated by rulemaking for preferred procurement. To qualify product categories for procurement under this program, the statute requires that the Secretary of Agriculture consider information on the availability of biobased products, the economic and technological feasibility of using such products and the costs of using such products. In addition, the Secretary is required to provide information on designated product categories to Federal agencies about the availability, price, performance, and environmental and public health benefits of such product categories, and where appropriate shall recommend the level of biobased material to be contained in the procured product.

Need and Use of the Information: The Office of Procurement and Property Management (OPPM) and the AMEC Environment & Infrastructure, Inc., will interact with manufacturers and venders to gather such information and material for testing, as may be required for designation of products categories for preferred procurement by Federal agencies. The information collected will be gathered using a variety of methods, including face to face visits with a manufacturer or vendor, submission by manufacturers and vendors of information electronically to OPPM, and survey instruments filled out by manufacturers and vendors and submitted to OPPM.

Description of Respondents: Business or other for-profit.

Number of Respondents: 220.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 8,800.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–02141 Filed 2–3–15; 8:45 am]

BILLING CODE 3410–TX–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Arizona Advisory Committee

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 (FACA) that a meeting of the Arizona Advisory Committee (Committee) to the Commission will be held on Thursday, February 26, 2015, at Chicanos por la Causa, 1242 E. Washington Street, Suite 200, Phoenix, AZ 85034.

The meeting is scheduled to begin at 2:30 p.m. and adjourn at approximately 4:00 p.m. The purpose of the meeting is for the Committee to review the draft report on school equity and consider a new project.

Members of the public are entitled to submit written comments. The comments must be received in the Western Regional Office of the Commission by March 26, 2015. The address is Western Regional Office, U.S. Commission on Civil Rights, 300 N. Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Persons wishing to email their comments may do so by sending them to Angelica Trevino, Civil Rights Analyst, Western Regional Office, at *atrevino@usccr.gov.* Persons who desire additional information should contact the Western Regional Office, at (213) 894–3437, (or for hearing impaired TDD 913–551–1414), or by email to *atrevino@usccr.gov.* Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the 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 Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the

Western Regional Office at the above email or street address. The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Chicago, IL, January 29, 2015.

David Mussatt,

Chief, Regional Programs Coordination Unit.

[FR Doc. 2015–02089 Filed 2–3–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–12–2015]

Foreign-Trade Zone 119—Minneapolis-St. Paul, Minnesota; Application for Subzone; MAT Industries, LLC, Springfield, Minnesota

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Metropolitan Area Foreign Trade Zone Commission, grantee of FTZ 119, requesting subzone status for the facility of MAT Industries, LLC, located in Springfield, Minnesota. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on January 29, 2015.

The proposed subzone (4.8 acres) is located at 118 Rock Street West in Springfield, Minnesota. The proposed subzone would be subject to the existing activation limit of FTZ 119. A notification of proposed production activity at the facility has been docketed and is being processed separately (B–75–2014).

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 16, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 31, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: January 29, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–02196 Filed 2–3–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–138–2014]

Approval of Subzone Status; Schumacher Electric Corporation, Hoopeston, Illinois

On November 12, 2014, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Economic Development Corporation of Decatur and Macon County, grantee of FTZ 245, requesting subzone status subject to the existing activation limit of FTZ 245, on behalf of Schumacher Electric Corporation, in Hoopeston, Illinois.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (79 FR 68408, 11–17–2014). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 245B is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 245's 1,822-acre activation limit.

Dated: January 29, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–02198 Filed 2–3–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–05–2015]

Foreign-Trade Zone (FTZ) 41—Milwaukee, Wisconsin; Notification of Proposed Production Activity, CNH Industrial America, LLC, Subzone 41I (4-Wheel Drive Axle Subassemblies), Racine, Wisconsin

CNH Industrial America, LLC (CNH) submitted a notification of proposed production activity to the FTZ Board for its facilities within Subzone (SZ) 41I, in Racine, Wisconsin. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on January 20, 2015.

CNH already has authority to produce agricultural tractors and tractor components, cabs, transmissions, axles, valves and valve assemblies, gear boxes for combines, and final drives for combines within SZ 41I. The current request would add to the CNH facility's scope of authority the production of certain 4-wheel drive axle subassemblies: planetary carrier assemblies; non-driving planetary carrier assemblies; pinion assemblies with differentials; and, engine-powered wheel drive axle assemblies. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt CNH from customs duty payments on the foreign-status materials/components in the existing scope of authority used in export production of the 4-wheel drive axle subassemblies. On its domestic sales, CNH would be able to choose the duty rates during customs entry procedures that apply to the 4-wheel drive axle subassemblies (duty rates: free or 2.5%) for the foreign-status materials/components in the existing scope of authority. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is March 16, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: January 29, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–02197 Filed 2–3–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: *Effective Date:* February 4, 2015.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 60 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''the Act''). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review. Rebuttal comments will be due five days after submission of initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (''Q&V'') Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Respondent Selection—Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the PRC

In the event the Department limits the number of respondents for individual examination in the administrative review of the antidumping duty order on solar cells and modules from the PRC, the Department intends to select respondents based on volume data contained in responses to Q&V questionnaires. Further, the Department intends to limit the number of Q&V questionnaires issued in the review based on CBP data for U.S. imports of solar cells and solar modules from the PRC. The units used to measure the imported quantities of solar cells and solar modules are ''number''; however, it would not be meaningful to sum the number of imported solar cells and the number of imported solar modules in attempting to determine the largest PRC exporters of subject merchandise by volume. Therefore, the Department will limit the number of Q&V questionnaires issued based on the import values in CBP data which will serve as a proxy for imported quantities. Parties subject to the review to which the Department does not send a Q&V questionnaire may file a response to the Q&V questionnaire by the applicable deadline if they desire to be included in the pool of companies from which the Department will select mandatory respondents. The Q&V questionnaire will be available on the Department's Web site at *http://trade.gov/enforcement/news.asp* on the date of publication of this notice in the **Federal Register**. The responses to the Q&V questionnaire must be received by the Department by February 19, 2015. Please be advised that due to the time constraints imposed by the statutory and regulatory deadlines for antidumping duty administrative reviews, the Department does not intend to grant any extensions for the submission of responses to the Q&V questionnaire. Parties will be given the opportunity to comment on the CBP data used by the Department to limit the number of Q&V questionnaires issued. We intend to release the CBP data under APO to all parties having an APO

within seven days of publication of this notice in the **Federal Register**. The Department invites comments regarding CBP data and respondent selection within five days of placement of the CBP data on the record.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 60 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than December 31, 2015.

	Period to be reviewed
Antidumping Duty Proceedings	
INDIA: Certain Hot-Rolled Carbon Steel Flat Products, A–533–820	12/1/13–11/30/14
Ispat Industries Ltd.	
JSW ISPAT Steel Ltd.	
JSW Steel Ltd.	
Tata Steel Ltd.	
REPUBLIC OF KOREA: Welded ASTM A–312 Stainless Pipe, A–580–810	12/1/13–11/30/14
SeAH Steel Corporation.	
LS Metal.	

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
TAIWAN: Steel Wire Garment Hangers, A–583–849	12/1/13–11/30/14
C & T International Group Ltd.	
Chaang Rong Industry Co., Ltd.	
Charles Enterprise Co., Ltd.	
Damco Taiwan Co., Ltd.	
Faithful Engineering Products Co., Ltd.	
For You Beautiful Industrial Co. Ltd.	
Gee Ten Enterprise Co. Ltd.	
Global Sources Enterprise Co., Ltd.	
Golden Canyon Limited.	
Golden Sources Enterprise Co., Ltd.	
Good Wonder Ltd.	
Hung-Li Die Co., Ltd.	
Inmall Enterprises Co., Ltd.	
Intini Co., Ltd.	
Mico Mit Co., Ltd.	
Mindful Life and Coaching Co., Ltd.	
Multi-Sander Tech Co., Ltd.	
Nan Shan International Co., Ltd (a/k/a Nanshan International Co., Ltd).	
Ocean Concept Corporation.	
Oriental Dragon Co., Ltd.	
Richlife Texcare Co. Ltd.	
Saint Master Corp.	
South Crown Ltd.	
Taiwan Hanger Manufacturing Co., Ltd.	
Tay Ruey Enterprise Co.	
Thinkwide Trading Ltd.	
Tone World International Corp., B.V.	
Top Harvest Metal Co., Ltd.	
Yeh (Cayman) Intl Business.	
Young Max Enterprises Co. Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, A–570–979	12/1/13–11/30/14
Baoding Jiasheng Photovoltaic Technology Co., Ltd.	
Baoding Tianwei Yingli New Energy Resources Co., Ltd.	
Beijing Tianneng Yingli New Energy Resources Co. Ltd.	
BYD (Shangluo) Industrial Co., Ltd.	
Canadian Solar Inc.	
Canadian Solar International Limited.	
Canadian Solar Manufacturing (Changshu) Inc.	
Canadian Solar Manufacturing (Luoyang) Inc.	
Changzhou NESL Solartech Co., Ltd.	
Changzhou Trina Solar Energy Co., Ltd and Trina Solar (Changzhou) Science & Technology Co., Ltd.	
CSG PVTech Co., Ltd.	
Delsolar Co., Ltd.	
Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.	
Dongguan Sunworth Solar Energy Co., Ltd.	
ERA Solar Co., Ltd.	
ET Solar Energy Limited.	
ET Solar Industry Limited.	
Hainan Yingli New Energy Resources Co., Ltd.	
Hengdian Group DMEGC Magnetics Co., Ltd.	
Hengshui Yingli New Energy Resources Co., Ltd.	
Himin Clean Energy Holdings Co., Ltd.	
Innovosolar.	
JA Solar Technology Yangzhou Co., Ltd.	
Jiangsu Green Power PV Co., Ltd.	
Jiangsu High Hope Int'l Group.	
Jiangsu Sunlink PV Technology Co., Ltd.	
Jiawei Solarchina Co., Ltd.	
JingAo Solar Co., Ltd.	
Jinko Solar Co., Ltd.	
Jinko Solar Import and Export Co., Ltd.	
JinkoSolar International Limited.	
Konca Solar Cell Co., Ltd.	
Kuttler Automation Systems (Suzhou) Co., Ltd.	
LDK Solar Hi-tech (Nanchang) Co., Ltd.	
LDK Solar Hi-tech (Suzhou) Co., Ltd.	
Leye Photovoltaic Science Tech.	
Lixian Yingli New Energy Resources Co., Ltd.	
Luoyang Suntech Power Co., Ltd.	
Magi Solar Technology.	
Motech (Suzhou) Renewable Energy Co., Ltd.	
MS Solar Investments LLC.	

	Period to be reviewed
Ningbo ETDZ Holdings, Ltd.	
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	
Ningbo Ulica Solar Science & Technology Co., Ltd.	
Perlight Solar Co., Ltd.	
ReneSola Jiangsu Ltd.	
Renesola Zhejiang Ltd.	
Shanghai BYD Co., Ltd.	
Shanghai JA Solar Technology Co., Ltd.	
Shenglong PV-Tech.	
Shenzhen Glory Industries Co., Ltd.	
Shenzhen Suntech Power Co., Ltd.	
Shenzhen Topray Solar Co., Ltd.	
ShunFeng PV.	
Solarbest Energy-Tech (Zhejiang) Co., Ltd.	
Sopray Energy Co., Ltd.	
Sumec Hardware & Tools Co., Ltd.	
Suntech Power Co., Ltd.	
Suzhou Shenglong PV-Tech Co., Ltd.	
tenKsolar (Shanghai) Co., Ltd.	
Tianjin Yingli New Energy Resources Co., Ltd.	
Tianwei New Energy (Chengdu) PV Module Co., Ltd.	
Upsolar Group Co., Ltd.	
Wanxiang Import & Export Co., Ltd.	
Wuxi Sunshine Power Co., Ltd.	
Wuxi Suntech Power Co., Ltd.	
Yangzhou Rietech Renewal Energy Co., Ltd.	
Yangzhou Suntech Power Co., Ltd.	
Yingli Energy (China) Co., Ltd.	
Yingli Green Energy Americas, Inc.	
Yingli Green Energy Holding Co., Ltd.	
Yingli Green Energy International Trading Company Limited.	
Zhejiang Jiutai New Energy Co., Ltd.	
Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.	
Zhejiang Xinshun Guangfu Science and Technology Co., Ltd.	
Zhejiang ZG-Cells Co., Ltd.	
Zhenjiang Rietech New Energy Science & Technology Co., Ltd.	
Zhiheng Solar Inc.	
THE PEOPLE'S REPUBLIC OF CHINA: Hand Trucks and Parts Thereof, A–570–891	12/1/13–11/30/14
Huzhou Shengli Industry Manufacturing Co., Ltd.	
Jam (Su Zhou) Metal Manufacturing Co, Ltd.	
Positec (Macao Commercial Offshore), Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Honey, A–570–863	12/1/13–11/30/14
Dongtai Peak Honey Industry Co., Ltd.	
Kunshan Xinlong Food Co., Ltd.	
Lee Hoong Kee Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Multilayered Wood Flooring, A–570–970	12/1/13–11/30/14
A&W (Shanghai) Woods Co., Ltd.	
Anhui Longhua Bamboo Product Co., Ltd.	
Anhui Suzhou Dongda Wood Co., Ltd.	
Armstrong Wood Products (Kunshan) Co., Ltd.	
Baishan Huafeng Wood Product Co., Ltd.	
Baiying Furniture Manufacturer Co., Ltd.	
Benxi Wood Company.	
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.	
Changzhou Hawd Flooring Co., Ltd.	
Cheng Hang Wood Co., Ltd.	
Chinafloors Timber (China) Co., Ltd.	
Dalian Huade Wood Product Co., Ltd.	
Dalian Huilong Wooden Products Co., Ltd.	
Dalian Jiuyuan Wood Industry Co., Ltd.	
Dalian Kemian Wood Industry Co., Ltd.	
Dalian Penghong Floor Products Co., Ltd.	
Dalian Shumaike Floor Manufacturing Co., Ltd.	
Dalian T-Boom Wood Products Co., Ltd.	
Dalian Xinjinghua Wood Co., Ltd.	
Dasso Industrial Group Co., Ltd.	
Dongtai Fuan Universal Dynamics, LLC.	
Dun Hua City Jisen Wood Industry Co., Ltd.	
Dun Hua Sen Tai Wood Co., Ltd.	
Dunhua City Dexin Wood Industry Co., Ltd.	
Dunhua City Hongyuan Wood Industry Co., Ltd.	
Dunhua City Wanrong Wood Industry Co., Ltd.	
Dunhua Shengda Wood Industry Co., Ltd.	
Fine Furniture (Shanghai) Limited.	

	Period to be reviewed
Fu Lik Timber (HK) Co., Ltd.	
Fusong Jinlong Wooden Group Co., Ltd.	
Fusong Qianqiu Wooden Product Co., Ltd.	
GTP International Ltd.	
Guangdong Yihua Timber Industry Co., Ltd.	
Guangzhou Homebon Timber Manufacturing Co., Ltd.	
Guangzhou Panyu Kangda Board Co., Ltd.	
Guangzhou Panyu Southern Star Co., Ltd.	
HaiLin LinJing Wooden Products, Ltd.	
HaiLin XinCheng Wooden Products, Ltd.	
Hangzhou Dazhuang Floor Co., Ltd (dba Dasso Industrial Group Co., Ltd).	
Hangzhou Hanje Tec Co., Ltd.	
Hangzhou Zhengtian Industrial Co., Ltd.	
Henan Xingwangjia Technology Co., Ltd.	
Hunchun Forest Wolf Wooden Industry Co., Ltd.	
Hunchun Xingjia Wooden Flooring Inc.	
Huzhou Chenghang Wood Co., Ltd.	
Huzhou Fulinmen Imp. & Exp. Co., Ltd.	
Huzhou Fuma Wood Co., Ltd.	
Huzhou Jesonwood Co., Ltd.	
Huzhou Ruifeng Imp. & Exp. Co., Ltd.	
Huzhou Sunergy World Trade Co., Ltd.	
Jiafeng Wood (Suzhou) Co., Ltd.	
Jiangsu Guyu International Trading Co., Ltd.	
Jiangsu Mingle Flooring Co.	
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	
Jiangsu Simba Flooring Co., Ltd.	
Jiangsu Yuhui International Trade Co., Ltd.	
Jiashan HuiJiaLe Decoration Material Co., Ltd.	
Jiaxing Hengtong Wood Co., Ltd.	
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.	
Jilin Xinyuan Wooden Industry Co., Ltd.	
Karly Wood Product Limited.	
Kemian Wood Industry (Kunshan) Co., Ltd.	
Les Planchers Mercier, Inc.	
Linyi Anying Wood Co., Ltd.	
Linyi Bonn Flooring Manufacturing Co., Ltd.	
Linyi Youyou Wood Co., Ltd u.	
MuDanJiang Bosen Wood Industry Co., Ltd.	
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	
Nanjing Minglin Wooden Industry Co., Ltd.	
Ningbo Tianyi Bamboo & Wood Products Co., Ltd.	
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	
Power Dekor Group Co., Ltd.	
Puli Trading Limited.	
Qingdao Barry Flooring Co., Ltd.	
Shanghai Anxin (Weiguang) Timber Co., Ltd.	
Shanghai Eswell Timber Co., Ltd.	
Shanghai Lairunde Wood Co., Ltd.	
Shanghai Lizhong Wood Products Co., Ltd/The Lizhong Wood Industry Limited Company of Shanghai.	
Shanghai New Sihe Wood Co., Ltd.	
Shanghai Shenlin Corporation.	
Shenyang Haobainian Wooden Co., Ltd.	
Shenyang Senwang Wooden Industry Co., Ltd.	
Shenzhenshi Huanwei Woods Co., Ltd.	
Sino-Maple (JiangSu) Co., Ltd.	
Suzhou Dongda Wood Co., Ltd.	
Tongxiang Jisheng Import and Export Co., Ltd.	
Vicwood Industry (Suzhou) Co. Ltd.	
Xiamen Yung De Ornament Co., Ltd.	
Xuzhou Antop International Trade Co., Ltd.	
Xuzhou Shenghe Wood Co., Ltd.	
Yekalon Industry, Inc.	
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.	
Yixing Lion-King Timber Industry Co., Ltd.	
Zhejiang AnJi XinFeng Bamboo & Wood Industry Co., Ltd.	
Zhejiang Biyork Wood Co., Ltd.	
Zhejiang Dadongwu Green Home Wood Co., Ltd.	
Zhejiang Desheng Wood Industry Co., Ltd.	
Zhejiang Fudeli Timber Industry Co., Ltd.	
Zhejiang Fuerjia Wooden Co., Ltd.	
Zhejiang Fuma Warm Technology Co., Ltd.	
Zhejiang Haoyun Wooden Co., Ltd.	
Zhejiang Longsen Lumbering Co., Ltd.	

	Period to be reviewed
Zhejiang Shiyou Timber Co., Ltd.	
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.	
Countervailing Duty Proceedings	
THE PEOPLE'S REPUBLIC OF CHINA: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, C–570–980	1/1/13–12/31/13
Baoding Jiasheng Photovoltaic Technology Co., Ltd.	
Baoding Tianwei Yingli New Energy Resources Co., Ltd.	
Beijing Tianneng Yingli New Energy Resources Co. Ltd.	
BYD (Shangluo) Industrial Co., Ltd.	
Canadian Solar (USA), Inc.	
Canadian Solar International Limited.	
Canadian Solar Manufacturing (Changshu) Inc.	
Canadian Solar Manufacturing (Luoyang) Inc.	
Canadian Solar, Inc.	
Changzhou NESL Solartech Co., Ltd.	
Changzhou Trina Solar Energy Co., Ltd.	
CSG PVTech Co., Ltd.	
DelSolar Co., Ltd.	
Dongfang Electric (Yixing) MAGI Solar Power Technology Co., Ltd.	
Era Solar Co., Ltd.	
ET Solar Energy Limited.	
Hainan Yingli New Energy Resources Co., Ltd.	
Hengdian Group DMEGC Magnetics Co., Ltd.	
Hengshui Yingli New Energy Resources Co., Ltd.	
Himin Clean Energy Holdings Co., Ltd.	
Innovosolar.	
JA Solar Technology Yanzhou Co., Ltd.	
Jiangsu Green Power PV Co., Ltd.	
Jiangsu Sunlink PV Technology Co., Ltd.	
Jiawei Solarchina Co., Ltd.	
JingAO Solar Co., Ltd.	
Jiawei Solarchina Co., Ltd.	
Jinko Solar Co., Ltd.	
Jinko Solar Import and Export Co, Ltd.	
JinkoSolar International Limited.	
Konca Solar Cell Co., Ltd.	
Kuttler Automation Systems (Suzhou) Co., Ltd.	
LDK Solar Hi-Tech (Nanchang) Co., Ltd.	
LDK Solar Hi-Tech (Suzhou) Co., Ltd.	
Leye Photovoltaic Science Tech.	
Lightway Green New Energy Co., Ltd.	
Lixian Yingli New Energy Resources Co., Ltd.	
Luoyang Suntech Power Co., Ltd.	
Magi Solar Technology.	
Motech (Suzhou) Renewable Energy Co., Ltd.	
Ningbo ETDZ Holdings, Ltd.	
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	
Ningbo Ulica Solar Science & Technology Co., Ltd.	
Perlight Solar Co., Ltd.	
ReneSola Jiangsu Ltd.	
Renesola Zhejiang Ltd.	
Shanghai BYD Co. Ltd.	
Shanghai JA Solar Technology Co., Ltd.	
Shenglong PV-Tech.	
Shenzhen Suntech Power Co., Ltd.	
ShunFeng PV.	
Solarbest Energy-Tech (Zhejiang) Co., Ltd.	
Sopray Energy Co., Ltd.	
Sumec Hardware & Tools Co., Ltd.	
Suntech Power Co., Ltd.	
Suzhou Shenglong PV-Tech Co., Ltd.	
tenKsolar (Shanghai) Co., Ltd.	
Tianjin Yingli New Energy Resources Co., Ltd.	
Tianwei New Energy (Chengdu) PV Module Co., Ltd.	
Trina Solar (Changzhou) Science & Technology Co., Ltd.	
Upsolar Group, Co. Ltd.	
Wanxiang Import & Export Co., Ltd.	
Wuxi Sunshine Power Co., Ltd.	
Wuxi Suntech Power Co., Ltd.	
Yangzhou Rietech Renewal Energy Co., Ltd.	
Yangzhou Suntech Power Co., Ltd.	
Yingli Energy (China) Co., Limited.	
Yingli Green Energy Americas, Inc.	
Yingli Green Energy Holding Co., Ltd.	

	Period to be reviewed
Yingli Green Energy International Trade Company Limited.	
Zhejiang Jiutai New Energy Co., Ltd.	
Zhejiang Shuqimeng Photovoltaic Technology Co., Ltd.	
Zhejiang Xinshun Guangfu Science and Technology Co., Ltd.	
Zhejiang ZG-Cells Co., Ltd.	
Zhenjiang Rietech New Energy Science & Technology Co., Ltd.	
Zhiheng Solar Inc.	
THE PEOPLE'S REPUBLIC OF CHINA: Multilayered Wood Flooring, C–570–971	1/1/13–12/31/13
A&W (Shanghai) Woods Co., Ltd.	
Anhui Longhua Bamboo Product Co., Ltd.	
Anhui Suzhou Dongda Wood Co., Ltd.	
Armstrong Wood Products (Kunshan) Co., Ltd.	
Baishan Huafeng Wood Product Co., Ltd.	
Baiying Furniture Manufacturer Co., Ltd.	
Baroque Timber Industries (Zhongshan) Co., Ltd.	
Benxi Wood Company.	
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.	
Changzhou Hawd Flooring Co., Ltd.	
Cheng Hang Wood Co., Ltd.	
Chinafloors Timber (China) Co., Ltd.	
Dalian Dajen Wood Co., Ltd.	
Dalian Huade Wood Product Co., Ltd.	
Dalian Huilong Wooden Products Co., Ltd.	
Dalian Jiuyuan Wood Industry Co., Ltd.	
Dalian Kemian Wood Industry Co., Ltd.	
Dalian Penghong Floor Products Co., Ltd.	
Dalian Shumaike Floor Manufacturing Co., Ltd.	
Dalian Xinjinghua Wood Co., Ltd.	
Dasso Industrial Group Co., Ltd.	
Dazhuang Floor Co. (dba Dasso Industrial Group Co., Ltd).	
Dongtai Fuan Universal Dynamics LLC.	
Dongtai Fuan Universal Dynamics, LLC.	
Dun Hua City Jisen Wood Industry Co., Ltd.	
Dun Hua Sen Tai Wood Co., Ltd.	
Dunhua City Dexin Wood Industry Co., Ltd.	
Dunhua City Hongyuan Wood Industry Co., Ltd.	
Dunhua City Wanrong Wood Industry Co., Ltd.	
Dunhua Jisheng Wood Industry Co., Ltd.	
Dunhua Shengda Wood Industry Co., Ltd.	
Era Solar Co., Ltd.	
Fine Furniture (Shanghai) Limited.	
Fu Lik Timber (HK) Co., Ltd.	
Fusong Jinlong Wooden Group Co., Ltd.	
Fusong Qianqiu Wooden Product Co., Ltd.	
GTP International Ltd.	
Guangdong Fu Lin Timber Technology Limited.	
Guangdong Yihua Timber Industry Co., Ltd.	
Guangzhou Homebon Timber Manufacturing Co., Ltd.	
Guangzhou Panyu Kangda Board Co., Ltd.	
Guangzhou Panyu Shatou Trading Co., Ltd.	
Guangzhou Panyu Southern Star Co., Ltd.	
HaiLin LinJing Wooden Products, Ltd.	
HaiLin XinCheng Wooden Products, Ltd.	
Hangzhou Dazhuang Floor Co., Ltd (dba Dasso Industrial Group Co., Ltd).	
Hangzhou Hanje Tec Co., Ltd.	
Hangzhou Zhengtian Industrial Co., Ltd.	
Henan Xingwangjia Technology Co., Ltd.	
Hunchun Forest Wolf Wooden Industry Co., Ltd.	
Hunchun Xingjia Wooden Flooring Inc.	
Huzhou Chenghang Wood Co., Ltd.	
Huzhou Fulinmen Imp. & Exp. Co., Ltd.	
Huzhou Fuma Wood Co., Ltd.	
Huzhou Jesonwood Co., Ltd.	
Huzhou Ruifeng Imp. & Exp. Co., Ltd.	
Huzhou Sunergy World Trade Co., Ltd.	
Jiafeng Wood (Suzhou) Co., Ltd.	
Jiangsu Guyu International Trading Co., Ltd.	
Jiangsu Mingle Flooring Co., Ltd.	
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	
Jiangsu Simba Flooring Co., Ltd.	
Jiangsu Yuhui International Trade Co., Ltd.	
Jiashan HuiJiaLe Decoration Material Co., Ltd.	
Jiaxing Hengtong Wood Co., Ltd Co., Ltd.	
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.	

	Period to be reviewed
Jilin Xinyuan Wooden Industry Co., Ltd.	
Karly Wood Product Limited.	
Kemian Wood Industry (Kunshan) Co., Ltd.	
Linyi Anying Wood Co., Ltd.	
Linyi Bonn Flooring Manufacturing Co., Ltd.	
Linyi Youyou Wood Co., Ltd.	
Mudanjiang Bosen Wood Industry Co., Ltd.	
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	
Nanjing Minglin Wooden Industry Co., Ltd.	
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	
Ningbo Tianyi Bamboo & Wood Products Co., Ltd.	
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	
Power Dekor Group Co., Ltd.	
Puli Trading Limited.	
Qingdao Barry Flooring Co., Ltd.	
Riverside Plywood Corporation.	
Samling Riverside Co., Ltd.	
Shanghai Anxin (Weiguang) Timber Co., Ltd.	
Shanghai Eswell Timber Co., Ltd.	
Shanghai Lairunde Wood Co., Ltd.	
Shanghai Lizhong Wood Products Co., Ltd/The Lizhong Wood Industry Limited Company of Shanghai/(also known as Lizhong Wood Industry Limited Company of Shanghai).	
Shanghai New Sihe Wood Co., Ltd.	
Shanghai Shenlin Corporation.	
Shenyang Haobainian Wooden Co., Ltd.	
Shenyang Senwang Wooden Industry Co., Ltd.	
Shenzhenshi Huanwei woods Co., Ltd.	
Sino-Maple (JiangSu) Co., Ltd.	
Suzhou Anxin Weiguang Timber Co., Ltd.	
Suzhou Dongda Wood Co., Ltd.	
Tongxiang Jisheng Import and Export Co., Ltd.	
Vicwood Industry (Suzhou) Co. Ltd.	
Xiamen Yung De Ornament Co., Ltd.	
Xuzhou Antop International Trade Co., Ltd.	
Xuzhou Shenghe Wood Co., Ltd.	
Yekalon Industry, Inc.	
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.	
Yixing Lion-King Timber Industry.	
Yixing Lion-King Timber Industry Co., Ltd.	
Zhejiang Anji Xinfeng Bamboo and Wood Co., Ltd.	
Zhejiang Biyork Wood Co., Ltd.	
Zhejiang Dadongwu Green Home Wood Co., Ltd.	
Zhejiang Desheng Wood Industry Co., Ltd.	
Zhejiang Fudeli Timber Industry Co., Ltd.	
Zhejiang Fuerjia Wooden Co., Ltd.	
Zhejiang Fuma Warm Technology Co., Ltd.	
Zhejiang Haoyun Wooden Co., Ltd.	
Zhejiang Jeson Wood Co., Ltd.	
Zhejiang Layo Wood Industry Co., Ltd.	
Zhejiang Longsen Lumbering Co., Ltd.	
Zhejiang Longsen Lumbering Co., Ltd.	
Zhejiang Shiyou Timber Co., Ltd.	
Zhejiang Shuimojiangnan.	
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd.	
Suspension Agreements	
None.	

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[4] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[5] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Final Rule,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: January 29, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–02203 Filed 2–3–15; 8:45 am]

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[4] *See* section 782(b) of the Act.

[5] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–939]

Certain Lawn Groomers and Certain Parts Thereof From the People's Republic of China: Continuation of Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (the ''Department'') and the International Trade Commission (the ''ITC'') that revocation of the antidumping duty order on certain lawn groomers and certain parts thereof (''lawn groomers'') from the People's Republic of China (''PRC'') would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty order.

DATES: *Effective Date:* February 4, 2015.

FOR FURTHER INFORMATION CONTACT: Lilit Astvatsatrian, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th

Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6412.

SUPPLEMENTARY INFORMATION:

Background

On June 19, 2009, the Department published its final determination in the less-than-fair-value (''LTFV'') investigation of lawn groomers from the PRC.[1] On August 3, 2009, the Department published the AD order on imports of lawn groomers from the PRC.[2] There have been no administrative reviews since issuance of the *Order.* There have been no related findings or rulings (*e.g.*, changed circumstances review, scope ruling, duty absorption review) since issuance of the *Order.*

On July 1, 2014, the Department initiated the first five-year (''sunset'') review of the antidumping duty order on certain lawn groomers and certain parts thereof from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[3] As a result of its review, the Department determined that revocation of the antidumping duty order on lawn groomers from the PRC would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked.[4] On January 28, 2015, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on lawn groomers from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Order

The scope of this order covers certain non-motorized tow behind lawn groomers, manufactured from any material, and certain parts thereof. Lawn groomers are defined as lawn sweepers, aerators, dethatchers, and spreaders. Unless specifically excluded, lawn groomers that are designed to perform at least one of the functions listed above are included in the scope of this order, even if the lawn groomer is designed to perform additional non-subject functions (*e.g.*, mowing).

All lawn groomers are designed to incorporate a hitch, of any configuration, which allows the product to be towed behind a vehicle. Lawn groomers that are designed to incorporate both a hitch and a push handle, of any type, are also covered by the scope of this order. The hitch and handle may be permanently attached or removable, and they may be attached on opposite sides or on the same side of the lawn groomer. Lawn groomers designed to incorporate a hitch, but where the hitch is not attached to the lawn groomer, are also included in the scope of the order.

Lawn sweepers consist of a frame, as well as a series of brushes attached to an axle or shaft which allows the brushing component to rotate. Lawn sweepers also include a container (which is a receptacle into which debris swept from the lawn or turf is deposited) supported by the frame. Aerators consist of a frame, as well as an aerating component that is attached to an axle or shaft which allows the aerating component to rotate. The aerating component is made up of a set of knives fixed to a plate (known as a ''plug aerator''), a series of discs with protruding spikes (a ''spike aerator''), or any other configuration, that are designed to create holes or cavities in a lawn or turf surface. Dethatchers consist of a frame, as well as a series of tines designed to remove material (*e.g.*, dead grass or leaves) or other debris from the lawn or turf. The dethatcher tines are attached to and suspended from the frame. Lawn spreaders consist of a frame, as well as a hopper (*i.e.*, a container of any size, shape, or material) that holds a media to be spread on the lawn or turf. The media can be distributed by means of a rotating spreader plate that broadcasts the media (''broadcast spreader''), a rotating agitator that allows the media to be released at a consistent rate (''drop spreader''), or any other configuration.

Lawn dethatchers with a net fully-assembled weight (*i.e.*, without packing, additional weights, or accessories) of 100 pounds or less are covered by the scope of the order. Other lawn groomers—sweepers, aerators, and spreaders—with a net fully-assembled weight (*i.e.*, without packing, additional weights, or accessories) of 200 pounds or less are covered by the scope of the order. Also included in the scope of the order are modular units, consisting of a chassis that is designed to incorporate a hitch, where the hitch may or may not be included, which allows modules that perform sweeping, aerating, dethatching, or spreading operations to be interchanged. Modular units—when imported with one or more lawn grooming modules—with a fully assembled net weight (*i.e.*, without packing, additional weights, or accessories) of 200 pounds or less when including a single module, are included in the scope of the order. Modular unit chasses, imported without a lawn grooming module and with a fully assembled net weight (*i.e.*, without packing, additional weights, or accessories) of 125 pounds or less, are also covered by the scope of the order. When imported separately, modules that are designed to perform subject lawn grooming functions (*i.e.*, sweeping, aerating, dethatching, or spreading), with a fully assembled net weight (*i.e.*, without packing, additional weights, or accessories) of 75 pounds or less, and that are imported with or without a hitch, are also covered by the scope.

Lawn groomers, assembled or unassembled, are covered by this order. For purposes of this order, ''unassembled lawn groomers'' consist of either 1) all parts necessary to make a fully assembled lawn groomer, or 2) any combination of parts, constituting a less than complete, unassembled lawn groomer, with a minimum of two of the following ''major components'':

(1) An assembled or unassembled brush housing designed to be used in a lawn sweeper, where a brush housing is defined as a component housing the brush assembly, and consisting of a wrapper which covers the brush assembly and two end plates attached to the wrapper;

(2) a sweeper brush;

(3) an aerator or dethatcher weight tray, or similar component designed to allow weights of any sort to be added to the unit;

(4) a spreader hopper;

(5) a rotating spreader plate or agitator, or other component designed for distributing media in a lawn spreader;

(6) dethatcher tines;

(7) aerator spikes, plugs, or other aerating component; or

(8) a hitch, defined as a complete hitch assembly comprising of at least the following two major hitch components, tubing and a hitch plate regardless of the absence of minor components such as pin or fasteners. Individual hitch component parts, such as tubing, hitch plates, pins or fasteners are not covered by the scope.

The major components or parts of lawn groomers that are individually

[1] *See Certain Tow Behind Lawn Groomers and Certain Parts Thereof from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 74 FR 29167 (June 19, 2009) (''*Final Determination*'').

[2] *See Certain Tow Behind Lawn Groomers and Certain Parts Thereof from the People's Republic of China: Antidumping Duty Order,* 74 FR 38395 (August 3, 2009) (''*Antidumping Duty Order*'').

[3] *See Initiation of Five-Year (''Sunset'') Review,* 79 FR 37292 (July 1, 2014) (''*Sunset Initiation*'').

[4] *See Certain Tow-Behind Lawn Groomers and Certain Parts Thereof From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order,* 79 FR 65375 (November 4, 2014) and accompanying Issues and Decision Memorandum.

[5] *See Certain Tow-Behind Lawn Groomers and Parts Thereof from China,* 80 FR 4591 (January 28, 2015); Certain Tow-Behind Lawn Groomers and Parts Thereof from China (Investigation No. 731–TA–1153 (Review), USITC Publication 4516 (January 2015).

covered by this order under the term ''certain parts thereof'' are: (1) Brush housings, where the wrapper and end plates incorporating the brush assembly may be individual pieces or a single piece; and (2) weight trays, or similar components designed to allow weights of any sort to be added to a dethatcher or an aerator unit.

The scope of this order specifically excludes the following: (1) Agricultural implements designed to work (*e.g.*, churn, burrow, till, etc.) soil, such as cultivators, harrows, and plows; (2) lawn or farm carts and wagons that do not groom lawns; (3) grooming products incorporating a motor or an engine for the purpose of operating and/or propelling the lawn groomer; (4) lawn groomers that are designed to be hand held or are designed to be attached directly to the frame of a vehicle, rather than towed; (5) ''push'' lawn grooming products that incorporate a push handle rather than a hitch, and which are designed solely to be manually operated; (6) dethatchers with a net assembled weight (*i.e.*, without packing, additional weights, or accessories) of more than 100 pounds, or lawn groomers—sweepers, aerators, and spreaders—with a net fully-assembled weight (*i.e.*, without packing, additional weights, or accessories) of more than 200 pounds; and (7) lawn rollers designed to flatten grass and turf, including lawn rollers which incorporate an aerator component (*e.g.*, ''drum-style'' spike aerators).

The lawn groomers that are the subject of this order are currently classifiable in the Harmonized Tariff Schedule of the United States (''HTSUS'') statistical reporting numbers 8432.40.0000, 8432.80.0000, 8432.80.0010, 8432.90.0030, 8432.90.0080, 8479.89.9896, 8479.89.9897, 8479.90.9496, and 9603.50.0000. These HTSUS provisions are given for reference and customs purposes only, and the description of merchandise is dispositive for determining the scope of the product included in this order.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the antidumping duty order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping order on lawn groomers from the PRC. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (''sunset'') review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: January 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–02199 Filed 2–3–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–849]

Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (''the Department'') finds that revocation of the antidumping duty (''AD'') order on certain cut-to-length carbon steel plate (''CTL plate'') from the People's Republic of China (''PRC'') would be likely to lead to continuation or recurrence of dumping. The magnitude of the dumping margins likely to prevail is indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: *Effective Date:* February 4, 2015.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 2003, the Department published the AD order on CTL plate from the PRC.[1] On October 1, 2014, the Department published a notice of initiation of the sunset review of this AD order, pursuant to section 751(c) of the Act.[2] On October 9, 15 and 16, 2014, pursuant to 19 CFR 351.218(d)(1), the Department received timely and complete notices of intent to participate in the sunset review of the order from SSAB Enterprises LLC (''SSAB''), ArcelorMittal USA LLC (''ArcelorMittal USA''), Nucor Corporation (''Nucor''), and Evraz Oregon Steel (''Evraz Oregon'') and Evraz Claymont Steel (''Evraz Claymont'') (collectively ''Domestic Interested Parties''). On October 31, 2014, pursuant to 19 CFR 351.218(d)(3), Domestic Interested Parties filed timely and adequate substantive responses. The Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the *Order.*

Scope of the Order

The products covered by the order include hot-rolled carbon steel universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 millimeters but not exceeding 1,250 millimeters and of a thickness of not less than 4 millimeters, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain hot-rolled carbon steel flat-rolled products in straight lengths, of rectangular shape, hot rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 millimeters or more in thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule of the United States (''HTSUS'') under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Included in the order are flat-rolled products of non-rectangular

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[1] *See Suspension Agreement on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China; Termination of Suspension Agreement and Notice of Antidumping Duty Order,* 68 FR 60081 (October 21, 2003) (''*Order*'').

[2] *See Initiation of Five-Year (''Sunset'') Review,* 79 FR 59216 (October 1, 2014) (''*Sunset Initiation*'').

cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from the order is grade X–70 plate. Also excluded from the order is certain carbon cut-to-length steel plate with a maximum thickness of 80 mm in steel grades BS 7191, 355 EM, and 355 EMZ, as amended by Sable Offshore Energy Project specification XB MOO Y 15 0001, types 1 and 2. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review is provided in the accompanying I&D Memorandum, which is hereby adopted by this notice.[3] The issues discussed in the I&D Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margins likely to prevail if the order is revoked. The I&D Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[4] ACCESS is available in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the I&D Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed I&D Memorandum and the electronic version of the I&D Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to section 752(c)(3) of the Act, the Department determines that revocation of the *Order* would be likely to lead to continuation or recurrence of dumping at weighted average margins up to 128.59 percent.

[3] *See* ''Issues and Decision Memorandum for the Expedited Third Sunset Review of the Antidumping Duty Order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (''I&D Memorandum'').

[4] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: January 28, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–02202 Filed 2–3–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–808; A–823–808]

Certain Cut-to-Length Carbon Steel Plate From the Russian Federation and Ukraine; Final Results of the Expedited Third Sunset Reviews of the Suspension Agreements

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of these sunset reviews, the Department of Commerce (''the Department'') finds that termination of the suspension agreements on certain cut-to-length carbon steel plate (''CTL plate'') from the Russian Federation (''Russia'') and Ukraine would be likely to lead to continuation or recurrence of dumping. The magnitude of the dumping margins likely to prevail are indicated in the ''Final Results of Reviews'' section of this notice.

DATES: *Effective Date:* February 4, 2015.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon or Judith Wey Rudman, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–0162 or (202) 482–0192.

SUPPLEMENTARY INFORMATION:

History of the Suspension Agreements

On December 3, 1996, the Department initiated antidumping duty investigations under section 732 of the Tariff Act of 1930 (''the Act'') on certain CTL plate from Russia and Ukraine.[1] The Department suspended the antidumping duty investigations on October 24, 1997, on the basis of agreements by the Russian and Ukrainian governments, respectively, to restrict the volume of direct and indirect exports of CTL plate to the United States in order to prevent the suppression or undercutting of price levels of U.S. domestic like products.[2] Thereafter, the Department continued its investigations and published in the **Federal Register** its final determinations of sales at less than fair value. In the final determination for Russia, the Department calculated a weighted-average dumping margin of 53.81 percent for JSC Severstal, and 185.00 percent for ''all other'' Russian manufacturers, producers, and exporters of the subject merchandise.[3] In the final determination for Ukraine, the Department calculated weighted-average dumping margins of 81.43 percent for JSC Azovstal Iron & Steel Works, 155.00 percent for JSC Ilyich Iron & Steel Works, and 237.91 percent for ''all other'' Ukrainian manufacturers, producers, and exporters of the subject merchandise.[4] Suspension agreements remain in effect for signatory exporters of CTL plate from Russia and Ukraine.[5]

[1] *See Initiation of Antidumping Duty Investigations: Certain Cut-To-Length Carbon Steel Plate from the People's Republic of China, Ukraine, the Russian Federation, and the Republic of South Africa,* 61 FR 64051 (December 3, 1996).

[2] *See Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From the Russian Federation,* 62 FR 61780 (November 19, 1997); *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate From Ukraine,* 62 FR 61766 (November 19, 1997).

[3] *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From the Russian Federation,* 62 FR 61787, 61794 (November 19, 1997) (''*Final Russia Determination*'').

[4] *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From Ukraine,* 62 FR 61754, 61766 (November 19, 1997) (''*Final Ukraine Determination*'').

[5] On December 20, 2002, and September 29, 2008, respectively, revised suspension agreements were signed by representatives of Russian and Ukrainian CTL plate producers pursuant to section 734(b) of the Act. These agreements became effective January 23, 2003, and November 1, 2008, respectively, and replaced the previous non-market economy agreements that had been in effect since 1997. *See Suspension of Antidumping Duty Investigation of Certain Cut-to-Length Carbon Steel Plate from the Russian Federation,* 68 FR 3859 (January 27, 2003); *Suspension of Antidumping Duty Investigation: Certain Cut-to-Length Carbon Steel Plate from Ukraine,* 73 FR 57602 (October 3, 2008).

Background

On October 1, 2014, the Department published the notice of initiation of sunset reviews of the suspension agreements on CTL plate from Russia and Ukraine, pursuant to section 751(c) of the Act.[6] Pursuant to 19 CFR 351.218(d)(1)(i), the Department received timely and complete notices of intent to participate in these sunset reviews from SSAB Enterprises LLC (''SSAB'') on October 9, 2014, from ArcelorMittal USA LLC (''ArcelorMittal'') on October 15, 2014, and from Evraz Oregon Steel and Evraz Claymont Steel (collectively, ''Evraz''), and Nucor Corporation (''Nucor''), on October 16, 2014. Pursuant to 19 CFR 351.218(d)(3), on October 31, 2014, ArcelorMittal, Nucor, and SSAB (collectively, ''domestic interested parties'') jointly filed, and Evraz separately filed, timely, complete and adequate substantive responses in these sunset reviews.[7] The Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 51.218(e)(1)(ii)(C)(2), the Department conducted expedited sunset reviews of these suspension agreements.

Scope of Reviews

The products covered by these suspension agreements include hot-rolled iron and non-alloy steel universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm and of a thickness of not less than 4 mm, not in coils and without patterns in relief), of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances; and certain iron and non-alloy steel flat-rolled products not in coils, of rectangular shape, hot-rolled, neither clad, plated, nor coated with metal, whether or not painted, varnished, or coated with plastics or other nonmetallic substances, 4.75 mm or more in thickness and of a width which exceeds 150 mm and measures at least twice the thickness. Included as subject merchandise in the Suspension Agreements are flat-rolled products of nonrectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'') for example, products which have been beveled or rounded at the edges. This merchandise is currently classified in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, and 7212.50.0000. Although the HTS subheadings are provided for convenience and customs purposes, the written description of the scope of the Agreements is dispositive. Specifically excluded from subject merchandise within the scope of these Agreements is grade X–70 steel plate.

Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews is provided in the accompanying issues and decision memoranda.[8] The issues discussed in the I&D memoranda include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margins likely to prevail if the suspension agreements are terminated. The I&D memoranda are public documents and are on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and is available in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the I&D memoranda can be accessed directly on the Web at *http://enforcement.trade.gov/frn.* The signed I&D memoranda and the electronic versions of the I&D memoranda are identical in content.

Final Results of Reviews

Pursuant to section 752(c) of the Act, the Department determines that termination of the suspension agreements on CTL plate from Russia and Ukraine would likely lead to continuation or recurrence of dumping at weighted-average margins up to 185.00 percent for Russia and up to 237.91 percent for Ukraine.[9]

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: January 29, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–02201 Filed 2–3–15; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Initiation of Five-Year (''Sunset'') Review,* 79 FR 59216 (October 1, 2014) (Sunset Initiation).

[7] *See ''Certain Cut-to-Length Carbon Steel Plate from Russia: Substantive Response to Notice of Initiation''* from ArcelorMittal USA, Nucor Corporation, and SSAB Enterprises (''domestic interested parties' response'') dated October 31, 2014; ''*Certain Cut-to-Length Carbon Steel Plate from Ukraine: Substantive Response to Notice of Initiation*'' from ArcelorMittal USA, Nucor Corporation, and SSAB Enterprises (''domestic interested parties' response'') dated October 31, 2014; ''*Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China, the Russian Federation, and Ukraine: Substantive Response from Domestic Producers*'' from Evraz Oregon Steel and Evraz Claymont Steel (''Evraz response'') dated October 31, 2014.

[8] *See* ''Issues and Decision Memorandum for the Expedited Third Sunset Review of the Agreement Suspending the Antidumping Duty Investigation of Certain Cut-to-Length Carbon Steel Plate from the Russian Federation,'' from Lynn Fischer Fox, Deputy Assistant Secretary for Policy and Negotiations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with and hereby adopted by this notice; ''Issues and Decision Memorandum for the Expedited Third Sunset Review of the Agreement Suspending the Antidumping Duty Investigation of Certain Cut-to-Length Carbon Steel Plate from Ukraine,'' from Lynn Fischer Fox, Deputy Assistant Secretary for Policy and Negotiations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with and hereby adopted by this notice (collectively, ''I&D memoranda'').

[9] *See Final Russia Determination* and *Final Ukraine Determination.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD712

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program

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

ACTION: Notification of standard prices and fee percentage.

SUMMARY: NMFS publishes the standard ex-vessel prices and fee percentage for cost recovery under the Central Gulf of Alaska Rockfish Program. This action is intended to provide participants in a rockfish cooperative with the standard prices and fee percentage for the 2014 fishing year, which was authorized from May 1 through November 15. The fee percentage is 3.0 percent. The fee liability payments are due from each rockfish cooperative by February 15, 2015.

DATES: Effective February 4, 2015.

FOR FURTHER INFORMATION CONTACT: Troie Zuniga, 907–586–7105.

SUPPLEMENTARY INFORMATION:

Background

The rockfish fisheries are conducted in Federal waters near Kodiak, AK, by trawl and longline vessels. Regulations implementing the Central Gulf of Alaska (GOA) Rockfish Program (Rockfish Program) are set forth at 50 CFR part 679. Exclusive harvesting privileges are allocated as quota share under the Rockfish Program for rockfish primary and secondary species. The rockfish primary species are northern rockfish, Pacific ocean perch, and dusky rockfish. In 2012, dusky rockfish replaced the pelagic shelf rockfish species group in the GOA Groundfish Harvest Specifications (77 FR 15194, March 14, 2012). The rockfish secondary species include Pacific cod, rougheye rockfish, shortraker rockfish, sablefish, and thornyhead rockfish. Rockfish cooperatives began fishing under the Rockfish Program on May 1, 2012.

The Rockfish Program is a limited access privilege program established under the provisions of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Sections 303A and 304(d) of the MSA require NMFS to collect fees to recover the actual costs directly related to the management, data collection and analysis, and enforcement of any limited access privilege program. Therefore, NMFS is required to collect fees for the Rockfish Program under sections 303A and 304(d)(2) of the MSA. Section 304(d)(2) of the MSA also limits the cost recovery fee so that it may not exceed 3 percent of the ex-vessel value of the fish harvested under the Rockfish Program.

Standard Prices

NMFS calculates cost recovery fees based on standard ex-vessel value price, rather than actual price data provided by each rockfish cooperative quota (CQ) holder. Use of a standard ex-vessel price is allowed under sections 303A and 304(d)(2) of the MSA. NMFS generates a standard ex-vessel price for each rockfish primary and secondary species on a monthly basis to determine the average price paid per pound for all shoreside processors receiving rockfish primary and secondary species CQ.

Regulations at § 679.85(b)(2) require the Regional Administrator to publish rockfish standard ex-vessel values during the first quarter of each calendar year. The standard prices are described in U.S. dollars per pound for rockfish primary and secondary species CQ landings made during the previous year.

Fee Percentage

NMFS assesses a fee on the standard ex-vessel value of rockfish primary species and rockfish secondary species CQ harvested by rockfish cooperatives in the Central GOA and waters adjacent to the Central GOA when rockfish primary species caught by a cooperative are deducted from the Federal total allowable catch. The rockfish entry level longline fishery and opt-out vessels are not subject to cost recovery fees because those participants do not receive rockfish CQ. Specific details on the Rockfish Program's cost recovery provision may be found in the implementing regulations set forth at § 679.85.

NMFS informs—by letter—each rockfish cooperative of the fee percentage applied to the previous year's landings and the total amount due. Fees are due on February 15 of each year. Failure to pay on time will result in the permit holder's quota share becoming non-transferable and the person will be ineligible to receive any additional quota share by transfer. In addition, cooperative members will not receive any rockfish CQ the following year until full payment of the fee liability is received by NMFS.

NMFS calculates and publishes in the **Federal Register** the fee percentage in the first quarter of each year according to the factors and methodology described in Federal regulations at § 679.85(c)(2). NMFS determines the fee percentage that applies to landings made in the previous year by dividing the total Rockfish Program management, data collection and analysis, and enforcement costs (management costs) during the previous year by the total standard ex-vessel value of the rockfish primary species and rockfish secondary species for all rockfish CQ landings made during the previous year (fishery value). NMFS captures the actual management costs through an established accounting system that allows staff to track labor, travel, contracts, rent, and procurement. Fee collections in any given year may be less than, or greater than, the actual management costs and fishery value for that year, because, by regulation, the fee percentage is established in the first quarter of the calendar year based on the management costs and the fishery value of the previous calendar year.

Using the fee percentage formula described above, the estimated percentage of management costs to value for the 2014 calendar year is 5.52 percent of the standard ex-vessel value; except the rockfish fee percentage amount must not exceed 3.0 percent pursuant to 16 U.S.C. 1854(d)(2)(B). Therefore, the 2014 fee liability percentage is set at 3.0 percent. This is an increase of 0.5 percent from the 2013 fee liability of 2.5 percent (79 FR 11766, March 3, 2014). The change in the fee percentage between 2013 and 2014 can be attributed to a decrease in the fishery value and an increase in NMFS management costs. NMFS incurred higher costs in 2014 for observer deployment and for data collection and analysis.

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2014 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA

Species	Period ending	Standard ex-vessel price per pound
Dusky rockfish *	May 31	0.15
	June 30	0.16
	July 31	0.16
	August 31	0.18
	September 30	0.14
	October 31	0.17
	November 30	0.15

TABLE 1—STANDARD EX-VESSEL PRICES BY SPECIES FOR THE 2014 ROCKFISH PROGRAM SEASON IN KODIAK, ALASKA—Continued

Species	Period ending	Standard ex-vessel price per pound
Northern rockfish	May 31	0.15
	June 30	0.15
	July 31	0.16
	August 31	0.17
	September 30	0.13
	October 31	0.17
	November 30	0.14
Pacific cod	May 31	0.29
	June 30	0.30
	July 31	0.19
	August 31	0.24
	September 30	0.29
	October 31	0.26
	November 30	0.25
Pacific ocean perch	May 31	0.17
	June 30	0.17
	July 31	0.17
	August 31	0.17
	September 30	0.16
	October 31	0.17
	November 30	0.17
Rougheye rockfish	May 31	0.15
	June 30	0.22
	July 31	0.15
	August 31	0.16
	September 30	0.20
Sablefish	May 31	2.74
	June 30	2.68
	July 31	2.94
	August 31	2.72
	September 30	2.77
	October 31	2.52
	November 30	2.68
Shortraker rockfish	May 31	0.24
	June 30	0.17
	July 31	0.23
	August 31	0.20
	September 30	0.21
Thornyhead rockfish	May 31	0.32
	June 30	0.56
	July 31	0.41
	August 31	0.21
	September 30	0.38

* The pelagic shelf rockfish (PSR) species group has been changed to "dusky rockfish."

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

Dated: January 29, 2015.

Alan D. Risenhoover,

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

[FR Doc. 2015–02100 Filed 2–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD716

Pacific Fishery Management Council; Public Meeting; Correction

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

ACTION: Notice of correction of a location of a public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Highly Migratory Species Management Team (HMSMT) will hold a meeting, which is open to the public.

DATES: The HMSMT will meet Wednesday, February 4 to Friday, February 6, 2015. This meeting will start at 8:30 a.m. and continue until business is concluded on each day.

ADDRESSES: The meeting will be held at the following location on February 5th and 6th: Best Western Plus Inn by the Sea, Wind and Sea Room, 7830 Fay Avenue, La Jolla, CA 92037. The meeting will be held at the following location on February 4th only: NMFS Pacific Room, Southwest Fisheries Science Center, 8901 La Jolla Shores Dr., La Jolla, CA 92037–1509.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Dr. Kit Dahl, Pacific Council; telephone: (503) 820–2422.

SUPPLEMENTARY INFORMATION: The meeting for February 4th only has changed to a different location due to construction of the hotel. See **ADDRESSES** for the meeting locations.

The original notice published in the **Federal Register** on January 15, 2015 (80 FR 2399). All other previous-published information remains unchanged.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2425 at least 5 days prior to the meeting date.

Dated: January 30, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–02147 Filed 2–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Proposed Information Collection; Comment Request; Computer and Internet Use Supplement to the Census Bureau's Current Population Survey

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, 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.

DATES: Submit comments on or before April 6, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6612, 14th Street and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection instrument and instructions should be directed to Rafi Goldberg, Telecommunications Policy Analyst, Office of Policy Analysis and Development, NTIA, at (202) 482–1880 or *RGoldberg@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

NTIA proposes to add 61 questions to the U.S. Census Bureau's July 2015 Current Population Survey (CPS) to gather reliable data on broadband (also known as high-speed Internet) use by U.S. households. President Obama has established a national goal of universal, affordable broadband access for all Americans.[1] In support of that goal, he traveled to Cedar Falls, Iowa on January 14, 2015, and spoke of his plans to ''give more communities access to faster, cheaper broadband so they can succeed in the digital economy. . . . [T]oday, high speed broadband is not a luxury, but a necessity.'' [2]

The Administration is working with Congress, the Federal Communications Commission (FCC), and other stakeholders to develop and advance economic and regulatory policies that foster broadband deployment and adoption to help ensure that the nation's consumers and businesses can obtain competitively priced high-speed Internet access and develop the skills necessary to use the technology. Collecting current, systematic, and comprehensive information on broadband use and non-use by U.S. households is critical to allow policymakers not only to gauge progress made to date, but also to identify problem areas with a specificity that permits carefully targeted and cost-effective responses.

The Census Bureau is widely regarded as a superior collector of data based on its centuries of experience and its scientific methods. Collection of NTIA's requested broadband usage data will occur in conjunction with the Census Bureau's scheduled July 2015 CPS, thereby significantly reducing the potential burdens on the Bureau and on surveyed households. Twelve previous CPS surveys have included questions on broadband and Internet.

The U.S. government has an increasingly pressing need for comprehensive broadband data. The U.S. Government Accountability Office (GAO), NTIA, and the FCC have issued reports noting the lack of useful broadband adoption data for policymakers, and Congress passed legislation—the Broadband Data Improvement Act in 2008 and the American Recovery and Reinvestment Act in 2009—wholly or in part to address this deficiency. The Organisation for Economic Co-operation and Development (OECD) looks to Census Bureau data as an important input into their inter-country benchmark analyses. Modifying the July CPS to include NTIA's requested broadband questions will allow the Commerce Department and NTIA to respond to congressional concerns and directives, and to work with the OECD on its broadband methodologies with more recent data.

II. Method of Collection

Personal visits and telephone interviews using computer-assisted telephone interviewing and computer-assisted personal interviewing.

III. Data

OMB Control Number: 0660–XXXX.

Form Number(s): None.

Type of Review: Regular submission (Revision of a currently approved collection).

Affected Public: Individuals and households.

Estimated Number of Respondents: 54,000 households.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 9,000.

Estimated Total Annual Cost to Public: $0.

IV. Requests for Comments

Comments are invited on: (a) Whether the proposed 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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden on respondents of providing the requested information, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will be a matter of public record.

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[1] See *http://www.whitehouse.gov/blog/2014/10/31/promoting-rural-opportunity-expanding-access-broadband* (last viewed January 6, 2015).

[2] See *http://www.whitehouse.gov/the-press-office/2015/01/14/remarks-president-promoting-community-broadband* (last viewed January 15, 2015).

Dated: January 29, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–02087 Filed 2–3–15; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0010]

Manual for Courts-Martial; Proposed Amendments

AGENCY: Joint Service Committee (JSC) on Military Justice, DoD.

ACTION: Annual Review of the Manual for Courts-Martial, United States.

SUMMARY: The JSC is conducting its annual review of the Manual for Courts-Martial (MCM), United States. The committee invites members of the public to suggest changes to the MCM. Please provide supporting rationale for any proposed changes.

In light of the significant changes to the military justice system resulting from the National Defense Authorization Acts for Fiscal Years 2014 and 2015, the JSC will not consider proposed changes submitted prior to October 1, 2014 during this annual review. If the proponent of any proposed change submitted prior to October 1, 2014 would like a previously submitted proposal to be considered by the JSC, it must be resubmitted as explained in this notice.

DATES: Proposed changes must be received no later than April 6, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Captain Harlye S. Carlton, USMC, Executive Secretary, JSC, at (703) 693–9299 or via email at *harlye.carlton@usmc.mil.*

SUPPLEMENTARY INFORMATION: The JSC is conducting this annual review of the MCM pursuant to Executive Order 12473—Manual for Courts-Martial, United States, 1984, and Department of Defense Directive 5500.17, Role and Responsibility of the Joint Service Committee (JSC) on Military Justice.

Dated: January 30, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–02126 Filed 2–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2014–OS–0140]

Manual for Courts-Martial; Proposed Amendments

AGENCY: Joint Service Committee on Military Justice (JSC), Department of Defense.

ACTION: Notice of response to public comments on proposed amendments to the Manual for Courts-Martial, United States (2012 ed.).

SUMMARY: The Joint Service Committee on Military Justice (JSC) is publishing final proposed amendments to the Manual for Courts-Martial, United States (MCM). The proposed changes concern the rules of evidence and the punitive articles applicable in trials by courts-martial. These proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, ''Preparation, Processing and Coordinating Legislation, Executive Orders, Proclamations, Views Letters and Testimony,'' June 15, 2007, and do not constitute the official position of the Department of Defense, the Military Departments, or any other Government agency.

FOR FURTHER INFORMATION CONTACT: Capt Harlye S. Carlton, USMC, (703) 963–9299 or *harlye.carlton@usmc.mil.*

SUPPLEMENTARY INFORMATION:

Background

On October 3, 2014 (79 FR 59938–59959), the JSC published a Notice of Proposed Amendments concerning the rules of procedure and evidence and the punitive articles applicable in trials by courts-martial and a Notice of Public Meeting to receive comments on these proposals. The public meeting was held on October 29, 2014. Two members of the public provided oral comments at the public meeting, with one of the members of the public also submitting a written comment. Additionally, several written comments were received electronically. All comments were considered by the JSC.

Public Comments: Comments and materials received from the public are available under Docket ID Number DoD–2014–OS–0140–0001, **Federal Register** Number 2014–23546, and at the following link *http://www.regulations.gov/#!documentDetail;D=DOD-2014-OS-0140-0001.*

Discussion of Comments and Changes

The JSC considered each public comment and made some modifications to the proposed amendments accordingly. Additionally, the JSC added proposed amendments to implement provisions in the National Defense Authorization Act for Fiscal Year 2015, Public Law 113–291, December 19, 2014 (FY15 NDAA). Comments that were submitted that are outside the scope of these proposed changes will be considered as part of the JSC's 2015 annual review of the MCM. The JSC will forward the public comments and proposed amendments to the Department of Defense. The public comments regarding the proposed changes and a summary of proposed amendments to implement FY15 NDAA provisions follow:

a. Several comments recommended adding a requirement to RCM 305(i) that a neutral and detached officer should inquire whether a victim has been contacted and provided the opportunity to be heard during the 7-day review of pretrial confinement. Comments also recommended that a neutral and detached officer should inquire whether the victim has waived the right to be heard. The JSC has adopted this proposal in part as follows:

—R.C.M. 305(i)(2)(D) is amended to read as follows:

''*Memorandum.* The 7-day reviewing officer's conclusions, including the factual findings on which they are based, shall be set forth in a written memorandum. The memorandum shall also state whether the victim was notified of the review, was given the opportunity to confer with the representative of the command or counsel for the government, and was given a reasonable opportunity to be heard. A copy of the memorandum and all documents considered by the 7-day reviewing officer shall be maintained in accordance with regulations prescribed by the Secretary concerned and provided to the accused or the Government on request.''

b. Two comments recommended amending RCM 702 to clarify that the

right of a victim not to testify at the Article 32 preliminary hearing may not be circumvented by ordering a pretrial deposition. The JSC has adopted this proposal in part and proposed additional amendments to RCM 702 to implement Section 532 of the FY15 NDAA as follows:

—R.C.M. 702(a) is amended to read as follows:

''(a) *In general.* A deposition may be ordered whenever, after preferral of charges, due to exceptional circumstances of the case it is in the interest of justice that the testimony of a prospective witness be taken and preserved for use at a preliminary hearing under Article 32 or a court-martial. A victim's declination to testify at a preliminary hearing or a victim's declination to submit to pretrial interviews shall not, by themselves, be considered exceptional circumstances. In accordance with subsection (b) of this rule below, the convening authority or military judge may order a deposition of a victim only if it is determined, by a preponderance of the evidence, that the victim will not be available to testify at court-martial.''

—R.C.M. 702(c)(2) is amended to read as follows:

''(2) *Contents of request.* A request for a deposition shall include:

(A) The name and address of the person whose deposition is requested, or, if the name of the person is unknown, a description of the office or position of the person;

(B) A statement of the matters on which the person is to be examined; and

(C) Whether an oral or written deposition is requested.''

—R.C.M. 702(c)(3)(A) is amended to read as follows:

''(A) Upon receipt of a request for a deposition, the convening authority or military judge shall determine whether the requesting party has shown, by a preponderance of the evidence, that due to exceptional circumstances and in the interest of justice, the testimony of the prospective witness must be taken and preserved for use at a preliminary hearing under Article 32 or court-martial.''

—R.C.M. 702(d)(1) is amended to read as follows:

''(1) *Detail of deposition officer.* When a request for a deposition is approved, the convening authority shall detail a judge advocate certified under Art. 27(b) to serve as deposition officer. When the appointment of a judge advocate as deposition officer is not practicable, the convening authority may detail an impartial commissioned officer or appropriate civil officer authorized to administer oaths, not the accuser, to serve as deposition officer. If the deposition officer is not a judge advocate, an impartial judge advocate certified under Art. 27(b) shall be made available to provide legal advice to the deposition officer.''

c. Several comments recommended changes to the new proposed RCM 1001A, indicating that victims should have the right to testify under oath or allocute in an unsworn statement. The JSC adopted these proposals in part as follows:

—A new rule, R.C.M. 1001A, is inserted to read as follows:

''Rule 1001A. Crime victims and presentencing

(a) *In general.* A crime victim of an offense of which the accused has been found guilty has the right to be reasonably heard at a sentencing hearing relating to that offense. A victim under this rule is not considered a witness for purposes of Article 42(b). Trial counsel shall ensure the victim is aware of the opportunity to exercise that right. If the victim exercises the right to be reasonably heard, the victim shall be called by the court. This right is independent of whether the victim testified during findings or is called to testify under R.C.M. 1001.

(b) *Definitions.*

(1) *Crime victim.* For purposes of this rule, a ''crime victim'' is an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense of which the accused was found guilty.

(2) *Victim Impact.* For the purposes of this rule ''victim impact'' includes any financial, social, psychological, or medical impact on the victim directly relating to or arising from the offense of which the accused has been found guilty.

(3) *Mitigation.* For the purposes of this rule ''mitigation'' includes a matter to lessen the punishment to be adjudged by the court-martial or to furnish grounds for a recommendation of clemency.

(4) *Right to be reasonably heard.*

(A) *Capital cases.* In capital cases, for purposes of this rule the ''right to be reasonably heard'' means the right to make a sworn statement.

(B) *Non-capital cases.* In non-capital cases, for purposes of this rule the ''right to be reasonably heard'' means the right to make a sworn or unsworn statement.

(c) *Content of statement.* The content of statements made under subsections (d) and (e) of this rule may include victim impact or matters in mitigation.

(d) *Sworn statement.* The victim may give a sworn statement under this rule and shall be subject to cross-examination concerning it by the trial counsel or defense counsel or examination on it by the court-martial, or all or any of the three. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the sworn statement may be made by the victim's designee appointed under R.C.M. 801(a)(6). Additionally, a victim under 18 years of age may elect to make a sworn statement.

(e) *Unsworn statement.* The victim may make an unsworn statement and may not be cross-examined by the trial counsel or defense counsel upon it or examined upon it by the court-martial. The prosecution or defense may, however, rebut any statements of facts therein. The unsworn statement may be oral, written, or both. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the unsworn statement may be made by the victim's designee appointed under R.C.M. 801(a)(6). Additionally, a victim under 18 years of age may elect to make an unsworn statement.

(1) *Procedure for presenting unsworn statement.* After the announcement of findings, a victim who would like to present an unsworn statement shall provide a copy to the trial counsel, defense counsel, and military judge. The military judge may waive this requirement for good cause shown.

(2) Upon good cause shown, the military judge may permit the victim's counsel to deliver all or part of the victim's unsworn statement.

d. The JSC has proposed an amendment to MRE 404(2)(A) to implement Section 536 of the FY15 NDAA as follows:

—Mil. R. Evid. 404(a)(2)(A) is amended to read as follows:

''(A) The accused may offer evidence of the accused's pertinent trait, and if the evidence is admitted, the prosecution may offer evidence to rebut it. General military character is not a pertinent trait for the purposes of showing the probability of innocence of the accused for the following offenses under the UCMJ:

(i) Articles 120–123a;

(ii) Articles 125–127;

(iii) Articles 129–132;

(iv) Any other offense in which evidence of general military character of the accused is not relevant to any element of an offense for which the accused has been charged; or

(v) An attempt or conspiracy to commit one of the above offenses.''

e. Several comments recommended changes to MREs 412, 513, and 514. Several comments recommended modifying MRE 513(e)(2) to allow for a patient's counsel to motion the military judge for a closed hearing. Several comments recommended deleting language stating that the opportunity to attend and be heard at MRE 513 hearings is ''at the patient's own expense.'' The JSC has adopted these proposals in part and proposed additional amendments to MREs 412, 513, and 514 to implement Sections 534 and 537 of the FY15 NDAA as follows:

—Mil. R. Evid. 412(c)(2) is amended to read as follows:

''(2) Before admitting evidence under this rule, the military judge must conduct a hearing, which shall be closed. At this hearing, the parties may call witnesses, including the alleged victim, and offer relevant evidence. The alleged victim must be afforded a reasonable opportunity to attend and be heard. However, the hearing may not be unduly delayed for this purpose. The right to be heard under this rule includes the right to be heard through counsel, including victims' counsel under section 1044e of title 10, United States Code. In a case before a court-martial comprised of a military judge and members, the military judge shall conduct the hearing outside the presence of the members pursuant to Article

39(a). The motion, related papers, and the record of the hearing must be sealed in accordance with R.C.M. 1103A and remain under seal unless the military judge or an appellate court orders otherwise.''

—Mil. R. Evid. 513(b)(2) is amended to read as follows:

''(2) ''Psychotherapist'' means a psychiatrist, clinical psychologist, clinical social worker, or other mental health professional who is licensed in any State, territory, possession, the District of Columbia or Puerto Rico to perform professional services as such, or who holds credentials to provide such services as such, or who holds credentials to provide such services from any military health care facility, or is a person reasonably believed by the patient to have such license or credentials.''

—Mil. R. Evid. 513(d)(8) is deleted.

—Mil. R. Evid. 513(e)(2) is amended to read as follows:

''(2) Before ordering the production or admission of evidence of a patient's records or communication, the military judge must conduct a hearing, which shall be closed. At the hearing, the parties may call witnesses, including the patient, and offer other relevant evidence. The patient must be afforded a reasonable opportunity to attend the hearing and be heard. However, the hearing may not be unduly delayed for this purpose. The right to be heard under this rule includes the right to be heard through counsel, including victims' counsel under section 1044e of title 10, United States Code. In a case before a court-martial comprised of a military judge and members, the military judge must conduct the hearing outside the presence of the members.''

—Mil. R. Evid. 513(e)(3) is amended to read as follows:

''(3) The military judge may examine the evidence or a proffer thereof in camera, if such examination is necessary to rule on the production or admissibility of protected records or communications. Prior to conducting an in camera review, the military judge must find by a preponderance of the evidence that the moving party:

(A) showed a specific factual basis demonstrating a reasonable likelihood that the records or communications would yield evidence admissible under an exception to the privilege;

(B) that the requested information meets one of the enumerated exceptions under subsection (d) of this rule;

(C) that the information sought is not merely cumulative of other information available; and

(D) that the party made reasonable efforts to obtain the same or substantially similar information through non-privileged sources.''

—Mil. R. Evid. 513(e)(4) is inserted following Mil. R. Evid. 513(e)(3) to read as follows:

''(4) Any production or disclosure permitted by the military judge under this rule must be narrowly tailored to only the specific records or communications, or portions of such records or communications, that meet the requirements for one of the enumerated exceptions to the privilege under subsection (d) above and are included in the stated purpose for which the records or communications are sought under subsection (e)(1)(A) above.''

—Mil. R. Evid. 513(e)(4) is renumbered as Mil. R. Evid. 513(e)(5).

—Mil. R. Evid. 513(e)(5) is renumbered as Mil. R. Evid. 513(e)(6).

—The title of Mil. R. Evid. 514 is amended to read as follows:

''Victim advocate-victim and Department of Defense Safe Helpline staff-victim privilege.''

—Mil. R. Evid. 514(a) is amended to read as follows:

''(a) *General Rule.* A victim has a privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made between the alleged victim and a victim advocate or between the alleged victim and Department of Defense Safe Helpline staff, in a case arising under the UCMJ, if such communication was made for the purpose of facilitating advice or assistance to the alleged victim.''

—Mil. R. Evid. 514(b)(3)–(5) is amended to read as follows

''(3) ''Department of Defense Safe Helpline staff'' is a person who is designated by competent authority in writing as Department of Defense Safe Helpline staff.

(4) A communication is ''confidential'' if made in the course of the victim advocate-victim relationship or Department of Defense Safe Helpline staff-victim relationship and not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of advice or assistance to the alleged victim or those reasonably necessary for such transmission of the communication.

(5) ''Evidence of a victim's records or communications'' means testimony of a victim advocate or Department of Defense Safe Helpline staff, or records that pertain to communications by a victim to a victim advocate or Department of Defense Safe Helpline staff, for the purposes of advising or providing assistance to the victim.''

—Mil. R. Evid. 514(c) is amended to read as follows:

''(c) *Who May Claim the Privilege.* The privilege may be claimed by the victim or the guardian or conservator of the victim. A person who may claim the privilege may authorize trial counsel or a counsel representing the victim to claim the privilege on his or her behalf. The victim advocate or Department of Defense Safe Helpline staff who received the communication may claim the privilege on behalf of the victim. The authority of such a victim advocate, Department of Defense Safe Helpline staff, guardian, conservator, or a counsel representing the victim to so assert the privilege is presumed in the absence of evidence to the contrary.''

—Mil. R. Evid. 514(d)(2)–(4) is amended to read as follows:

''(2) When federal law, state law, Department of Defense regulation, or service regulation imposes a duty to report information contained in a communication;

(3) When a victim advocate or Department of Defense Safe Helpline staff believes that a victim's mental or emotional condition makes the victim a danger to any person, including the victim;

(4) If the communication clearly contemplated the future commission of a fraud or crime, or if the services of the victim advocate or Department of Defense Safe Helpline staff are sought or obtained to enable or aid anyone to commit or plan to commit what the victim knew or reasonably should have known to be a crime or fraud;''

—Mil. R. Evid. 514(e)(2) is amended to read as follows:

''(2) Before ordering the production or admission of evidence of a victim's records or communication, the military judge must conduct a hearing, which shall be closed. At the hearing, the parties may call witnesses, including the victim, and offer other relevant evidence. The victim must be afforded a reasonable opportunity to attend the hearing and be heard. However, the hearing may not be unduly delayed for this purpose. The right to be heard under this rule includes the right to be heard through counsel, including victims' counsel under section 1044e of title 10, United States Code. In a case before a court-martial composed of a military judge and members, the military judge must conduct the hearing outside the presence of the members.''

—Mil. R. Evid. 514(e)(3) is amended to read as follows:

''(3) The military judge may examine the evidence or a proffer thereof in camera, if such examination is necessary to rule on the production or admissibility of protected records or communications. Prior to conducting an in camera review, the military judge must find by a preponderance of the evidence that the moving party:

(A) showed a specific factual basis demonstrating a reasonable likelihood that the records or communications would yield evidence admissible under an exception to the privilege;

(B) that the requested information meets one of the enumerated exceptions under subsection (d) of this rule;

(C) that the information sought is not merely cumulative of other information available; and

(D) that the party made reasonable efforts to obtain the same or substantially similar information through non-privileged sources.''

—Mil. R. Evid. 514(e)(4) is inserted following Mil. R. Evid. 514(e)(3) to read as follows:

''(4) Any production or disclosure permitted by the military judge under this rule must be narrowly tailored to only the specific records or communications, or portions of such records or communications, that meet the requirements for one of the enumerated exceptions to the privilege under subsection (d) above and are included in the stated purpose for which the records or

communications are sought under subsection (e)(1)(A) above.''

—Mil. R. Evid. 514(e)(4) is renumbered as Mil. R. Evid. 514(e)(5).

—Mil. R. Evid. 514(e)(5) is renumbered as Mil. R. Evid. 514(e)(6).

f. Comments making typographical corrections were received and those corrections were made.

g. Comments were received suggesting additional amendments to RCM 104, 105, 404A, RCM 405, 801 1103A and MREs 412 and 513. These suggested changes were not incorporated. Several suggested changes to the MCM as well as recommended legislative changes to UCMJ articles were not contemplated in the proposals currently under review. Those suggestions will be considered in the course of the 2015 annual review of the MCM, which is required by DoD Directive 5500.17.

Dated: January 30, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–02149 Filed 2–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–HA–0012]

Privacy Act of 1974; System of Records

AGENCY: Defense Health Agency, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Health Agency is proposing to alter an existing system of records, EDHA 23, entitled ''Pharmacy Data Transaction Service (PDTS)'', in its inventory of record systems subject to the Privacy Act of 1974, as amended. This system is used to establish a central repository for coordinating benefits pertaining to prescriptions dispensed and/or filled at military treatment facilities, via TRICARE mail-order, the TRICARE retail pharmacy network, and privately owned pharmacies.

DATES: Comments will be accepted on or before March 6, 2015. This proposed action will be effective the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Linda S. Thomas, Chief, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101, or by phone at (703) 681–7500.

SUPPLEMENTARY INFORMATION: The Defense Health Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at the Defense Privacy and Civil Liberties Division Web site at *http://dpcld.defense.gov/.* The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on January 7, 2015, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 30, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

EDHA 23

SYSTEM NAME:

Pharmacy Data Transaction Service (PDTS) (November 18, 2013, 78 FR 69076)

Changes

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Members of the Uniformed Services (and their dependents), retired military members (and their dependents), contractors participating in military deployments or related operations, DoD civilian employees including non-appropriated fund employees, and other individuals who receive or have received drug prescriptions dispensed and/or filled at military treatment facilities, via TRICARE mail-order, the TRICARE retail pharmacy network, and commercial pharmacies.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Electronic data extracted from an individual's pharmacy and prescription records.

Patient Data: Name, Social Security Number (SSN) and/or DoD Identification (ID) Number (or foreign ID number), visit date, date of birth, mailing address, home telephone number, family member prefix (if appropriate) or dependent suffix, gender, and relationship to policy holder.

Sponsor Data: Name, SSN and/or DoD ID Number, date of birth, gender, insurance policy holder name, and data on Health Care Delivery Program Plan coverage.

Other Data: Prescription data elements for dispensing: National Drug Code (NDC), quantity prescribed, days supply, number of refills authorized, prescribing physician's National Provider Index (NPI) or Drug Enforcement Administration (DEA) number.

ePrescribing: NDC, quantity prescribed, days supply, number of refills authorized, prescribing physician's NPI or DEA number, text drug name, directions for use/administration, prescribing physician (name, practice name, address, phone).''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. Chapter 55, Medical and Dental Care; 32 CFR part 199, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); DoD Instruction 6015.23, Delivery of Healthcare at Military Treatment Facilities: Foreign Service Care; Third Party Collection; Beneficiary Counseling and Assistance Coordinators (BCACs); and E.O. 9397 (SSN), as amended.''

PURPOSE(S):

Delete entry and replace with ''To establish a central repository for coordinating benefits pertaining to prescriptions dispensed and/or filled at military treatment facilities, via TRICARE mail-order, the TRICARE retail pharmacy network, and privately owned pharmacies.

To improve efficiency and patient safety by reducing the likelihood of drug adverse reactions and abuse involving prescription medications and to discourage prescription shopping.

To provide data necessary to conduct Prospective Drug Utilization Review on inbound dispensing transactions and return alerts when encountering drug/drug interactions, therapeutic duplication, or other clinical circumstances as defined by system requirements.

To provide a data warehouse component to support operational, clinical, and economic studies of TRICARE prescription activity.

Information may also be used as a management tool for statistical analysis, tracking, reporting, evaluating program effectiveness, and conducting research.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Centers for Medicare and Medicaid Services and to the Department of Veterans Affairs for coordination of benefits.

The DoD Blanket Routine Uses may apply to this system.

Note 1: This system of records contains individually identifiable health information. The DoD Health Information Privacy Regulation (DoD 6025.18–R), or any successor DoD issuances issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 45 CFR parts 160 and 164, Health and Human Services, General Administrative Requirements and Security & Privacy, respectively, applies to most such health information. DoD 6025.18–R or a successor issuance may place additional procedural requirements on the uses and disclosures of such information beyond those found in the Privacy Act of 1974, as amended, or mentioned in this system of records notice.

Note 2: Except as provided under 42 U.S.C. 290dd-2, records of identity, diagnosis, prognosis or treatment information of any patient maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, will be treated as confidential and disclosed only for the purposes and under the circumstances expressly authorized under 42 U.S.C. 290dd–2.''

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Records are retrieved by patient's name, SSN and/or DoD ID Number, date of birth, family member prefix or dependent suffix; or sponsor's name, SSN and/or DoD ID Number.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled area accessible only to authorized personnel. Entry is further restricted to personnel with a valid requirement and authorization. Physical entry is restricted by the use of locks, passwords, and administrative procedures which are changed periodically.

This system collects and distributes records on a system-to-system basis that does not require end-user direct interaction. In the rare instances when a record must be retrieved, it is by a qualified individual. Access to personally identifiable information in this system of records is restricted to those who require the data in the performance of their official duties, and have received proper training relative to the Privacy Act of 1974, as amended, the HIPAA privacy and security regulations, and DoD Information Assurance Regulations.

Auditing: Audit trail records from all available sources are enabled and available for review at all times for indications of inappropriate or unusual activity. Suspected violations of information assurance policies are analyzed and reported in accordance with DoD and Military Health System/Defense Health Agency specific information system information assurance procedures.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Destroy or delete when 2 years old, or 2 years after the date of the latest entry, whichever is applicable.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Branch Chief, Pharmacy Informatics Branch, Defense Health Agency, Pharmacy Operations Division, 7700 Arlington Boulevard, Falls Church, VA 22042–5101.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Freedom of Information Act (FOIA) Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Requests should contain the name and number of this system of records notice, the individual's full name, current address, telephone number, signature, and treatment facility(ies) that have provided care.

If requesting information about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before the existence of any information will be confirmed.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Chief, FOIA Service Center, Defense Health Agency Privacy and Civil Liberties Office, 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042–5101.

Requests should contain the name and number of this system of records notice, the individual's full name, current address, telephone number, signature, and treatment facility(ies) that have provided care.

If requesting records about a minor or legally incompetent person, the request must be made by the custodial parent, legal guardian, or party acting in loco parentis of such individual. Written proof of that status may be required before any records will be provided.''

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''The Office of the Secretary of Defense (OSD) rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311, or may be obtained from the system manager.''

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''Information is obtained from military treatment facilities, commercial healthcare providers under contract to the Military Health System, the Defense Enrollment Eligibility Reporting System, commercial pharmacies, civilian physicians, and the Department of Veterans Affairs.''

* * * * *

[FR Doc. 2015–02174 Filed 2–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0006]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army proposes to alter a system of records notice, AAFES 0405.03, entitled ''Personnel Appeals and Grievances'' in its existing inventory of records systems subject to the Privacy Act of 1974, as amended. This system is used to determine propriety and legal sufficiency or the agency's action in an appeal or grievance matter.

DATES: Comments will be accepted on or before March 6, 2015. This proposed action will be effective the day following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.*
- Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy Jones, Jr., Department of the Army, Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905 or by calling (703) 428–6185.

SUPPLEMENTARY INFORMATION: The Department of the Army's notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or from the Defense Privacy and Civil Liberties Office Web site at *http://dpcld.defense.gov/.* The proposed systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, as amended were submitted on November 12, 2014, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 30, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

AAFES 0405.03

SYSTEM NAME:

Personnel Appeals and Grievances (August 9, 1996, 61 FR 41572).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Office of the General Counsel at Headquarters, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Any employee of the Army and Air Force Exchange Service (Exchange) who has filed an appeal of an adverse action and/or is contesting a personnel action when the appeal/grievance has been referred to the appropriate General Counsel's office; appellant's spouse; witnesses and informants.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, telephone numbers, email addresses, address, social media user names, marital status, race/ethnicity, gender, type of disability of the appellant, medical records pertaining to the appellant's appeal or grievance, military rank, branch and time of service, discipline and adverse actions taken against the appellant.''

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 8013, Secretary of the Air Force; Army Regulation 215–3, Non-appropriated Funds Personnel Policies; and Army Regulation 690–700, Personnel Relations and Services.''

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete entry and replace with ''In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the Army's compilation of systems of records notices may apply to this system.

Note: This system of records contains Personal Identifiable Health Information. The DoD Health Information Privacy Regulation (DoD 6025.18–R) issued pursuant to the Health Insurance Portability and Accountability Act of 1996, applies to most such health information. DoD 6025.18–R may place additional procedural requirements on the use and disclosures of such information beyond those found in the Privacy Act of 1974 or mentioned in this system of records notice.''

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Paper records in locked file cabinets and/or electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''Appellant name.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Access to records is limited to person(s) with an official ''need to know'' who are responsible for servicing the record in performance of their official duties. Persons are properly screened and cleared for access. Access to computerized data is role-based and further restricted by passwords, which are changed periodically. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports and controls to preclude unauthorized disclosure.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Paper records are retained in the servicing General Counsel's office for one year after final decision is made; subsequently retired to the Exchange

warehouse or servicing General Services Administration records holding center where it is held four years before being destroyed by shredding. The disposition for electronic media is four years after the final decision is made.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director/Chief Executive Officer, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–1598.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Hearing Examiner's Office at the Army and Air Force Exchange Service location where appeal/grievance was filed.

Individual should provide full name, current address and telephone number, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Hearing Examiner's Office at the Army and Air Force Exchange Service location where appeal/grievance was filed.

Individual should provide full name, current address and telephone number, and signature.

In addition, the requester must provide a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: 'I declare (or certify, verify, or state) under penalty of perjury under the laws of the United State of America that the foregoing is true and correct. Executed on (date). (Signature).'

If executed within the United States, its territories, possessions, or commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).'''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''From Exchange personnel office responsible for records on the employee; from the Exchange Grievance Examiner; from the Exchange employee and/or his/her representative and from medical officers and physicians.''

* * * * *

[FR Doc. 2015–02167 Filed 2–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of Army

Notice of Intent To Seek Partners for a Cooperative Research and Development Agreement and Licensing Opportunity for Operating System (OS) Friendly Microprocessor Architecture Invented and Patent Pending by U.S. Army Aviation and Missile Command

AGENCY: Department of Army, DoD.

ACTION: Notice of intent seeking partners.

SUMMARY: The U.S. Army Aviation and Missile Command (AMRDEC) is seeking Cooperative Research and Development Agreement (CRADA) partners to collaborate in transitioning OS Friendly Microprocessor Architecture (OSFA) into commercial and/or government application(s). OSFA references approved for public release are provided [1–2]. Interested potential CRADA collaborators will receive detailed information on the current status of the project after signing a confidentiality disclosure agreement (CDA) with AMRDEC. Guidelines for the preparation of a full CRADA proposal will be communicated shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest. CRADA applications submitted after the due date may be considered if a suitable CRADA collaborator has not been identified by AMRDEC among the initial pool of respondents. Licensing of background technology related to this CRADA opportunity is also available to potential collaborators.

DATES: Interested candidate partners must submit a statement of interest and capability to the AMRDEC point of contact before April 10, 2015 for consideration.

ADDRESSES: Comments and questions may be submitted to: Department of Army, US Army Research, Development and Engineering Command, Aviation and Missile Research, Development, and Engineering Center, ATTN: RDMR–CST, Office of Research and Technology Applications (Ms. Wallace), 5400 Fowler Road, Redstone Arsenal, AL 35898.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action can be directed to Ms. Cindy Wallace (256) 313–0895, Office of Research and Technology Applications, email: *cindy.s.wallace.civ@mail.mil.*

SUPPLEMENTARY INFORMATION:

1. *Project Description:* AMRDEC seeks to ensure that technologies developed by AMRDEC are expeditiously commercialized and brought to practical use. The purpose of a CRADA is to find partner(s) to facilitate the development and commercialization of a technology that is in an early phase of development. Respondents interested in submitting a CRADA proposal should be aware that it may be necessary for them to secure a patent license to the above-mentioned patent pending technology in order to be able to commercialize products arising from a CRADA. CRADA partners are afforded an option to negotiate an exclusive license from the AMRDEC for inventions arising from the performance of the CRADA research plan.

2. *Technology Overview:* Conventional microprocessors have not tried to balance hardware performance and OS performance at the same time. The goal of the OS Friendly Architecture (OSFA) is to provide a high performance microprocessor and OS system. The architecture's cache memory banks provide for near instantaneous context switching and hardware based information assurance. The OS Friendly Microprocessor Architecture includes hardware permission bits for each cache bank and each memory address.

The OS Friendly Architecture is a switched set of cache memory banks in a pipeline configuration. For light-weight threads, the memory pipeline configuration provides near instantaneous context switching times. The pipelining and parallelism provided by the memory pipeline configuration provides for background cache read and write operations while the microprocessor's execution pipeline is running instructions. The cache bank selection controllers provide arbitration to prevent the memory pipeline and microprocessor's execution pipeline from accessing the same cache bank at the same time. This separation allows

the cache memory pages to transfer to and from level 1 (L1) caching while the microprocessor pipeline is executing instructions.

OS information assurance is implemented in hardware. By extending Unix file permissions bits down to each cache memory bank and memory address, the OSFA provides hardware level information assurance. OS level access to cache controller banks is divided into access layers. Only the OS has permission to access and modify permission bits. The OS access layers also support partitions for a high reliability microkernel, hypervisors and full featured OS.

For each software application, a table sets limits for all OS library function calls required by the application. Each library function call has a set of object limits. Exceeding the limits either requires higher than user level privileges or raises an exception.

The full CRADA proposal should include a capability statement with a detailed description of collaborators' expertise in the following and related technology areas: (1) Microprocessor design; (2) computer security; (3) information assurance; (4) collaborators' expertise in successful technology transition; and (5) collaborator's ability to provide adequate funding to support some project studies is strongly encouraged. A preference will be given to collaborators who shall manufacture hardware in the United States.

Collaborators are encouraged to properly label any proprietary material in their CRADA proposal as PROPRIETARY. Do not use the phrase ''company confidential.''

3. *Publications:* a. P. Jungwirth and P. LaFratta: ''OS Friendly Microprocessor Architecture,'' US Patent Application 20140082298, March 2014. *http://www.google.com/patents/US20140082298.*

b. P. Jungwirth and P. LaFratta: ''OS Friendly Microprocessor Architecture,'' white paper, US Army AMRDEC, March 2014. (email Ms. Wallace at *cindy.s.wallace.civ@mail.mil* to request a copy of this paper).

c. P. Jungwirth and P. LaFratta: ''OS Friendly Microprocessor Architecture: Hardware Information Assurance,'' January 2014. (email Ms. Wallace at *cindy.s.wallace.civ@mail.mil* to request a copy of this paper, a CDA is *required* to receive a copy of this paper).

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–02088 Filed 2–3–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[Docket ID: USA–2015–0005]

Proposed Collection; Comment Request

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the United States Army Corps of Engineers announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed 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 proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by April 6, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the U.S. Army Corps of Engineers, Directorate of Civil Works, Office of Planning and Policy, ATTN: Douglas Gorecki, 441 G Street, Washington, DC 20314, or call 202–761–5450.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Corps of Engineers Flood Risk Management Surveys; OMB Control Number OMB 0710–XXXX.

Needs and Uses: The data obtained from these surveys are used by the Army Corps of Engineers to more effectively provide flood risk management to communities, residents, and businesses at risk of flooding. The data are needed for estimating damage relationships for factors such as depth of flooding for different types of buildings and different occupancies of uses. The data are also used for estimating other costs of flooding. Results of surveys will help communities to better determine and communicate their flood risks. The models are also used for programmatic evaluation of the Corps's National Flood Risk Management Program.

Affected Public: Residents, property owners, businesses, nongovernmental organizations, Local Governments.

Annual Burden Hours: 1,825.

Number of Respondents: 3,000.

Responses per Respondent: 1.

Average Burden per Response: 36.5 minutes.

Frequency: On occasion.

Respondents are floodplain residents, business owners and managers, managers of private institutions, and public officials. Most of the respondents live in or manage facilities that have been flooded in recent months.

Dated: January 30, 2015.

Aaron Siegel,

Alternate OSD **Federal Register**, *Liaison Officer, Department of Defense.*

[FR Doc. 2015–02164 Filed 2–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Separation and Independent Evaluation of the Proposed Halligan and Seaman Water Management Projects in Northeastern Colorado

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: On February 1, 2006, the Omaha District, U.S. Army Corps of

Engineers (USACE) published a Notice of Intent to Prepare an Environmental Impact Statement (EIS) to jointly analyze the direct, indirect and cumulative effects of two water supply projects that were proposed collectively as the Halligan-Seaman Water Management Project. USACE has determined that the two projects will be separated and independently evaluated as the Halligan Water Supply Project EIS and the Seaman Water Supply Project EIS. Constructing the proposed Projects would impact jurisdictional waters of the United States, thereby requiring Clean Water Act Section 404 permits. The Cities of Fort Collins and Greeley (Cities) have proposed the Projects to meet existing and future water demands during droughts, more efficiently manage the Cities' existing or future water rights, provide some operational redundancy, and possibly enhance river functions. The proposed Projects involve enlarging two existing reservoirs, Halligan Reservoir and Milton Seamen Reservoir (Seaman Reservoir), which would provide approximately 56,125 acre-feet of additional storage capacity in the Cache la Poudre River Basin. The Halligan and Seaman Water Supply Projects would both be non-federal projects constructed, owned and operated by the Cities.

FOR FURTHER INFORMATION CONTACT: Questions regarding the proposed action and Draft EISs should be addressed to Cody Wheeler, Project Manager, U.S. Army Corps of Engineers, 9307 South Wadsworth Boulevard, Littleton, CO 80128–6901; *cody.s.wheeler@usace.army.mil.*

SUPPLEMENTARY INFORMATION: In 2006, the Cities of Fort Collins and Greeley and six other water providers (Participants) had originally proposed to replace the existing dams with new, larger dams immediately downstream of the existing Halligan and Seaman dams. This would have provided 88,592 acre-feet of additional storage capacity. The Participants were composed of water providers in the region and included three water districts collectively known as the Tri-District including North Weld County Water District, Fort Collins-Loveland Water District, and East Larimer County Water District; the City of Evans; the North Poudre Irrigation Company; and the Water Supply and Storage Company. However, six participants have terminated their participation in the Halligan and Seaman water supply projects leaving Fort Collins and Greeley as the sole project proponents. The additional storage capacity needed has accordingly decreased from 88,592 to 56,125 acre-feet. This smaller amount of needed storage might be provided by raising the existing Halligan and Seaman dams rather than replacing them with larger new dams immediately downstream.

Water stored in the expanded reservoirs would address municipal and industrial water demands as well as some agricultural demands. Preliminary analyses by the Cities indicate that the enlarged reservoirs would fill primarily during the summer and fall months from North Fork Poudre River flows. Seaman Reservoir would also fill via a pump station on the Poudre River main stem near the dam site. Small releases are proposed throughout the year on a periodic basis to maximize operational efficiency. The cities anticipate that both reservoirs would remain mostly full except during drought periods.

USACE has completed its analysis of the purpose and need for the two projects. Alternatives to the Halligan project have been identified and USACE is evaluating the impacts of those alternatives. However, the City of Greeley has expressed concerns about USACE-identified alternatives to the Seaman project. Addressing these concerns would also delay evaluating the Fort Collins' Halligan project. Several contributing factors including the differing study schedules led Fort Collins and Greeley to request that the two projects be separated and independently evaluated. USACE carefully considered the request and determined that it is appropriate and in the best interest of all involved to independently evaluate the two projects.

The EIS will be prepared according to the USACE's procedures for implementing the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C.4332(2)(c), and consistent with the USACE's policy to facilitate public understanding and review of agency proposals. Scoping as described in the original Notice of Intent (February 1, 2006 (71 FR 5250)) was completed. Although needed storage has decreased, the scopes of the two projects and the issues identified in the initial scoping process remain essentially the same. Therefore, additional public scoping meetings are not required. As part of the EIS process, a full range of reasonable alternatives including the proposed Project and no action will be evaluated.

As two separate projects, the USACE anticipates completing and releasing the Draft Halligan Water Supply EIS during the spring of 2016. The Draft Seaman Water Supply EIS will be completed at a later date. Each Draft EIS will be published for public review and comments. Public comments will be considered and addressed in each Final EIS serving as a basis for the USACE decision to issue or deny Section 404 Permits to enlarge Halligan and Seaman reservoirs.

USACE has invited the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Forest Service, Colorado Parks and Wildlife, Colorado Department of Public Health and Environment, Larimer County, and Weld County to be cooperating agencies in preparing the EISs.

Cody S. Wheeler,

Project Manager, Regulatory Branch.

[FR Doc. 2015–02086 Filed 2–3–15; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension With Changes

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Agency Information Collection Activities: Information Collection Extension with Changes; Notice and Request for Comments.

SUMMARY: EIA, pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years with the Office of Management and Budget (OMB), the Form EIA–111, Quarterly Electricity Imports and Exports Report. Comments are invited on: (a) Whether the proposed 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 proposed collection of information, including 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 respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before April 6, 2015. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to William Booth by email at *William.booth@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to William Booth at *William.booth@eia.gov.* The draft form and instructions are available at *http://www.eia.gov/survey/changes/electricity/.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1905–0208;

(2) *Information Collection Request Title:* Quarterly Electricity Imports and Exports Report;

(3) *Type of Request:* Extension, with changes, of a currently approved collection;

(4) *Purpose:* Form EIA–111 collects U. S. electricity import and export data. The data are used to get an accurate measure of the flow of electricity into and out of the United States. The import and export data are reported by U.S. purchasers, sellers and transmitters of wholesale electricity, including persons authorized by Order to export electric energy from the United States to foreign countries, persons authorized by Presidential Permit to construct, operate, maintain, or connect electric power transmission lines that cross the U.S. international border, and U.S. Balancing Authorities that are directly interconnected with foreign Balancing Authorities. Such entities are to report monthly flows of electric energy received or delivered across the border, the cost associated with the transactions, and actual and implemented interchange. The data collected on this form may appear in various EIA publications.

(4a) *Proposed Changes to Information Collection:* The data element ''Transfer Facility's Presidential Permit numbers'' is changed to ''Transmission Provider/Transfer Facility(ies)'' and the section for reporting Actual Interchange is expanded to collect monthly metered cross border flow over Presidential Permit holders facilities that do not involve interchange.

(5) *Annual Estimated Number of Respondents:* 158;

(6) *Annual Estimated Number of Total Responses:* 632;

(7) *Annual Estimated Number of Burden Hours:* 948;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub L. 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, on January 29, 2015.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U. S. Energy Information Administration.

[FR Doc. 2015–02158 Filed 2–3–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RD14–12–000]

Proposed Agency Information Collection

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the FERC–725D information collection in Docket No. RD14–12–000 to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (79 FR 68426, 11/17/2014) requesting public comments. FERC received no comments in response to that notice and is making the notation in its submission to OMB.

DATES: Comments on the collection of information are due by March 6, 2015.

ADDRESSES: Comments filed with OMB should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov,* Attention: Federal Energy Regulatory Commission Desk Officer and should be identified by FERC–725D (OMB Control Number 1902–0247), The OMB Desk Officer may also be reached via telephone at 202–395–0710.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. RD14–12–000, by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*
- Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION: The information collection changes in Docket No. RD14–12–000 relate to the Reliability Standards FAC–001–2 (Facility Interconnection Requirements) and FAC–002–2 (Facility Interconnection Studies), developed by the North American Electric Reliability Corporation (NERC), and submitted to the Commission for approval. The Commission received NERC's petition to approve the proposed Reliability Standards on August 22, 2014.

NERC summarizes the FAC group of standards as follows:

> The Facility Design, Connections, and Maintenance (''FAC'') Reliability Standards address topics such as facility interconnection requirements, facility ratings, system operating limits, and transfer capabilities.[1]

In its petition, NERC also summarizes the proposed Reliability Standards' applicability and requirements:

> Proposed Reliability Standard FAC–001–2 requires that Transmission Owners and applicable Generator Owners document and make Facility interconnection requirements available so that entities seeking to interconnect have the necessary information. Proposed Reliability Standard FAC–002–2 ensures that the reliability impact of interconnecting new or materially modified Facilities is studied. Collectively, proposed Reliability Standards FAC–001–2 and FAC–002–2 ensure that there is appropriate coordination and communication regarding the interconnection of Facilities, which improves the reliability of the Bulk-Power System.[2]

Finally, NERC also states that the proposed Reliability Standards improve reliability, clarify requirement language

[1] NERC Petition at 3.

[2] *Id.* at 3.

and eliminate redundant or unnecessary requirements.[3]

Burden Statement: Commission staff analyzed the proposed and currently enforced Reliability Standards and has concluded that proposed Reliability Standards merely clarify or eliminate redundancies and thus, the information collection requirements have not changed. Accordingly, the net overall burden and respondent universe[4] remain unchanged, when compared to the burden of the existing standards being replaced.[5]

The Commission intends to submit a request for approval to OMB under the Paperwork Reduction Act (PRA) related to the proposed Reliability Standards. For PRA purposes, the information collection requirements in proposed Reliability Standards FAC–001–2 and FAC–002–2 are identified as FERC–725D and OMB Control Number 1902–0247.

The annual reporting burden for the implementation of Reliability Standards FAC–001–2 and FAC–002–2 is estimated as follows.

FERC–725D, MODIFICATIONS IN RD14–12

	Number and type of respondent[6]	Annual number of responses per respondent	Total number of responses	Average burden per response (hours)	Total annual burden (hours)	Total annual cost[7]
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	($)
FAC–001–2						
Documentation & updates	GO 5	1	5	16	80	$5,833.60
	TO 332	1	332	16	5,312	387,351.04
Record Retention	GO 5	1	5	1	5	145.05
	TO 332	1	332	1	332	9,631.32
FAC–002–2						
Study	PC, TP 183	1	183	32	5,856	427,019.52
Record Retention	PC, TP 183	1	183	1	183	5,308.83
Coordination	TO, DP, LSE, GO 216	1	216	16	3456	252,011.52
Record Retention	TO, DP, LSE, GO 216	1	216	1	216	6,266.16
Total						1,093,567.04

Dated: January 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02112 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC14–16–000]

Commission Information Collection Activities (FERC–537, FERC–725F, and FERC–725I); Comment Request

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting its information collections FERC–537 (Gas Pipeline Certificates: Construction, Acquisition and Abandonment), FERC–725F (Mandatory Reliability Standards for Nuclear Plant Interface Coordination), and FERC–725I (Mandatory Reliability Standards for the Northeast Power Coordinating Council), to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (79 FR 61068, 10/9/2014) requesting public comments. The Commission received no comments on the FERC–537, FERC–725F, and FERC–725I and is making this notation in its submittal to OMB.

DATES: Comments on the collections of information are due by March 6, 2015.

ADDRESSES: Comments filed with OMB, identified by the OMB Control Nos. 1902–0060 (FERC–537), 1902–0249 (FERC–725F), and 1902–0258 (FERC–725I) should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov,* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–0710.

A copy of the comments should also be sent to the Commission, in Docket No. IC14–16–000, by either of the following methods:

- eFiling at Commission's Web site: *http://www.ferc.gov/docs-filing/efiling.asp.*

[3] *Id.* at 4.

[4] The affected entities for FAC–001–2 are Transmission Owners (TO) and applicable Generator Owners (GO). The affected entities for FAC–002–2 are Transmission Planners (TP), Planning Coordinators (PC), Generator Owners (GO), Transmission Owners (TO), Distribution Providers (DP), and Load-Serving Entities (LSE). Note that Planning Coordinator (PC) is the new name for Planning Authority—a term still used in NERC's Compliance Registry.

[5] The burden for the preceding versions of the standards being replaced was included in: (a) FERC–725M (OMB Control No. 1902–0263) for FAC–001–1, and (b) FERC–725A (OMB Control No. 1902–0244) for FAC–002–1. The corresponding burden will be transferred from FERC–725M and FERC–725A to FERC–725D.

[6] The number of respondents is based on the NERC Compliance Registry as of September 24, 2014. Although 2,163 entities are registered as TO, DP, LSE, or GO, we expect at the most 216 entities (ten percent) will seek to interconnect and go through the study phase that may require coordination in any given year.

[7] The estimates for cost per hour are derived as follows:

- $72.92/hour, the average of the salary plus benefits for a manager ($84.96/hour) and an electrical engineer ($60.87/hour), from Bureau of Labor and Statistics at *http://bls.gov/oes/current/naics3_221000.htm,* as of 9/4/2014
- $29.01/hour, based on a Commission staff study of record retention burden cost.

• Mail/Hand Delivery/Courier: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Type of Request: Three-year extensions of the information collection requirements for all collections described below with no changes to the current reporting requirements. Please note that each collection is distinct from the next.

Comments: Comments are invited on: (1) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collections of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collections; and (4) ways to minimize the burden of the collections of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FERC–537, Gas Pipeline Certificates: Construction, Acquisition and Abandonment

OMB Control No.:1902–0060

Abstract: The information collected under the requirements of FERC–537 is used by the Commission to implement the statutory provisions of the Natural Gas Policy Act of 1978 (NGPA) [1] and the Natural Gas Act (NGA).[2] Under Section 7(c) of the NGA, natural gas pipeline companies must obtain Commission authorization to undertake the construction or extension of any facilities, or to acquire or operate any such facilities or extensions. A natural gas company must also obtain Commission approval under Section 7(b) of the NGA prior to abandoning any jurisdictional facility or service. Under the NGA and the NGPA, interstate and intrastate pipelines must also obtain authorization for certain transportation and storage services and arrangements, particularly a Part 284, Subpart G—Blanket Certificate.[3]

The information collected is necessary to certificate interstate pipelines engaged in the transportation and sale of natural gas, and the construction, acquisition, and operation of facilities to be used in those activities, to authorize the abandonment of facilities and services, and to authorize certain NGPA transactions. If a certificate is granted, the natural gas company can construct, acquire, or operate facilities, plus engage in interstate transportation or sale of natural gas. Conversely, approval of an abandonment application permits the pipeline to cease service and/or discontinue the operation of such facilities. Authorization under NGPA Section 311(a) allows the interstate or intrastate pipeline applicants to render certain transportation services.

The data required to be submitted consists of identification of the company and responsible officials, factors considered in the location of the facilities and the detailed impact on the project area for environmental considerations. The following will also be submitted:

• Flow diagrams showing proposed design capacity for engineering design verification and safety determination;

• Commercial and economic data presenting the basis for the proposed action; and

• Cost of the proposed facilities, plans for financing, and estimated revenues and expenses related to the proposed facility for accounting and financial evaluation.

The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR 157.5–.11; 157.13–.20; 157.53; 157.201–.209; 157.211; 157.214–.218; 284.8; 284.11; 284.126; 284.221; 284.224.

Type of Respondent: Natural Gas Pipelines.

Estimate of Annual Burden: The Commission estimates the annual public reporting burden for the information collection as: [4]

FERC–537—GAS PIPELINE CERTIFICATES: CONSTRUCTION, ACQUISITION, AND ABANDONMENT

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden hours & cost per response [5] (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
204	2.24	458	146 $10,293	66,868 $4,714,194	$23,109

A more granular breakdown of the average burden hour figure (*i.e.,* 146 average hours per response) follows:

[1] 15 U.S.C. 3301–3432.

[2] 15 U.S.C. 717–717w.

[3] 18 CFR 284.8.

[4] The annual public reporting burden of the FERC–537 has changed since the publication of the 60-day notice. The current estimate of annual burden has been updated and is reflected in this notice. Figures in the table have been rounded. The reporting requirements have not changed.

[5] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $70.50 per Hour = Average Cost per Response. The cost per hour figure is the FERC average salary plus benefits. Subject matter experts found that industry employment costs closely resemble FERC's regarding the FERC–537 information collection.

18 CFR Section	Regulation topic	Number of respondents (distinct entities)	Number of responses	Average hours per response (average, weighted)
157.5–.11; & 157.13–.20	Interstate certificate and abandonment applications.	159	82	500
157.53	Exemptions	39	3	50
157.201–.209; 157.211; 157.214–.218	Blanket Certificates prior notice filings	62	46	200
157.201–.209; 157.211; 157.214–.218	Blanket Certificates—annual reports	159	159	50
284.11	NGPA Sec. 311 Construction—annual reports.	93	93	50
284.8	Capacity Release—record keeping	0	N/A	75
284.126(a)	Intrastate bypass, semi-annual transportation	37	48	30
284.221	Blanket Certificates—one time filing, inc. new tariff and rate design proposal.	14	14	100
284.224	Hinshaw Blanket Certificates	8	8	75
157.5–.11; & 157.13–.20	Non-facility certificate or abandonment applications.	5	5	75
Totals		204	458	146

FERC–725F, Mandatory Reliability Standards for Nuclear Plant Interface Coordination

OMB Control No.: 1902–0249

Abstract: The Commission requires the information collected by the FERC–725F to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005), was enacted into law.[6] EPAct 2005 added a new section 215 to the FPA, which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.[7]

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.[8] Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO. The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

On November 19, 2007, NERC filed its petition for Commission approval of the Nuclear Plant Interface Coordination Reliability Standard, designated NUC–001–1. In Order No. 716, issued October 16, 2008, the Commission approved the standard while also directing certain revisions.[9] Revised Reliability Standard, NUC–001–2, was filed with the Commission by NERC in August 2009 and subsequently approved by the Commission January 21, 2010.[10]

The purpose of Reliability Standard NUC–001–2 is to require ''coordination between nuclear plant generator operators and transmission entities for the purpose of ensuring nuclear plant safe operation and shutdown.'' [11] The Nuclear Reliability Standard applies to nuclear plant generator operators (generally nuclear power plant owners and operators, including licensees) and ''transmission entities,'' defined in the Reliability Standard as including a nuclear plant's suppliers of off-site power and related transmission and distribution services. To account for the variations in nuclear plant design and grid interconnection characteristics, the Reliability Standard defines transmission entities as ''all entities that are responsible for providing services related to Nuclear Plant Interface Requirements (NPIRs),'' and lists eleven types of functional entities (heretofore described as ''transmission entities'') that could provide services related to NPIRs.[12]

FERC–725F information collection requirements include establishing and maintaining interface agreements, including record retention requirements. These agreements are not filed with FERC but with the appropriate entities as established by the Reliability Standard.

Type of Respondent: Nuclear operators, nuclear plants, transmission entities.

Estimate of Annual Burden: The Commission estimates the average annual burden for this information collection as:

[6] Energy Policy Act of 2005, Public Law 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (2005), 16 U.S.C. 824o.

[7] 16 U.S.C. 824o(e)(3).

[8] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g,* Order No. 672–A, FERC Stats. & Regs. ¶ 31,212 (2006).

[9] *Mandatory Reliability Standard for Nuclear Plant Interface Coordination,* Order No. 716, 125 FERC ¶ 61,065, at P 189 & n.90 (2008), *order on reh'g,* Order No. 716–A, 126 FERC ¶ 61,122 (2009).

[10] *North American Electric Reliability Corporation,* 130 FERC ¶ 61,051 (2010). When the revised Reliability Standard was approved the Commission did not go to OMB for approval. It is assumed that the changes made did not substantively affect the information collection and therefore a formal submission to OMB was not needed.

[11] See Reliability Standard NUC–001–2 at *http://www.nerc.com/files/NUC–001–2.pdf.*

[12] The list of functional entities consists of transmission operators, transmission owners, transmission planners, transmission service providers, balancing authorities, reliability coordinators, planning authorities, distribution providers, load-serving entities, generator owners and generator operators.

[13] The cost for reporting requirements is $73.83/hour and is based on a composite loaded (wage plus benefits) average wage for an electrical engineer, attorney, and administrative staff. The cost for record keeping is $29.01/hour and is based on wages plus benefits for a file clerk. The wages are generated from Bureau of Labor Statistics data retrieved September, 2014 from *http://www.bls.gov/oes/current/naics2_22.htm.* The loaded wage is calculated using BLS data indicating, as of Sept 1, 2014, that wages make up 69.9% of total salary (*http://www.bls.gov/news.release/ecec.nr0.htm*).

[14] This figure of 130 transmission entities is based on the assumption that each agreement will be between 1 nuclear plant and 2 transmission entities (65 times 2 = 130). However, there is some double counting in this figure because some transmission entities may be party to multiple agreements with multiple nuclear plants. The double counting does not affect the burden estimate and the correct number of unique respondents will be reported to OMB. The actual number of unique entities subject to this collection is 143.

[15] The recordkeeping ''responses'' are considered to be part of (*i.e.,* to be contained within the same quantity as) the Reporting responses leading to a total number of unique responses of 420 (390 + 30 = 420).

ERC–725F

FERC–725F	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden hours & cost per response [13] (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
New agreements (Reporting).	10 nuclear operators + 20 transmission entities.	1	30	1,080 $79,736	32,400 $2,392,092	$79,736
New Agreements (Record Keeping).	10 nuclear operators + 20 transmission entities.	1	30	108 $3,133	3,240 $93,992	$3,133
Modifications to agreements (Reporting).	65 nuclear plants + 130 transmission entities [14].	2	390	66.67 $4,922	26,000 $1,919,581	$9,844
Modifications to Agreements (Record Keeping).	65 nuclear plants + 130 transmission entities.	2	390	6.67 $193	2,600 $75,426	$387
Total			[15] 420		64,240 $4,481,091	

FERC–725I, Mandatory Reliability Standards for the Northeast Power Coordinating Council

OMB Control No.: 1902–0258

Abstract: This information collection relates to two FERC-approved Protection and Control (PRC) regional Reliability Standards: PRC–002–NPCC–01—Disturbance Monitoring, and PRC–006–NPCC–1—Automatic Under frequency Load-Shedding. These Northeast Power Coordinating Council (NPCC) regional Reliability Standards require respondents to provide recording capability necessary to monitor the response of the Bulk-Power System to system disturbances, including scheduled and unscheduled outages; require each reliability coordinator to establish requirements for its area's dynamic disturbance recording needs; establish disturbance data reporting requirements; and require planning coordinators to incrementally gather data, run studies, and analyze study results to design or update the UFLS programs that are required in the regional Reliability Standard in addition to the requirements of the NERC Reliability Standard PRC–006–1.[16]

Reliability Standard PRC–002–NPCC–01 introduced several new mandatory and enforceable requirements for the applicable entities. However, when FERC approved this standard, NPCC had (and continues to have) criteria [17] and published guidance [18] addressing similar requirements that the Reliability Standard made mandatory. Thus, it is usual and customary for affected entities within NPCC to create, maintain and store some of the same or equivalent information identified in Reliability Standard PRC–002–NPCC–01. Therefore, many of the requirements contained in PRC–002–NPCC–01 do not impose new burdens on the affected entities.[19]

Several requirements contained in regional Reliability Standard PRC–002–NPCC–01 were entirely new responsibilities for the applicable entities when the Commission approved the standard and each of these is listed in the estimated annual burden section below.

Information collection burden for Reliability Standard PRC–006–NPCC–01 is based on the time needed for planning coordinators and generator owners to incrementally gather data, run studies, and analyze study results to design or update the UFLS programs that are required in the regional Reliability Standard in addition to the requirements of the NERC Reliability Standard PRC–006–1. There is also burden on the generator owners to maintain data.

Type of Respondent: Entities registered with the North American Electric Reliability Corporation (NERC) as Generator Owners, Transmission Owners, Reliability Coordinators and Planning Coordinators

Estimate of Annual Burden: The number of respondents is based on NERC's registry as of August 27, 2014. Entities registered for more than one applicable function type have been accounted for in the figures below. The Commission estimates the annual public reporting burden for the information collection as:

Reliability Standard PRC–002–NPCC–01, information collection requirements	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden hours & cost per response [20] (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
R13: GO [21] and TO to have evidence it acquired and installed dynamic disturbance recorders and a mutually agreed upon implementation schedule with the RC (record retention)	1	1	1	10 $290	10 $290	$290

[16] The burden estimates for Reliability Standard PRC–006–1 are included in Order No. 763 (Final Rule in RM11–20) and covered in FERC–725A (OMB Control No. 1902–0244). OMB approved those requirements on 7/9/2012 (ICR Reference No. 201204–1902–001).

[17] Disturbance Monitoring Equipment Criteria (Aug. 2007), *available at https://www.npcc.org/Standards/Criteria/A-15.pdf* (Disturbance Monitoring Criteria).

[18] Guide for Application of Disturbance Recording Equipment (Sept. 2006), *available at https://www.npcc.org/Standards/Guides/B-26.pdf* (Application Guide).

[19] 5 CFR 1320.3(b)(2) (2011).

Reliability Standard PRC–002–NPCC–01, information collection requirements	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden hours & cost per response [20] (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
R14.5: GO and TO to have evidence of a maintenance and testing program for stand-alone disturbance monitoring equipment including monthly verification of active analog quantities	169	12	2028	5 $305	9,960 $618,540	$3,660
R14.7: GO and TO to record efforts to return failed units to service if it takes longer than 90 days [22]	33	1	33	10 $610	330 $20,130	$610
R14.7: GO and TO record retention	33	1	33	10 $290	330 $9,570	$290
R17: RC provide certain disturbance monitoring equipment data to the Regional Entity upon request	5	1	5	5 $305	25 $7,625	$305
R17: RC record retention	5	1	5	10 $290	50 $1,450	$290
TOTAL		2,105		10,705 $657,605		

FERC–725I

Reliability standard PRC–006–NPCC–01, information collection requirements	Number of espondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden hours & cost per response (4)	Total annual burden hours & total annual cost (3)*(4)=(5)	Cost per respondent ($) (5)÷(1)
PCs Design and document automatic UFLS program	6	1	6	8 $488	48 $2,928	$488
PCs update and maintain UFLS program database	6	1	6	16 $976	96 $5,856	$976
GOs provide documentation and data to the planning coordinator	145	1	145	16 $976	2,320 $141,520	$976
GOs: record retention	145	1	145	4 $116	580 $16,820	$116
TOTAL			302		3,044 $167,124	

[20] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * XX per Hour = Average Cost per Response. The hourly cost figure comes from the Bureau of Labor Statistics (*http://www.bls.gov/oes/current/naics2_22.htm* and *http://www.bls.gov/news.release/ecec.nr0.htm*). Record retention (wage plus benefits) cost is $29/hour, and the remaining costs (wage plus benefits for an electrical engineer are $61/hour.

[21] For purposes of these charts, generation owner is abbreviated to GO, transmission owner is abbreviated to TO, reliability coordinator is abbreviated to RC, and planning coordinator is abbreviated to PC.

[22] We estimate that an entity will experience a unit failure greater than 90 days once every five years. Therefore, 20 percent of NPCC's 166 generator owners and transmission owners will experience a unit failure of this duration each year.

Dated: January 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02115 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9842–006]

Mr. Ray F. Ward; Notice of Application Accepted for Filing and Soliciting Motions to Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Minor New License.

b. *Project No.:* 9842–006.

c. *Date filed:* August 28, 2014.

d. *Applicant:* Mr. Ray F. Ward.

e. *Name of Project:* Ward Mill Hydroelectric Project.

f. *Location:* On the Watauga River, in the Township of Laurel Creek, Watauga County, North Carolina. The project does not occupy lands of the United States.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Andrew C. Givens, Cardinal Energy Service, Inc., 620 N. West St., Suite 103, Raleigh, North Carolina 27603, (919) 834–0909.

i. *FERC Contact:* Adam Peer (202) 502–8449, *adam.peer@ferc.gov.*

j. *Deadline for filing motions to intervene and protests and requests for cooperating agency status:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* 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–9842–006.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted, but is not ready for environmental analysis at this time.

l. The Ward Mill Project consists of: (1) A 130-foot-long by 20-foot-high dam; (2) a 4.6 acre reservoir with an estimated gross storage capacity of 16.3 acre-feet; (3) a 14-foot-long, 5-foot-wide, and 7.5-foot-tall penstock made of rock, concrete and reinforced steel; (4) a powerhouse containing two generating units for a total installed capacity of 168 kilowatts; (5) a 45-foot-long, 12-kilovolt transmission line; and (6) appurtenant facilities. The project is estimated to generate from below 290,000 to over 599,000 kilowatt-hours annually. The dam and existing facilities are owned by the applicant. No new project facilities are proposed.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title ''PROTEST'' or ''MOTION TO INTERVENE;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: January 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02114 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–95–281]

San Diego Gas & Electric Company v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator Corporation and the California Power Exchange; Notice of Compliance Filing

Take notice that on January 23, 2015, Hafslund Energy Trading LLC submitted a compliance filing pursuant to the Commission's Opinion No. 536.[1]

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 Applicant and all the parties in this proceeding.

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 electronic review in the Commission's Public Reference Room in Washington,

[1] *San Diego Gas & Elec. Co.* v. *Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange.,* 149 FERC ¶ 61,116 (2014) (Opinion No. 536).

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 March 2, 2015.

Dated: January 26, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02117 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–13–000]

Palmetto Products Pipe Line LLC; Notice of Petition for Declaratory Order

Take notice that on January 23, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Palmetto Products Pipe Line LLC, filed a petition for declaratory order seeking approval of the overall rate structure and terms of service for a new pipeline system that will transport refined petroleum products and denatured fuel ethanol from origin points in Louisiana, Mississippi, and South Carolina to destination points in South Carolina, Georgia, and Florida, all 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 23, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02111 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commissioner and Staff Attendance at North American Electric Reliability Corporation Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission and/or Commission staff may attend the following meetings:

North American Electric Reliability Corporation

Member Representatives Committee and Board of Trustees Meetings

Board of Trustees Corporate Governance and Human Resources Committee, Finance and Audit Committee, Compliance Committee, and Standards Oversight and Technology Committee Meetings

The Westin San Diego, 400 West Broadway, San Diego, CA 92101.

February 11 (7:30 a.m.–5:00 p.m.) and February 12 (8:30 a.m.–12:00 p.m.), 2015

Further information regarding these meetings may be found at: *http://www.nerc.com/Pages/Calendar.aspx.*

The discussions at the meetings, which are open to the public, may address matters at issue in the following Commission proceedings:

Docket No. RR15–2, North American Electric Reliability Corporation

Docket No. RR15–3, North American Electric Reliability Corporation

Docket No. RR15–4, North American Electric Reliability Corporation

Docket No. RD15–1, North American Electric Reliability Corporation

For further information, please contact Jonathan First, 202–502–8529, or *jonathan.first@ferc.gov.*

Dated: January 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02116 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD15–4–000]

Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure; Supplemental Notice of Technical Conference

As announced in the Notice of Technical Conferences issued on December 9, 2014 [1] and the Supplemental Notice of Technical Conferences issued on January 6, 2015,[2] the Federal Energy Regulatory Commission (Commission) staff will hold a Western Region [3] technical conference to discuss implications of compliance approaches to the Clean Power Plan proposed rule, issued by the Environmental Protection Agency (EPA) on June 2, 2014.[4] The technical conference will focus on issues related to electric reliability, wholesale electric markets and operations, and energy infrastructure in the Western region. The Commission will hold the Western Region technical conference on February 25, 2015, from approximately 9:00 a.m. to 4:30 p.m. at the Renaissance Denver Hotel, 3801 Quebec Street, Denver, CO 80207 (Phone: (303) 399–7500). This conference is free of charge and open to the public. Commission members may participate in the

[1] Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure, Docket No. AD15–4–000, (Dec. 9, 2014) (Notice of Technical Conferences), *available at http://www.ferc.gov/CalendarFiles/20141209165657-AD15-4-000TC.pdf.*

[2] Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure, Docket No. AD15–4–000, (Jan. 6, 2015) (Supplemental Notice of Technical Conferences), *available at http://www.ferc.gov/CalendarFiles/20150106170115-AD15-4-000TC1.pdf.*

[3] For purposes of this conference, the Western Region includes all the areas in the Western Interconnection, including the California Independent System Operator (CAISO).

[4] Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 79 FR 34,830 (2014) (Proposed Rule), *available at http://www.gpo.gov/fdsys/pkg/FR–2014-06-18/pdf/2014-13725.pdf.*

conference. The agenda for the Western Region technical conference is attached to this Supplemental Notice of Technical Conference.

Those interested in speaking at the technical conference should notify the Commission by January 30, 2015 by completing the online form at the following Web page: *https://www.ferc.gov/whats-new/registration/02-25-15-speaker-form.asp.* At this Web page, please provide an abstract (700 character limit) of the issue(s) you propose to address. Due to time constraints, we expect to not be able to accommodate all those interested in speaking. Selected speakers will be notified as soon as possible.

If you have not already done so, those who plan to attend the technical conference are strongly encouraged to complete the registration form located at: *https://www.ferc.gov/whats-new/registration/02-25-15-form.asp.* There is no registration deadline to attend the conference.

The Commission will post information on the technical conference on the Calendar of Events on the Commission's Web site, *http://www.ferc.gov,* prior to the conference. The Western Region technical conference will also be transcribed. Transcripts of the technical conference will be available for a fee from Ace-Federal Reporters, Inc. ((202) 347–3700 or 1 (800) 336–6646). There will also be a free audiocast of the conference. The audiocast will allow persons to listen to the Western region technical conference, but not participate. Anyone with Internet access who desires to listen to the Western region conference can do so by navigating to *www.ferc.gov's* Calendar of Events and locating the Western region technical conference in the Calendar. The Western region technical conference will contain a link to its audiocast.[5]

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1 (866) 208–3372 (voice) or (202) 208–1659 (TTY), or send a FAX to (202) 208–2106 with the required accommodations.

For more information about the technical conferences, please contact:

Logistical Information: Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov.*

Legal Information: Alan Rukin, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8502, *alan.rukin@ferc.gov.*

Technical Information, Matthew Jentgen, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8725, *matthew.jentgen@ferc.gov.*

Technical Information: Michael Gildea, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8420, *michael.gildea@ferc.gov.*

Dated: January 26, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02118 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

[5] The audiocast will continue to be available on the Calendar of Events on the Commission's Web site *www.ferc.gov* for three months after the conference.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–12–000]

RGP Marketing LLC; Notice of Temporary Waiver of Filing and Reporting Requirements

Take notice that on January 22, 2015, pursuant to Rule 204 of the Commission's Rules of Practice and Procedure, 18 CFR 385.204 (2014), RGP Marketing LLC (RGP) requests that the Commission grant it a temporary waiver of Interstate Commerce Act section 6 and section 20, and The Commission's filing and reporting requirements thereunder applicable to interstate common carrier pipelines. RGP's waiver request applies to the JAL Pipeline system which is owned and operated by RGP and its affiliate.

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 12, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02110 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–11–000]

Jayhawk Pipeline, L.L.C.; Notice of Temporary Waiver of Filing and Reporting Requirments

Take notice that on January 16, 2015, pursuant to Rule 204 of the Commission's Rules of Practice and Procedure, 18CFR 385.204 (2014), Jayhawk Pipeline, LLC. requests that the Commission grant it a temporary waiver of Interstate Commerce Act section 6 and section 20, and the Commission's filing and reporting requirements thereunder applicable to interstate common carrier pipelines.

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 12, 2015.

Dated: January 28, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02113 Filed 2–3–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA HQ–OA–2008–0701; FRL–9922–48–OA]

Proposed Information Collection Request; Comment Request; Focus Groups as used by EPA for Economics Projects (Renewal)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Focus Groups as used by EPA for Economics Projects (Renewal)'' (EPA ICR No. 2205.15, OMB Control No. 2090–0028) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed renewal of the ICR, which is currently approved through June 30, 2015. 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 OMB control number.

DATES: Comments must be submitted on or before April 6, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OA–2008–0701, online using *www.regulations.gov* (our preferred method), by email to *oei.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Nathalie Simon, Office of Policy, (MC 1809T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–566–2347; fax number: 202–566–2363 email address: *simon.nathalie@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: EPA is seeking renewal of a generic ICR for the conduct of focus groups and protocol interviews (hereafter jointly referred to as focus groups) related to economics projects. Over the next three years, the Agency anticipates embarking on a number of survey development efforts associated with a variety of economics projects including those related to valuation of ecosystems, children's health risks, mortality risk reductions, improvements to coastal waters including the Chesapeake Bay, to name a few. Focus groups are an important part of any survey development process, allowing researchers to directly gauge what specific issues are important to the public and providing a means for explicitly testing draft survey materials. These focus groups will allow the Agency to gain a more in-depth understanding of the public's attitudes, beliefs, motivations and feelings regarding specific issues and will provide valuable information regarding the quality of draft survey instruments.

The information collected in the focus groups may be used to develop and improve economics-related surveys. To the extent that these surveys are ultimately successfully administered, they will serve to expand the Agency's understanding of benefits and costs of a variety of actions and could provide the means to quantitatively assess the effects of others. Participation in the focus groups will be voluntary and the identity of the participants will be kept confidential.

Form Numbers: None.

Respondents/affected entities: Individuals.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 2,066 (total).

Frequency of response: Once.

Total estimated burden: 1,359 hours (per year). Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $41,356 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Dated: January 27, 2015.

Joel Beauvais,

Associate Administrator, Office of Policy.

[FR Doc. 2015–02200 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2012–0217; FRL–9922–38–OW]

RIN 2040–A537

Drinking Water Contaminant Candidate List 4— Draft

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is publishing for public review and comment a draft list of contaminants that are currently not subject to any proposed or promulgated national primary drinking water regulations. These contaminants are known or anticipated to occur in public water systems and may require regulation under the Safe Drinking Water Act (SDWA). This draft list is the fourth Contaminant Candidate List (CCL 4) published by the agency since the SDWA amendments of 1996. This Draft CCL 4 includes 100 chemicals or chemical groups and 12 microbial contaminants. The EPA seeks comment on the Draft CCL 4 and on improvements to the selection process for future CCLs for the agency to consider.

DATES: Comments must be received on or before April 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2012–0217, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Mail: Water Docket, Environmental Protection Agency, Mail code: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2012–0217. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I.B of the **GENERAL INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20004. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: For information on chemical contaminants contact Meredith Russell, Office of Ground Water and Drinking Water, Standards and Risk Management Division, at (202) 564–0814 or email *russell.meredith@epa.gov.* For information on microbial contaminants contact Hannah Holsinger, Office of Ground Water and Drinking Water, Standards and Risk Management Division, at (202) 564–0403 or email *holsinger.hannah@epa.gov.* For general information contact the EPA Safe Drinking Water Hotline at (800) 426–4791 or email: *hotline-sdwa@epa.gov.*

Abbreviations and Acronyms

ATSDR—Agency for Toxic Substances and Disease Registry
CA—California
CASRN—Chemical Abstract Services Registry Number
CDC—Centers for Disease Control and Prevention
CCL—Contaminant Candidate List
CCL 1—EPA's First Contaminant Candidate List
CCL 2—EPA's Second Contaminant Candidate List
CCL 3—EPA's Third Contaminant Candidate List
CCL 4—EPA's Fourth Contaminant Candidate List
CFR—*Code of Federal Regulations*
EPA—United States Environmental Protection Agency
ESA—Ethanesulfonic acid
FL—Florida
FR—Federal Register
HPC—Heterotrophic Plate Count
IL—Illinois
MCL—Maximum Contaminant Level
MCLG—Maximum Contaminant Level Goal
MMWR—*Morbidity and Mortality Weekly Report*
NC—North Carolina
NCOD—National Contaminant Occurrence Database
NDWAC—National Drinking Water Advisory Council
NRC—National Academy of Science's National Research Council
NPDWR—National Primary Drinking Water Regulation
OH—Ohio
PCCL 3—Preliminary Contaminant Candidate List 3
PCCL 4—Preliminary Contaminant Candidate List 4
PFOA—Perfluorooctanoic Acid
PFOS—Perfluorooctane Sulfonic Acid
PWS—Public Water System
SAB—Science Advisory Board
SDWA—Safe Drinking Water Act
SD—South Dakota
STORET—EPA's Storage and Retrieval database of water quality monitoring data collected by water resource management groups across the U.S.
TX—Texas
UCM—Unregulated Contaminant Monitoring
UCMR 1—First Unregulated Contaminant Monitoring Rule
UCMR 2—Second Unregulated Contaminant Monitoring Rule
USDA—United States Department of Agriculture
USEPA—United States Environmental Protection Agency
USGS—United States Geological Survey
WHO—World Health Organization
WI—Wisconsin

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I. General Information

A. Does this action impose any requirements on my public water system?

The Draft Contaminant Candidate List 4 (CCL 4) and the Final CCL 4, when published, will not impose any requirements on regulated entities.

B. What should I consider as I prepare my comments for EPA?

You may find the following suggestions helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide any technical information and/or data you used that support your views.
- Provide full references for any peer reviewed publication you used that support your views.
- Provide specific examples to illustrate your concerns.
- Offer alternatives.

Make sure to submit your comments by the comment period deadline. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. Purpose, Background and Summary of This Action

This section briefly summarizes the purpose of this action, the statutory requirements, previous activities related to the Contaminant Candidate List (CCL) and the approach used to develop the Draft CCL 4.

A. What is the purpose of this action?

The Safe Drinking Water Act (SDWA), as amended in 1996, requires EPA to publish a list every five years of currently unregulated contaminants that may pose risks for drinking water (referred to as the Contaminant Candidate List, or CCL). This list is subsequently used to make regulatory determinations on whether to regulate at least five contaminants from the CCL with national primary drinking water regulations (NPDWRs) (SDWA section 1412(b)(1)). The purpose of today's action is to present EPA's draft list of contaminants on the CCL 4 and the rationale for the selection process used to make the list. Today's action only addresses the CCL 4. Regulatory determinations for contaminants on the CCL are a separate agency action.

EPA requests comment on the Draft CCL 4 and suggestions for further improvements to the selection process for future CCLs for the agency to consider.

B. Statutory Requirements for CCL, Regulatory Determinations and Unregulated Contaminant Monitoring

1. Contaminant Candidate List

Section 1412(b)(1) of the SDWA, as amended in 1996, requires EPA to publish the CCL every five years. The SDWA specifies that the list must include contaminants that are not subject to any proposed or promulgated NPDWRs, are known or anticipated to occur in public water systems (PWSs), and may require regulation under the SDWA. The unregulated contaminants considered for listing shall include, but not be limited to, hazardous substances identified in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act. The SDWA directs the agency to consider the health effects and occurrence information for unregulated contaminants to identify those contaminants that present the greatest public health concern related to exposure from drinking water. The statute further directs the agency to take into consideration the effect of contaminants upon subgroups that comprise a meaningful portion of the general population (such as infants, children, pregnant women, the elderly and individuals with a history of serious illness or other subpopulations) that are identifiable as being at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population. EPA considers age-related subgroups as ''lifestages'' in reference to a distinguishable time frame in an individual's life characterized by unique and relatively stable behavioral and/or physiological characteristics that are associated with development and growth. Thus, childhood is viewed as a sequence of lifestages, from conception through fetal development, infancy and adolescence (see *http://www2.epa.gov/children/early-life-stages*).

2. Regulatory Determinations

Section 1412(b)(1)(B)(ii) of the SDWA, as amended in 1996, requires EPA at five year intervals, to make determinations of whether or not to regulate no fewer than five contaminants from the CCL. The 1996 SDWA Amendments specify three criteria to determine whether a contaminant may require regulation:

- The contaminant may have an adverse effect on the health of persons;
- The contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and
- In the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

If EPA determines that these three statutory criteria are met and makes a final determination to regulate a contaminant, the agency has 24 months to publish a proposed Maximum Contaminant Level Goal [1] (MCLG) and

[1] The MCLG is the ''maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. Maximum contaminant level goals are non-enforceable health goals.'' (40 CFR 141.2; 42 U.S.C. 300g–1)

NPDWR [2]. After the proposal, the agency has 18 months to publish and promulgate a final MCLG and NPDWR (SDWA section 1412(b)(1)(E)) [3].

3. Unregulated Contaminant Monitoring

Section 1445 of the SDWA mandates that EPA promulgate regulations (known as the Unregulated Contaminant Monitoring Rule or UCMR) to establish criteria for a monitoring program for unregulated contaminants. The SDWA requires all large public water systems and a representative sample of smaller public water systems to monitor for unregulated contaminants. The statute requires EPA to issue a list every five years of not more than 30 unregulated contaminants to be monitored. The SDWA also specifies that EPA include the results of such monitoring, along with monitoring data for regulated contaminants and reliable information from other public and private sources, in a national drinking water occurrence database. EPA developed the National Contaminant Occurrence Database (NCOD) to contain the monitoring data from the UCMR program and other data as specified by the SDWA. The current UCMR (UCMR 3) requires monitoring for 30 contaminants (28 chemicals and two viruses) (77 FR 26071, May 2, 2012 (USEPA, 2012a)). Sampling is occurring during 2013–2015. Twenty-one of the contaminants being monitored under UCMR3 are included on the CCL 3 and 20 contaminants being monitored under UCMR3 are included on the Draft CCL 4.

C. Interrelationship of the CCL, Regulatory Determinations and Unregulated Contaminant Monitoring

The CCL is the first step in evaluating the subset of potential contaminants that may require future NPDWRs. The CCL serves as the initial screening of potential contaminants, and inclusion on the CCL does not mean that any particular contaminant will necessarily be regulated in the future. The UCMR provides a mechanism to obtain nationally representative occurrence data for contaminants. Most unregulated contaminants chosen by EPA for monitoring have been selected from the CCL. When selecting contaminants for monitoring under the UCMR, EPA considers the availability of health effects data and the need for national occurrence data for contaminants, as well as analytical method availability and cost, availability of analytical standards and laboratory capacity to support a nationwide monitoring program. The contaminant occurrence data collected under the UCMR serves to better inform future CCLs and regulatory determinations. Contaminants on the CCL are evaluated to see which ones have sufficient information to allow the agency to make a regulatory determination. Those contaminants with sufficient information to make a regulatory determination are then evaluated based on the three statutory criteria in SDWA section 1412(b)(1), to determine whether a regulation is required (called a positive determination) or not required (called a negative determination). EPA must make regulatory determinations for at least five contaminants listed on the CCL every five years. For those contaminants without sufficient information to allow the agency to make a regulatory determination, EPA encourages research to provide the information needed to determine whether to regulate the contaminant. Today's action addresses only the CCL 4 and not the UCMR or regulatory determinations.

D. Summary of Previous CCLs and Regulatory Determinations

1. The First Contaminant Candidate List

The first CCL (CCL 1) was published on March 2, 1998 (63 FR 10274 (USEPA, 1998)). CCL 1 was developed based on recommendations by the National Drinking Water Advisory Council (NDWAC) and review by technical experts. It contained 50 chemicals and 10 microbial contaminants/groups. EPA consulted with the scientific community, including the Science Advisory Board, on a process for developing the first CCL.

2. The Regulatory Determinations for CCL 1 Contaminants

EPA published its final regulatory determinations for a subset of contaminants listed on CCL 1 on July 18, 2003 (68 FR 42898 (USEPA, 2003)). EPA identified nine contaminants from the 60 contaminants listed on CCL 1 that had sufficient data and information available to make regulatory determinations. The nine contaminants were *Acanthamoeba,* aldrin, dieldrin, hexachlorobutadiene, manganese, metribuzin, naphthalene, sodium and sulfate. The agency determined that an NPDWR was not necessary for any of these nine contaminants at that time. The agency subsequently issued guidance on *Acanthamoeba* and Health Advisories for manganese, sodium and sulfate.

3. The Second Contaminant Candidate List

The agency published its Final CCL 2 on February 24, 2005 (70 FR 9071 (USEPA, 2005)). The agency carried forward the 51 remaining chemical and microbial contaminants from CCL 1 (that did not have regulatory determinations) to CCL 2.

4. The Regulatory Determinations for CCL 2 Contaminants

EPA published its final regulatory determinations for a subset of contaminants listed on CCL 2 on July 30, 2008 (73 FR 44251 (USEPA, 2008b)). EPA identified 11 contaminants from the 51 contaminants listed on CCL 2 that had sufficient data and information available to make regulatory determinations. The 11 contaminants were boron, the dacthal mono- and di-acid degradates; 1,1-dichloro-2,2-bis (p-chlorophenyl) ethylene (DDE); 1,3-dichloropropene; 2,4-dinitrotoluene; 2,6-dinitrotoluene; s-ethyl propylthiocarbamate (EPTC); fonofos; terbacil; and 1,1,2,2-tetrachloroethane. The agency made a final determination that an NPDWR was not necessary for any of these 11 contaminants. New or updated Health Advisories were subsequently issued for boron, the dacthal degradates, 2,4-dinitrotoluene, 2,6-dinitrotoluene and 1,1,2,2-tetrachloroethane.

5. The Third Contaminant Candidate List

The agency published its Final CCL 3 on October 8, 2009 (74 FR 51850 (USEPA, 2009e)). The CCL 3 contained 104 chemicals or chemical groups and 12 microbial contaminants. In developing CCL 3, EPA improved and built upon the process that was used for CCL 1 and CCL 2. In 1998, the agency requested advice from the National Academy of Sciences' National Research Council (NRC) on how to improve the CCL process. The NRC recommended a more reproducible process whereby a broadly defined ''universe'' of potential drinking water contaminants is identified, assessed and reduced to a preliminary CCL (PCCL) using simple screening criteria (NRC, 2001). All of the contaminants on the PCCL would then be evaluated in more detail to assess the likelihood that specific contaminants could occur in drinking water at levels that pose a public health concern. In

[2] An NPDWR is a legally enforceable standard that applies to public water systems. An NPDWR sets a legal limit (called a maximum contaminant level or MCL) or specifies a certain treatment technique for public water systems for a specific contaminant or group of contaminants. The MCL is the highest level of a contaminant that is allowed in drinking water and is set as close to the MCLG as feasible, using the best available treatment technology and taking cost into consideration.

[3] The statute authorizes a nine month extension of this promulgation date.

2002, the agency sought input from the NDWAC on how to implement the NRC's recommendations to improve the CCL process. NDWAC agreed that EPA should proceed with the NRC's recommendations and provided additional considerations and recommendations in a 2004 report (NDWAC, 2004).

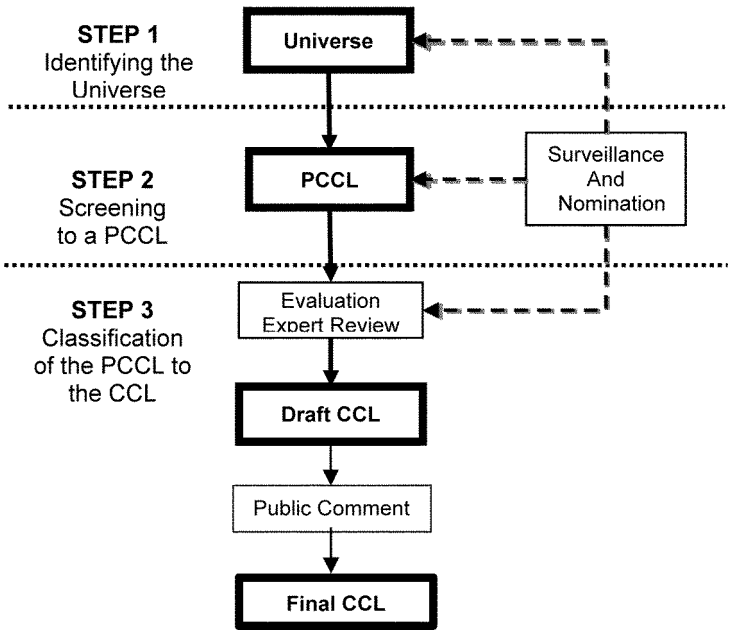
Based on these consultations, public input and peer review, EPA developed a multi-step process to select contaminants for the CCL 3, which included the following key steps:

- Identification of a broad universe of potential drinking water contaminants (the CCL 3 Universe);
- Screening the CCL 3 Universe to a PCCL, using criteria based on the potential to occur in public water systems and the potential for public health concern;
- Evaluation of the PCCL contaminants based on a more detailed evaluation of occurrence and health effects data, using a scoring and classification system; and
- Incorporating public input and expert review in the CCL 3 process.

EPA also considered new information on contaminants identified by surveillance efforts, which included collaboration with internal EPA offices and other federal agencies and the review of scientific publications and data. The agency provided the public with the opportunity to nominate contaminants to be considered for the Draft CCL 3 and sought public comment on the Draft CCL 3 before the list was finalized.

Exhibit 1 illustrates the multi-step CCL 3 approach. This generalized process was applied to both chemical and microbial contaminants, though the specific execution of particular steps differs between them.

Exhibit 1. Schematic of CCL process



A complete description of the CCL 3 process can be found in the Draft and Final CCL 3 **Federal Register** documents (73 FR 9628, February 21, 2008 (USEPA, 2008a) and 74 FR 51850, October 8, 2009 (USEPA, 2009e)). Supporting documents that explain each stage of the CCL 3 process in further detail (*i.e.,* identifying the CCL 3 Universe, screening to the PCCL, and the classification of the PCCL to the CCL) can be found at: *http://water.epa.gov/scitech/drinkingwater/dws/ccl/ccl3_processflowdiagram.cfm* and in the CCL 3 docket at *www.regulations.gov* (Docket ID: EPA–HQ–OW–2007–1189).

6. The Regulatory Determinations for CCL 3 Contaminants

On February 11, 2011, as a separate action, the agency issued a positive regulatory determination for perchlorate, a chemical listed in CCL 1, CCL 2 and CCL 3 (76 FR 7762; USEPA, 2011). Recently, EPA published preliminary regulatory determinations for five unregulated contaminants (79 FR 62716, October 20, 2014 (USEPA, 2014a)). The five contaminants include: 1,3-dinitrobenzene; dimethoate; strontium; terbufos; and terbufos sulfone. The agency is making preliminary determinations to regulate one contaminant (strontium) and to not regulate four contaminants (1,3-dinitrobenzene, dimethoate, terbufos, and terbufos sulfone). Therefore, the agency is removing perchlorate and these five contaminants from the Draft CCL 4, pending the result of the final regulatory determinations for CCL 3.

E. Summary of the Approach Used To Identify and Evaluate Candidates for CCL 4

EPA proposes an abbreviated three step evaluation and selection process for CCL 4: (1) Carrying forward CCL 3 contaminants (except those with regulatory determinations), (2) seeking and evaluating nominations from the public for additional contaminants to consider, and (3) evaluating any new data for those contaminants with previous negative regulatory determinations from CCL 1 or CCL 2 for potential inclusion on the CCL 4. The

agency also seeks comment on how to further improve upon the process developed for CCL 3 as a tool for future CCLs.

1. Carry Forward of CCL 3 Contaminants

EPA carried forward all contaminants listed on CCL 3 to the Draft CCL 4 with the exception of perchlorate, for which the agency made a positive regulatory determination, and the five CCL 3 contaminants with preliminary regulatory determinations (listed in Section D.6 of this notice), pending their final determinations. This carry forward process is consistent with that previously used in CCL 2. The agency has taken this approach based on the following considerations: (1) In developing the CCL 3, the agency implemented a robust process recommended by the NRC and the NDWAC to screen and score the universe of potential contaminants, (2) EPA used the best available, peer-reviewed data and information to evaluate contaminants for CCL 3; and (3) Carrying forward CCL 3 contaminants allows the agency to focus resources on evaluating contaminants nominated by the public for CCL 4 and review new data for CCL 1 or CCL 2 contaminants with previous negative regulatory determinations.

2. Summary and Evaluation of CCL 4 Nominated Contaminants

a. CCL 4 Nominations Summary

EPA sought public nominations in a **Federal Register** document on May 8, 2012, for contaminants to be considered for possible inclusion in the CCL 4 (77 FR 27057 (USEPA, 2012b)). In the document, the agency also requested supporting information that has been made available since the development of the CCL 3, or existing information that was not considered for CCL 3, which shows that the nominated contaminant may have an adverse effect on people and occurs or is likely to occur in public water systems.

EPA received nominations for 59 unique contaminants for the CCL 4, including 54 chemicals and five microbials. Eight contaminants were nominated by more than one organization or individual. Aldicarb, bisphenol A, carbaryl, chlorpyrifos, *Toxoplasma gondii,* and Microcystin-LR were each nominated by two separate organizations or individuals. Manganese and perfluorooctanoic acid (PFOA) were each nominated by three different organizations or individuals.

Nominations were received from 10 different organizations and/or individuals. The agency did not require nominators to provide their name or an affiliated organization. Two nominators remained anonymous while providing documentation and rationale for the contaminants. Two other individuals identified themselves but did not provide an organization affiliation. The identified organizations that nominated contaminants were:

- American Water Works Association,
- Natural Resources Defense Council,
- Massachusetts Department of Environmental Protection,
- Minnesota Department of Health,
- New Jersey Department of Environmental Protection, and
- U.S. Department of Agriculture (USDA).

EPA received three general types of nominations:

- Specific individual chemicals,
- Specific individual organisms, and
- Groups of contaminants (*e.g.,* Heterotrophic Plate Count was considered as a group).

The American Water Works Association also provided a letter with recommendations for the CCL 4 process. The full text of this letter and all of the nomination submittals in their original form can be found at *http://www.regulations.gov* (docket ID: EPA–HQ–OW–2012–0217). Exhibit 2 contains the specific contaminants identified in public nominations. A more detailed summary of the nominations process is included in the support document ''Summary of Nominations for the Fourth Contaminant Candidate List'' (USEPA, 2015e).

EXHIBIT 2. CONTAMINANTS NOMINATED FOR CONSIDERATION ON THE DRAFT CCL 4: NOMINATED MICROBIAL CONTAMINANTS

Adenovirus
Heterotrophic Plate Count Bacteria (HPC)
Naegleria fowleri
Toxoplasma gondii
Vibrio cholerae

NOMINATED CHEMICAL CONTAMINANTS

Common Name – Registry Name	CASRN
3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone	77439–76–0
alpha-Hexachlorocyclohexane	319–84–6
Aldicarb	116–06–3
Alkylphenol mono- to tri-oxylates	68555–24–8
Amoxicillin	26787–78–0
Azinphos-methyl	86–50–0
Bacitracin zinc	1405–89–6
Bentazone	25057–89–0
Benzyl butyl phthalate	85–68–7
Bisphenol A	80–05–7
Bromoxynil	1689–84–5

NOMINATED CHEMICAL CONTAMINANTS—Continued

Common Name – Registry Name	CASRN
Carbaryl	63–25–2
Cesium 137	10045–97–3
Chlorothalonil	1897–45–6
Chlorpyrifos	2921–88–2
Dibutyl phthalate	84–74–2
Dicamba	1918–00–9
Dichlorvos	62–73–7
Dicofol	115–32–2
Dicyclohexyl phthalate	84–61–7
Diethyl phthalate	84–66–2
Di-isononyl phthalate	28553–12–0
Dimethyl phthalate	131–11–3
Di-n-octyl phthalate	117–84–0
Endosulfan	115–29–7
Fluometuron	2164–17–2
Linezolid	165800–03–3
Linuron	330–55–2
Malathion	121–75–5
Manganese	7439–96–5
Methicillin	61–32–5
Methyl parathion	298–00–0
Methyl tertiary butyl ether (MTBE)	1634–04–4
Microcystin-LR	101043–37–2
Nonylphenol	25154–52–3
Nonylphenol ethoxylate	9016–45–9
Octylphenol	27193–28–8
Octylphenol ethoxylate	9036–19–5
Oxacillin	66–79–5
Penicillin	(multiple CASRNs)
Perfluorooctanoic acid (PFOA)	335–67–1
Permethrin	52645–53–1
Phosmet	732–11–6
Progesterone	57–83–0
Radon	10043–92–2
Spiramycin	8025–81–8
Strontium 90	121831–99–0
Testosterone	58–22–0
Trichlorfon	52–68–6
Triclocarban	101–20–2
Triclosan	3380–34–5
Tylosin	1401–69–0
Vancomycin	1404–90–6
Virginiamycin	11006–76–1

b. Evaluation of Nominated Contaminants and Data Sources

The SDWA specifies that the CCL only include those contaminants without any proposed or promulgated NPDWRs. Two nominated contaminants are covered under the existing NPDWR for beta photon emitters (40 CFR 141.66(d)(1)) (*i.e.,* strontium 90 and cesium 137), hence, the agency will not consider them for CCL 4. Radon was also nominated, but is not eligible for CCL 4 since the agency developed and proposed a NPDWR (64 FR 59245, November 2, 1999 (USEPA, 1999)). Aldicarb was nominated but is not eligible for CCL 4 since it has an existing NPDWR (40 CFR 141.61(c)); (Note, in response to an administrative petition, the agency issued an

administrative stay of the effective date of the maximum contaminant levels for aldicarbs).

For the remaining 55 nominated contaminants, EPA reviewed the nominations and supporting information to determine if any new data were provided that had not been previously evaluated for CCL 3. Seven of the nominated contaminants were on CCL 3 and were carried forward to the Draft CCL 4, however the agency subsequently excluded those seven from the CCL 4 Universe. The agency also collected additional data for the nominated contaminants, when it was available, from both updated CCL 3 data sources and from new data sources that were not available at the time the agency finalized CCL 3. A complete list of references provided by nominators can be found in the support document ''Summary of Nominations for the Fourth Contaminant Candidate List'' (USEPA, 2015e). A more detailed description of the CCL data sources collected by EPA may be found in the support document ''Data Sources for the Contaminant Candidate List 4'' (USEPA, 2015c). If new data were available, EPA screened and scored the nominated contaminants using the same process that was used in CCL 3.

Data Sources for Chemical and Microbial Contaminants

For nominated chemicals, occurrence data was collected from updated CCL 3 data sources including:

- 2006 production data collected in the Chemical Update System under the Inventory Update Rule,
- 2010 data from the Toxics Release Inventory,
- 2003–2009 data from the USDA Pesticide Data Program, and
- EPA's Storage and Retrieval (STORET) data as of January 2013.

Additional occurrence data for the nominated chemicals were collected from data sources that are new since the CCL 3 including:

- United States Geological Survey (USGS) studies that focused on contaminant occurrence in source waters for public water systems (Hopple et al., 2009, and Kingsbury et al., 2008) and water quality in public-supply wells (Toccalino et al., 2010);
- Individual State public water supply data provided to EPA during the second Six-Year Review of regulated contaminants (for the time period covering 1998–2005) from States including: CA, EPA Region 9 Tribes, FL, IL, NC, OH, SD, TX and WI;
- Data from The California State Water Resources Control Board's Groundwater Ambient Monitoring Assessment program; and
- New data from an EPA literature review of published studies on pharmaceuticals, personal care products and other contaminants.

In addition to health effects data provided by the nominators, EPA searched for health effects data for the nominated chemicals from data sources used in CCL 3 that may have been updated including:

- EPA's Integrated Risk Information System program,
- EPA's Office of Pesticide Programs,
- The Agency for Toxic Substances and Disease Registry (ATSDR),
- The California EPA (Office of Environmental Health Hazard Assessment),
- The Institute of Medicine,
- The National Toxicology Program, and
- The World Health Organization (WHO).

EPA also considered new or updated health effects information contained in the agency's Office of Superfund Remediation and Technology Innovation Provisional Peer Reviewed Toxicity Values.

For microbial contaminants, EPA evaluated waterborne disease outbreak data, and occurrence and health effects data, from data sources used in CCL 3, which have been updated (Murray et al., 2011; CDC, 2008; CDC, 2011). EPA also collected and evaluated information for microbial contaminants from data sources that are new since publication of the Final CCL 3.

A more detailed description of the data sources used to evaluate contaminants for CCL 4 can be found in the support document ''Data Sources for the Contaminant Candidate List 4'' (USEPA, 2015c) available at *http://www.regulations.gov* (Docket ID: EPA–HQ–OW–2012–0217).

c. Outcomes for the CCL 4 Nominated Contaminants

Forty-three of the nominated chemicals were included in the CCL 4 Universe. Forty of the nominated chemicals were previously included in the CCL 3 Universe and were carried forward to the CCL 4 Universe. In addition to these 40, EPA added three nominated chemicals (*i.e.,* octylphenol ethoxylate, oxacillin, and virginiamycin) to the CCL 4 Universe based on health effects and/or occurrence data that is newly available since the Final CCL 3. EPA screened all of the nominated chemicals in the CCL 4 Universe according to the screening criteria developed for CCL 3 and based on that evaluation, the agency included 20 of the nominated chemicals on the PCCL 4. Eighteen of those 20 chemicals were also included in the PCCL 3, and EPA added two new chemicals (manganese and nonylphenol) to the PCCL 4. The data used to screen the nominated chemicals from the CCL 4 Universe to the PCCL 4 can be found in the ''Screening Document for the Draft PCCL 4 Nominated Contaminants'' (USEPA, 2015d). EPA further evaluated the nominated chemicals on the PCCL 4 based on the classification process developed in CCL 3 and determined that manganese and nonylphenol should be added to the Draft CCL 4 based on new health and/or occurrence information (in addition to the chemicals carried forward from the CCL 3). The data that the agency used to further evaluate the nominated contaminants from the PCCL 4, and to select those that were included in the Draft CCL 4, can be found in the ''Contaminant Information Sheets (CISs) for the Draft Fourth Preliminary Contaminant Candidate List (PCCL 4) Nominated Contaminants'' (USEPA, 2015b).

Manganese is an element that naturally occurs in oxide forms and in combinations with other elements in many minerals. Manganese is an essential nutrient for humans and animals. Manganese ores are used in a variety of applications in the United States. Its principal use is in steel production to improve hardness, stiffness and strength (ATSDR, 2012). In 2003 and as part of the first (CCL 1) Regulatory Determination process, EPA made a negative regulatory determination for manganese based on the health and occurrence data available at that time. However, CCL 4 nominators cited more than 20 recent studies that indicate concern for neurological effects in children and infants exposed to excess manganese, which were not available at the time manganese was considered for the first Regulatory Determination or CCL 3. In addition, new monitoring studies from USGS and drinking water monitoring information from several States support an earlier survey (*i.e.,* the National Inorganics and Radionuclides Survey), which indicates manganese is known to occur in drinking water. EPA has determined that the new health effects information and additional occurrence data merit listing manganese in the Draft CCL 4.

Nonylphenol is used in the preparation of lubricating oil additives, resins, plasticizers and antioxidants for plastics and rubber. Additionally, 60 percent of nonylphenol is used in the production of nonylphenol ethoxylates, which are found in detergents and used

in the treatment of textiles. Nonylphenol was previously considered for CCL 3. It was included in the CCL 3 Universe, but was not included in the PCCL 3 or CCL 3. Updated health and occurrence data are now available for nonylphenol, and these data were considered by the agency in evaluating nonylphenol for the Draft CCL 4. Nonylphenol and some of its degradation products have been found to have estrogenic activity in rats and mice (WHO, 2004), and additional occurrence data are available from a USGS National Reconnaissance monitoring study of ambient water (Kolpin et al., 2002). EPA has determined that this updated health data and additional occurrence data show that nonylphenol is anticipated to occur in PWSs, has potential adverse health effects and, therefore, merits listing on the Draft CCL 4.

EPA considered adding dicofol to the Draft CCL 4, however, both of the most recent manufacturers of the pesticide ceased all production as of May 17, 2011, and agreed to an EPA registration cancellation, which effectively prohibits all labeled uses of existing stocks after October 31, 2016. Use of dicofol has declined significantly in recent years. In addition, the chemical properties of dicofol indicate that it has low mobility in water because it is expected to adsorb to organic matter in soil and sediment and it has moderately low solubility in water. As a result, the agency did not list dicofol on the Draft CCL 4 because it is not known or anticipated to occur in drinking water.

EPA evaluated the microbial contaminants nominated for the CCL 4 (see Exhibit 2) using the same process developed for the CCL 3. Taylor et al. (2001) was used as the basis of the microbial CCL 3 Universe, which includes a list of 1,415 known human pathogens. EPA added 10 additional microbes to the CCL 3 Universe based on CCL 3 public nominations and other available data, thus bringing the total number of microbes in the CCL 3 Universe to 1,425. More detailed information about the selection of the CCL 3 Universe for microbial contaminants can be found in the support document ''Final Contaminant Candidate List 3 Microbes: Identifying the Universe'' (USEPA, 2009b).

The microbes in the CCL 3 Universe were subsequently screened into the PCCL 3 by applying 12 criteria to narrow the CCL 3 Universe of all human pathogens to just those pathogens that could be transmitted through drinking water. More detailed information on the screening process developed under CCL 3 for the microbial contaminants can be found in the support document ''Final Contaminant Candidate List 3 Microbes: Screening to the PCCL'' (USEPA, 2009d).

All the microbes nominated for the CCL 4, with the exception of Heterotrophic Plate Count (HPC) bacteria, were already included in both the CCL 3 Universe and PCCL 3. Thus, the agency carried forward those microbes to the CCL 4 Universe and PCCL 4, respectively.

EPA reviewed new and/or updated sources of information for the nominated microbes on the PCCL 4 (*i.e.,* Adenovirus, *Naegleria fowleri, Toxoplasma gondii* and *Vibrio cholerae*), and determined that there were no new data that would change the scores or listing decisions for these contaminants.

Vibrio cholerae and *Toxoplasma gondii* will remain on the Draft PCCL 4 because there are no new data that would change the CCL 3 scores or listing decisions for these contaminants. *Naegleria fowleri* and Adenovirus were on the Final CCL 3 and are therefore being carried forward to the Draft CCL 4, along with the other microbes included on the Final CCL 3. A detailed description of the CCL 3 scoring protocol for microbes can be found in the support document ''Final Contaminant Candidate List 3 Microbes: PCCL to CCL Process'' (USEPA, 2009c). The data used to further evaluate the nominated microbes on the PCCL 4 can be found in the ''Contaminant Information Sheets (CISs) for the Draft Fourth Preliminary Contaminant Candidate List (PCCL 4) Nominated Contaminants'' (USEPA, 2015b).

The group of HPC bacteria was nominated for CCL 4, but EPA is not including it on the Draft CCL 4. HPC may include both pathogenic and harmless bacteria. However, available epidemiological evidence shows no relationship between gastrointestinal illness and HPC bacteria in drinking water (Calderon, 1988; Calderon and Mood, 1991; Payment et al., 1997; WHO, 2003). Thus, EPA considers the potential health risk of HPC bacteria in drinking water as likely negligible and is not including HPC on the Draft CCL 4. In addition, HPC bacteria are addressed by the treatment technique requirements under the Surface Water Treatment Rule, where they can be monitored in lieu of a disinfectant residual.

3. Evaluation of Previous Negative Regulatory Determinations

EPA evaluated the 20 contaminants from CCL 1 and CCL 2 for which the agency made negative regulatory determinations. EPA collected and evaluated new or updated data for the previous negative regulatory determinations, if data were available, from the data sources listed in section II.E.2(b), ''Evaluation of Nominated Contaminants and Data Sources.'' Since regulatory determinations for the CCL 3 contaminants were recently made using the best available data, EPA did not include the CCL 3 regulatory determinations in this evaluation. EPA is adding manganese to the Draft CCL 4, as previously discussed in section 11.E.2, ''Summary and Evaluation for CCL 4 Nominated Contaminants.'' The agency concluded there was not sufficient new information for any of the other 19 contaminants with previous negative regulatory determinations to justify including them on the Draft CCL 4. A listing of previous negative regulatory determinations is included in sections II.D.2 and II.D.4.

F. What is included on EPA's Draft CCL 4?

The Draft CCL 4 includes 100 chemicals and 12 microbes.

EXHIBIT 3. DRAFT CONTAMINANT CANDIDATE LIST 4: MICROBIAL CONTAMINANTS

Pathogens
Adenovirus
Caliciviruses
Campylobacter jejuni
Enterovirus
Escherichia coli (0157)
Helicobacter pylori
Hepatitis A virus
Legionella pneumophila
Mycobacterium avium
Naegleria fowleri
Salmonella enterica
Shigella sonnei

CHEMICAL CONTAMINANTS [4]

Common name—Registry name	CASRN
1,1,1,2-Tetrachloroethane	630–20–6
1,1-Dichloroethane	75–34–3
1,2,3-Trichloropropane	96–18–4
1,3-Butadiene	106–99–0
1,4-Dioxane	123–91–1
17 alpha-Estradiol	57–91–0
1-Butanol	71–36–3
2-Methoxyethanol	109–86–4
2-Propen-1-ol	107–18–6
3-Hydroxycarbofuran	16655–82–6
4,4'-Methylenedianiline	101–77–9
Acephate	30560–19–1
Acetaldehyde	75–07–0
Acetamide	60–35–5
Acetochlor	34256–82–1
Acetochlor ethanesulfonic acid (ESA)	187022–11–3

CHEMICAL CONTAMINANTS [4]—Continued

Common name—Registry name	CASRN
Acetochlor oxanilic acid (OA)	194992–44–4
Acrolein	107–02–8
Alachlor ethanesulfonic acid (ESA)	142363–53–9
Alachlor oxanilic acid (OA)	171262–17–2
Alpha-Hexachlorocyclohexane	319–84–6
Aniline	62–53–3
Bensulide	741–58–2
Benzyl chloride	100–44–7
Butylated hydroxyanisole	25013–16–5
Captan	133–06–2
Chlorate	14866–68–3
Chloromethane (Methyl chloride)	74–87–3
Clethodim	110429–62–4
Cobalt	7440–48–4
Cumene hydroperoxide	80–15–9
Cyanotoxins	N/A
Dicrotophos	141–66–2
Dimethipin	55290–64–7
Disulfoton	298–04–4
Diuron	330–54–1
Equilenin	517–09–9
Equilin	474–86–2
Erythromycin	114–07–8
Estradiol (17-beta estradiol)	50–28–2
Estriol	50–27–1
Estrone	53–16–7
Ethinyl Estradiol (17-alpha Ethinyl Estradiol)	57–63–6
Ethoprop	13194–48–4
Ethylene glycol	107–21–1
Ethylene oxide	75–21–8
Ethylene thiourea	96–45–7
Fenamiphos	22224–92–6
Formaldehyde	50–00–0
Germanium	7440–56–4
Halon 1011 (bromochloromethane)	74–97–5
HCFC–22	75–45–6
Hexane	110–54–3
Hydrazine	302–01–2
Manganese	7439–96–5
Mestranol	72–33–3
Methamidophos	10265–92–6
Methanol	67–56–1
Methyl bromide (Bromomethane)	74–83–9
Methyl tertiary butyl ether (MTBE)	1634–04–4
Metolachlor	51218–45–2
Metolachlor ethanesulfonic acid (ESA)	171118–09–5
Metolachlor oxanilic acid (OA)	152019–73–3
Molinate	2212–67–1
Molybdenum	7439–98–7
Nitrobenzene	98–95–3
Nitroglycerin	55–63–0
N-Methyl-2-pyrrolidone	872–50–4
N-nitrosodiethylamine (NDEA)	55–18–5
N-nitrosodimethylamine (NDMA)	62–75–9
N-nitroso-di-n-propylamine (NDPA)	621–64–7
N-Nitrosodiphenylamine	86–30–6
N-nitrosopyrrolidine (NPYR)	930–55–2
Nonylphenol	25154–52–3
Norethindrone (19-Norethisterone)	68–22–4
n-Propylbenzene	103–65–1
o-Toluidine	95–53–4
Oxirane, methyl-	75–56–9
Oxydemeton-methyl	301–12–2
Oxyfluorfen	42874–03–3
Perfluorooctane sulfonic acid (PFOS)	1763–23–1
Perfluorooctanoic acid (PFOA)	335–67–1
Permethrin	52645–53–1
Profenofos	41198–08–7
Quinoline	91–22–5
RDX (Hexahydro-1,3,5-trinitro-1,3,5-triazine)	121–82–4
sec-Butylbenzene	135–98–8
Tebuconazole	107534–96–3
Tebufenozide	112410–23–8
Tellurium	13494–80–9
Thiodicarb	59669–26–0
Thiophanate-methyl	23564–05–8
Toluene diisocyanate	26471–62–5
Tribufos	78–48–8
Triethylamine	121–44–8
Triphenyltin hydroxide (TPTH)	76–87–9
Urethane	51–79–6
Vanadium	7440–62–2
Vinclozolin	50471–44–8
Ziram	137–30–4

[4] Contaminants on the Final CCL 3 but not on the Draft CCL 4 are: 1,3-dinitrobenzene, dimethoate, perchlorate, strontium, terbufos, and terbufos sulfone.

III. Request for Comment

The purpose of this document is to present the Draft CCL 4 and seek comment on the contaminants selected for the Draft CCL 4, including any supporting data that can be used in developing the Final CCL 4. Data that the agency obtained and evaluated for developing the Draft CCL 4 may be found in the CCL 4 support documents located in the docket for this document. Specifically, the agency is asking for public comments on including manganese and nonylphenol on the CCL 4, and any additional data and information on manganese and nonylphenol health effects and concentrations in finished or ambient water. EPA is also seeking comment on ways the agency can improve or refine the selection process developed for CCL 3, and will take these comments into consideration when developing future CCLs. The agency will consider all information and comments received in determining the Final CCL 4, in the development of future CCLs, and in the EPA's efforts to set drinking water priorities in the future.

IV. EPA's Next Steps

Between now and the publication of the Final CCL 4, the agency will evaluate comments received during the public comment period for this document, consult with the EPA's Science Advisory Board and revise the CCL 4 as appropriate.

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Dated: January 27, 2015.

Kenneth J. Kopocis,

Deputy Assistant Administrator, Office of Water.

[FR Doc. 2015–02210 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0022; FRL–9921–98]

Pesticide Product Registration; Receipt of Applications for New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 6, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark

the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register pesticide products with new uses not included in any currently pesticide registrations. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

1. *EPA Registration Number:* 100–921; 100–922. *Docket ID Number:* EPA–HQ–OPP–2014–0840. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 8300, Greensboro, NC 27419–8300. *Active ingredient:* Acibenzolar-s-methyl. *Product Type:* Fungicide. *Proposed Uses:* Pome fruit, crop group 11–10; citrus fruit, crop group 10–10. *Contact:* RD.

2. *EPA Registration Numbers:* 264–704, 264–788. *Docket ID number:* EPA–HQ–OPP–2015–0012. *Applicant:* Bayer CropScience, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709. *Active ingredient:* Pyrimethanil. *Product type:* Fungicide. *Proposed Use:* Caneberry (Crop subgroup 13–07A) and Bushberry (Crop Subgroup 13–07B). *Contact:* RD.

3. *EPA Registration Number:* 264–1049 and *EPA File Symbol:* 432–RLUE. *Docket ID number:* EPA–HQ–OPP–2014–0923. *Applicant:* Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, P. O. Box 12014, NC, 27709. *Active Ingredient:* Spirotetramat. *Product type:* Insecticide/Miticide. *Proposed Use:* Backyard Citrus. *Contact:* RD.

4. *File Symbol:* 53883–GLT. *Docket ID number:* EPA–HQ–OPP–2015–0024. *Applicant:* Control Solutions, Inc. 5903 Genoa-Red Bluff Road, Pasadena, Texas 77507. *Active Ingredient:* Fluensulfone. *Product type:* Nematicide. *Proposed Use:* Turf. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 27, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2015–02194 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0021; FRL–9921–97]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before March 6, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the File Symbol of interest as shown in the body of this document, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.* Susan Lewis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Registration Applications

EPA has received applications to register pesticide products containing active ingredients not included in any

currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

1. File Symbol: 70051–RRI. Docket ID number: EPA–HQ–OPP–2015–0007. Applicant: Certis USA L.L.C., 9145 Guilford Rd., Suite 175, Columbia, MD 21046. Product name: BmJ TGAI. Active ingredient: Fungicide and *Bacillus mycoides* isolate J at 100%. Proposed classification/Use: Manufacturing use. Contact: BPPD.

2. File Symbol: 70051–RRO. Docket ID number: EPA–HQ–OPP–2015–0007. Applicant: Certis USA L.L.C., 9145 Guilford Rd., Suite 175, Columbia, MD 21046. Product name: BmJ WG. Active ingredient: Fungicide that also claims to reduce plant viral infections and *Bacillus mycoides* isolate J at 40.0%. Proposed classification/Use: Almonds, citrus, cole crops, cucurbits, fruiting vegetables, grapes, legumes, lettuce, pecans, pome fruits, potatoes, spinach, and sugarbeets. Contact: BPPD.

3. File Symbol: 88031–EE. Docket ID number: EPA–HQ–OPP–2015–0023. Applicant: CP Bio, Inc., 4802 Murrieta St., Chino, CA 91710. Product name: Choline Chloride Technical. Active ingredient: Biochemical Plant Growth Regulator and Choline Chloride (Acetyl Choline) at 98%. Proposed classification/Use: Manufacturing Use Product to be Formulated into Plant Growth Regulator End Use Products. Contact: BPPD.

4. File Symbol: 88031–EG. Docket ID number: EPA–HQ–OPP–2015–0023. Applicant: CP Bio, Inc., 4802 Murrieta St., Chino, CA 91710. Product name: Choline Chloride 20% SP. Active ingredient: Biochemical Plant Growth Regulator and Choline Chloride (Acetyl Choline) at 20%. Proposed classification/Use: Plant Growth Regulator for Amelioration of Growth Reduction Caused by Sodic Soils. Contact: BPPD.

5. File Symbol: 91266–R. Docket ID number: EPA–HQ–OPP–2015–0043. Applicant: United States Department of Agriculture, 10300 Baltimore Ave., Bld. 306 BARC–EAST, Beltsville, Maryland 20705. Product name: Oxalic Acid Dihydrate. Active ingredient: Oxalic Acid Dihydrate at 100%. Proposed classification/Use: Insecticide/in-hive use to control Varroa mites. Contact: RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 27, 2015.

Robert NcNally,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2015–02209 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9922–46–OA]

Request for Nominations of Experts for the Clean Air Scientific Advisory Committee (CASAC) Particulate Matter Review Panel

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations for scientific experts to form a CASAC ad hoc panel to provide advice through the chartered CASAC on the scientific and technical aspects of air quality criteria and the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM).

DATES: Nominations should be submitted by February 25, 2015 per instructions below.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2050 or via email at *yeow.aaron@epa.gov.* General information concerning the CASAC can be found at the CASAC Web site at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION:

Background: The Clean Air Scientific Advisory Committee (CASAC) was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. CASAC provides advice, information and recommendations on the scientific and technical aspects of air quality criteria and NAAQS under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA). As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including PM. As a Federal Advisory Committee, the CASAC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The CASAC and the CASAC PM Review Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise and research in the field of air pollution related to PM. Experts are sought in: air quality and climate responses, atmospheric science and chemistry, dosimetry, toxicology, controlled clinical exposure, epidemiology, biostatistics, human exposure modeling, risk assessment/modeling, characterization of PM concentrations and light extinction, and visibility impairment and related welfare effects.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above. Nominations should be submitted in electronic format (preferred over hard copy) following the instructions for ''Nominating Experts to Advisory Panels and Ad Hoc Committees Being Formed,'' provided on the CASAC Web site. If you wish to nominate yourself or another expert, please follow the instructions that can be accessed through the ''Nomination of Experts'' link on the blue navigational bar at the CASAC Web site *http://www.epa.gov/casac.* To receive full consideration, nominations should include all of the information requested below.

EPA's SAB Staff Office requests contact information about the person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's resume or curriculum vitae; sources of recent grant and/or contract support; and a biographical sketch of the nominee indicating current position, educational background, research activities, and recent service on other national advisory committees or national professional organizations.

Persons having questions about the nomination procedures, or who are unable to submit nominations through the CASAC Web site, should contact Mr. Aaron Yeow, DFO, as indicated above in this notice. Nominations should be submitted in time to arrive no later than February 25, 2015.

EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages

nominations of women and men of all racial and ethnic groups.

The EPA SAB Staff Office will acknowledge receipt of nominations. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** notice, and additional experts identified by the SAB Staff, will be posted in a List of Candidates on the CASAC Web site at *http://www.epa.gov/casac.* Public comments on this List of Candidates will be accepted for 21 days. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

For the EPA SAB Staff Office a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge. In forming this expert panel, the SAB Staff Office will consider public comments on the List of Candidates, information provided by the candidates themselves, and background information independently gathered by the SAB Staff Office. Selection criteria to be used for panel membership include: (a) Scientific and/or technical expertise, knowledge, and experience (primary factors); (b) availability and willingness to serve; (c) absence of financial conflicts of interest; (d) absence of an appearance of a lack of impartiality; (e) skills working in committees, subcommittees and advisory panels; and, (f) for the panel as a whole, diversity of expertise and viewpoints.

The SAB Staff Office's evaluation of an absence of financial conflicts of interest will include a review of the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows government officials to determine whether there is a statutory conflict between a person's public responsibilities (which includes membership on an EPA federal advisory committee) and private interests and activities, or the appearance of a lack of impartiality, as defined by federal regulation. The form may be viewed and downloaded from the following URL address *http://www.epa.gov/sab/pdf/epaform3110-48.pdf.*

The approved policy under which the EPA SAB Office selects subcommittees and review panels is described in the following document: *Overview of the Panel Formation Process at the Environmental Protection Agency Science Advisory Board* (EPA–SAB–EC–02–010), which is posted on the SAB Web site at *http://www.epa.gov/sab/pdf/ec02010.pdf.*

Dated: January 28, 2015.

Thomas Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2015–02265 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OPPT–2014–0360; FRL–9922–56–Region–5]

TSCA Sections 402(a), 402(c), and 406(b) Program Authorization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final approval.

SUMMARY: On May 19, 2014, the Bois Forte Band of Chippewa (Bois Forte) submitted a complete application under section 404 of the Toxic Substances Control Act (TSCA) requesting authorization to administer and enforce the requirements for TSCA sections 402(a), 402(c), and 406(b) in accordance with the provisions of TSCA for trust lands located within the exterior boundaries of the reservation. Notice of the Bois Forte application, a solicitation for public comment regarding the application and background information supporting the application was published in the **Federal Register** of June 23, 2014. Today's notice announces the approval of Bois Forte's application, and the authorization of the Bois Forte Band of Chippewa's TSCA sections 402(a), 402(c) and 406(b) programs, to apply on the Bois Forte reservation, effective November 13, 2014, in lieu of the corresponding federal programs.

DATES: Lead-based paint activities and renovation program authorization was granted to the Bois Forte Band of Chippewa effective on November 13, 2014.

FOR FURTHER INFORMATION CONTACT: Emma Avant, Land and Chemicals Division (LCD), Toxics Section, U.S. Environmental Protection Agency, 77 W. Jackson Boulevard, Chicago, IL 60604; telephone number: (312) 886–7899; email address: *avant.emma@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to Title IV of TSCA, Lead Exposure Reduction, 15 U.S.C. 2681–2692, and regulations promulgated thereunder, States and Tribes that choose to apply for authorization of a lead-based paint activities program (TSCA Section 402(a) and 40 CFR part 745, subpart L) and a renovation program (TSCA Sections 402(c) and 406(b) and 40 CFR part 745, subpart E) must submit a complete application to the appropriate Regional EPA office for review. Complete, final applications will be subject to a public comment period, and reviewed by EPA within 180 days of receipt. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the federal program, and will provide for adequate enforcement. As determined by EPA's review and assessment, the Bois Forte application successfully demonstrated that the Tribe's lead-based paint activities and renovation programs achieve the protectiveness and enforcement criteria, and have otherwise satisfied the statutory criteria required for federal authorization. Furthermore, no public comments were received, during or following the public comment period, regarding any aspect of the Bois Forte application. EPA announced solicitation for public comment regarding the application in the **Federal Register** of June 23, 2014 (79 FR 35540) (FRL–9912–59–Region 5: EPA–R05–OPPT–2014–0360).

II. Federal Overfilling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of the Bois Forte Lead Program to the extent that such requirement is consistent with federal law.

III. Withdrawal of Authorization

Pursuant to TSCA section 404(c), 15 U.S.C. 2684(c), the Administrator may withdraw a State or Tribal program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

IV. Regulatory Assessment Requirements

Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities, renovation, and pre-renovation education program applications are informal adjudications, not rules. Therefore, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Does not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L.104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This action does have tribal implications as specified by Executive Order 13175 (FR 67249, November 9, 2000). Although this action is not a regulatory, legislative or policy action, and although this action will not impose substantial direct costs on tribal governments or preempt tribal law, this action may be considered an ''other'' action as included in the definition of ''Policies that have tribal implications'' in Section 1 of Executive Order 13175. In the process that lead to this action, EPA adhered to the criteria in Section 3, as applicable, in Executive Order 13175.

List of Subjects

Environmental Protection, Hazardous Substances, Lead, Renovation Notification, Reporting and Recordkeeping requirements.

Dated: January 15, 2015.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2015–02168 Filed 2–3–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0489 and 3060–0727]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated

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: 3060–0489.

Title: Section 73.37, Applications for Broadcast Facilities, Showing Required.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 365 respondents; 365 responses.

Estimated Hours per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 365 hours.

Total Annual Cost: $1,331,250.

Privacy Impact Assessment(s): No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality and respondents are not being asked to submit confidential information to the Commission.

Needs and Uses: 47 CFR 73.37(d) requires an applicant for a new AM broadcast station, or for a major change in an authorized AM broadcast station, to make a satisfactory showing that objectionable interference will not result to an authorized AM station as a condition for its acceptance if new or modified nighttime operation by a Class B station is proposed. 47 CFR 73.37(f) requires applicants seeking facilities modification that would result in spacing that fail to meet any of the separation requirements to include a showing that an adjustment has been made to the radiated signal which effectively results in a site-to-site radiation that is equivalent to the radiation of a station with standard Model I facilities. FCC staff use the data to ensure that objectionable interference will not be caused to other authorized AM stations.

OMB Control Number: 3060–0727.

Title: Section 73.213, Grandfathered Short-Spaced Stations.

Form Number(s): Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 15 respondents; 15 responses.

Estimated time per response: 0.5 hours–0.83 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 Section 154(i), 55(c)(1), 302 and 303 of the Communications Act of 1934, as amended.

Total annual burden: 20 hours.

Total annual costs: $3,750.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: 47 CFR 73.213 requires licensees of grandfathered short-spaced FM stations seeking to modify or relocate their stations to provide a showing demonstrating that there is no increase in either the total predicted interference area or the associated population (caused or received) with respect to all grandfathered stations or increase the interference caused to any individual stations. Applicants must demonstrate that any new area predicted to lose service as a result of interference has adequate service remaining. In addition, licensees are required to serve a copy of any application for co-channel or first-adjacent channel stations proposing predicted interference caused in any area where interference is not currently predicted to be caused upon the licensee(s) of the affected short-spaced station(s). Commission staff uses the data to determine if the public interest will be served and that existing levels of interference will not be increased to other licensed stations. Providing copies of application(s) to affected licensee(s) will enable potentially affected parties to examine the proposals and provide them an opportunity to file informal objections against such applications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–02243 Filed 2–3–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011539–017.

Title: Norasia Group/HLAG Space Charter and Sailing Agreement.

Parties: Companhia Libra de Navegacao (Libra); Compania Sud Americana de Vapores, S.A. (CSAV); Compania Libra de Navegacion Uruguay S.A.; Hapag-Lloyd AG.; and Norasia Container Lines Limited.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The amendment would add NYK as a party to the Agreement and revise the vessel provision and space allocation provisions accordingly. The Amendment would also increase the number and size of vessels the parties are authorized to operate, extend the minimum duration of the Agreement and delete obsolete material. The Amendment also changes the name of the Agreement, and restates the Agreement.

Agreement No.: 012301–001.

Title: Siem Car Carriers AS/ Volkswagen Logistics GMBH & Co. Space Charter Agreement.

Parties: Siem Car Carriers AS and Volkswagen Logistics GMBH & Co.

Filing Party: Ashley W. Craig, Esq. and Elizabeth K. Lowe, Esq.; Venable LLP; 575 Seventh Street NW., Washington, DC 20004.

Synopsis: The amendment revises the geographic scope of the agreement to include Germany, Canada, and the U.S. East and Gulf Coasts.

Agreement No.: 012315.

Title: NYK/CSAV/Europe/North America Space Charter Agreement.

Parties: Nippon Yusen Kaisha and Campania Sud Americana De Vapores S.A.

Filing Party: Robert Shababb, Corporate Counsel, NYK Line (North America) Inc.; 300 Lighting Way, 5th Floor; Secaucus, NJ 07094.

Synopsis: The agreement authorizes NYK and CSAV to charter space to each other for the transportation of vehicles and other cargo in the trade from Belgium, Germany, UK, and Spain, on the one hand, to the U.S. East and Gulf Coasts, on the other hand.

Dated: January 30, 2015.

By Order of the Federal Maritime Commission.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2015–02195 Filed 2–3–15; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 2, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Citizens National Corporation,* Wisner, Nebraska; to acquire up to an additional 0.16 percent, for a total of 35.36 percent, of the voting shares of Republic Corporation, and thereby acquire United Republic Bank, both in Omaha, Nebraska.

Board of Governors of the Federal Reserve System, January 30, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–02169 Filed 2–3–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–0382–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Assistant Secretary for Health, Office of Adolescent Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, announces plans to request an extension without change of a currently approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). Prior to submitting that request to OMB, OS seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before April 6, 2015.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–OS–0990–0382–Extension–60D for reference.

Information Collection Request Title: Evaluation of Pregnancy Prevention Approaches—First Follow-up

Abstract: The Office of Adolescent Health (OAH), U.S. Department of Health and Human Services (HHS) is requesting an extension without change of a currently approved information collection request by OMB. The purpose of the extension is to complete the ongoing follow-up data collection for the Evaluation of Adolescent Pregnancy Prevention Approaches (PPA), a multi-site random assignment evaluation of promising approaches to teen pregnancy prevention.

Need and Proposed Use of the Information: The PPA study is being conducted in seven program sites around the country. The proposed extension is necessary to complete ongoing follow-up data collection in five of the seven study sites. The resulting data will be used in a rigorous program impact analysis to assess the effectiveness of each program in reducing rates of teen pregnancy and associated sexual risk behaviors.

Likely Respondents: The 1484 youth participants who agreed to participate in the study upon sample enrollment in 5 impact study sites.

The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Oklahoma Institute for Child Advocacy (OICA)	294	2	42/60	412
Ohio Health	148	3	42/60	310
Children's Hospital Los Angeles	254	2	36/60	305
EngenderHealth	240	2	36/60	288
Princeton Center for Leadership Training	548	2	36/60	658
Total				1,973

OS specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2015–02144 Filed 2–3–15; 8:45 am]

BILLING CODE 4168–11–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Renewal of Charters for Certain Federal Advisory Committees

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, as amended (5 U.S.C. App), the U.S. Department of Health and Human Services is hereby announcing that the charters have been renewed for the following federal advisory committees for which the National Institutes of Health provides management support: National Toxicology Program Board of Scientific Counselors (NTPBSC) and National Toxicology Program Special Emphasis Panel (NTPSEP). Functioning as federal advisory committees, these committees are governed by the provisions of the Federal Advisory Committee Act (FACA). Under FACA, the charter for a federal advisory committee must be renewed every two years in order for the committee to continue to operate.

FOR FURTHER INFORMATION CONTACT: 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 code 4875). Telephone (301) 496–2123, or *spaethj@od.nih.gov.*

SUPPLEMENTARY INFORMATION: In 1978 the Secretary of Health and Human Services established the National Toxicology Program (NTP) to coordinate toxicological testing programs within the Department, strengthen the science base in toxicology, develop and validate improved testing methods, and provide information about potentially toxic agents to health regulatory and research agencies, medical and scientific communities, and the public. The NTP is an interagency program that provides

information that improves the nation's ability to evaluate potential human health effects from chemical or physical exposures. The NTP plays a critical role in providing needed scientific data, interpretations, and guidance on the appropriate uses of data to regulatory agencies and other groups involved in health-related research and in providing information to regulatory agencies about alternative methods for toxicity screening.

The results of NTP's long-term, generally two-year, toxicology and carcinogenicity studies, are published as NTP Technical Reports. The NTP uses established criteria to evaluate the findings and determine the strength of the evidence for conclusions regarding the carcinogenic activity of each substance evaluated. Panels are technical, scientific advisory bodies established to provide independent scientific peer review of the draft NTP Technical Reports.

Copies of the charters for the designated committees can be obtained by accessing the FACA data base that is maintained by the Committee Management Secretariat under the General Services Administration.

Dated: January 29, 2015.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02097 Filed 2–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: 45 CFR 1301 Head Start Grant Administration.

OMB No.: 0970–0423.

Description: The Office of Head Start is proposing to renew without changes authority to collect information pursuant to 45 CFR part 1301. These provisions are applicable to program administration and grants administration under the Head Start Act, as amended. The provisions specify the requirements for grantee agencies for insurance and bonding, the submission of audits, matching of federal funds, accounting systems certifications and other provisions applicable to personnel management.

Respondents: Head Start and Early Head Start program grant recipients.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Information Collection	2,700	1	2	5,400

Estimated Total Annual Burden Hours: 5,400.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed 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 proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden information to be collected; and (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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–02139 Filed 2–3–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the Program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857; (301) 443–6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the

Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at Section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on December 1, 2014, through December 31, 2014. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, Room 11C–26, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

Dated: January 28, 2015.

Mary K. Wakefield,

Administrator.

List of Petitions Filed

1. Ian Marley, Greenville, South Carolina, Court of Federal Claims No: 14–1159V.
2. Misty Fankell, Dayton, Ohio, Court of Federal Claims No: 14–1160V.
3. Rene Bridges, Burgaw, North Carolina, Court of Federal Claims No: 14–1167V.
4. Sharena Webb on behalf of D.W., Jr., Jacksonville, Florida, Court of Federal Claims No: 14–1169V.
5. Ronald Gordon, Fenton, Michigan, Court of Federal Claims No: 14–1171V.
6. Cindy Scheiter, Columbia, Missouri, Court of Federal Claims No: 14–1172V.
7. Charles Turner, Midland, Michigan, Court of Federal Claims No: 14–1177V.
8. Nicole C'DeBaca, Brighton, Colorado, Court of Federal Claims No: 14–1181V.
9. Karen Stroup on behalf of R.B., Cranberry Township, Pennsylvania, Court of Federal Claims No: 14–1182V.
10. Lisa Crider, Mishawaka, Indiana, Court of Federal Claims No: 14–1183V.
11. Ermerita Morales on behalf of M.S.M.,Vienna, Virginia, Court of Federal Claims No: 14–1186V.
12. Robert Madigan, Mount Kisco, New York, Court of Federal Claims No: 14–1187V.
13. Brian Dukes, Shelby, North Carolina, Court of Federal Claims No: 14–1188V.
14. Anthony Lawson, Jefferson City, Tennessee, Court of Federal Claims No: 14–1191V.
15. Charles K. Rice, Virginia Beach, Virginia, Court of Federal Claims No: 14–1192V.
16. Gregory Romans, Richmond, Virginia, Court of Federal Claims No: 14–1193V.
17. Brandy Leathers, Detroit, Michigan, Court of Federal Claims No: 14–1194V.
18. Shannon Powers and William Powers on behalf of L.P., Columbus, Ohio, Court of Federal Claims No: 14–1195V.
19. Jorge Gutierrez on behalf of A.G., Tulsa, Oklahoma, Court of Federal Claims No: 14–1201V.
20. Jeanne Bailey, Chicago, Illinois, Court of Federal Claims No: 14–1206V.
21. Michael Lerg, Chapel Hill, North Carolina, Court of Federal Claims No: 14–1208V.
22. Heather C. Williams, Waukesha, Wisconsin, Court of Federal Claims No: 14–1209V.
23. Katy Jeluso, Las Vegas, Nevada, Court of Federal Claims No: 14–1210V.
24. Alicia Skinner-Smith, New Orleans, Louisiana, Court of Federal Claims No: 14–1212V.
25. Kelly A. Loebig, Pittsburgh, Pennsylvania, Court of Federal Claims No: 14–1215V.
26. Dean Stanford, Freemont, California, Court of Federal Claims No: 14–1216V.
27. Elizabeth Jackson, New York, New York, Court of Federal Claims No: 14–1217V.
28. Julie Mounts on behalf of M.M., Lewiston, Maine, Court of Federal Claims No: 14–1219V.
29. Brandy Rojas, Kalispell, Montana, Court of Federal Claims No: 14–1220V.
30. Lolita Newland, Memphis, Tennessee, Court of Federal Claims No: 14–1221V.
31. Michael Opperman, Shawano, Wisconsin, Court of Federal Claims No: 14–1222V.
32. Gregory A. Razka, Bolingbrook, Illinois, Court of Federal Claims No: 14–1224V.
33. Glenn S. Douglas, Alexandria, Virginia, Court of Federal Claims No: 14–1226V.
34. Keith Varela on behalf of M.V., Santa Fe, New Mexico, Court of Federal Claims No: 14–1227V.
35. Thomas Thompson, Mesa, Arizona, Court of Federal Claims No: 14–1229V.
36. Alexis DePalmo, San Diego, California, Court of Federal Claims No: 14–1230V.
37. Patricia M. Abel, Milwaukee, Wisconsin, Court of Federal Claims No: 14–1232V.
38. Michael Reid and Jamie Reid on behalf of M.R., Aurora, Illinois, Court of Federal Claims No: 14–1233V.
39. Vincent J. Christiancy, Shoreline, Washington, Court of Federal Claims No: 14–1235V.
40. Arlen E. Twerdok, Erie, Pennsylvania, Court of Federal Claims No: 14–1237V.
41. Raul DeJesus, Bethlehem, Pennsylvania, Court of Federal Claims No: 14–1238V.
42. Alfred McDaniel, Tempe, Arizona, Court of Federal Claims No: 14–1240V.
43. Randall Carlson, Boston, Massachusetts, Court of Federal Claims No: 14–1244V.
44. Mary Picanco, Boston, Massachusetts, Court of Federal Claims No: 14–1245V.

[FR Doc. 2015–02120 Filed 2–3–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; 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: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee.

Date: March 10–11, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Charles H Washabaugh, Ph.D., Scientific Review Officer Scientific Review Branch NIAMS/NIH, 6701 Democracy Boulevard, Suite 816, Bethesda, MD 20892, 301–594–4952, *washabac@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 29, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02096 Filed 2–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Eunice Kennedy Shriver National Institute of Child Health and Human Development Initial Review Group Health, Behavior, and Context Subcommittee, February 17, 2015, 8:00 a.m. to February 18, 2015, 12:00 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, Washington, DC 20015 which was published in the **Federal Register** on January 13, 2015, 80 FR 8, page 1648.

The meeting notice is amended to change the location to the Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, Washington, DC 20015. The meeting is closed to the public.

Dated: January 29, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02090 Filed 2–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the President's Cancer Panel.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: President's Cancer Panel.

Date: March 26, 2015.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: The Personal Health Revolution, Connected Health and Cancer.

Place: Hyatt Regency San Francisco, 5 Embarcadero Center, San Francisco, CA 94111.

Contact Person: Abby B. Sandler, Ph.D., Executive Secretary, President's Cancer Panel, Special Assistant to the Director, NCI Center for Cancer Research, 9000 Rockville Pike, Building 31 Room B2B37, MSC 2590, Bethesda, MD 20892–8349, (301) 451–9399, *sandlera@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/pcp/index.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 29, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02093 Filed 2–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Training Grants Review.

Date: March 9, 2015.

Time: 11:00 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6706 Democracy Boulevard, Suite 814, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 29, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02095 Filed 2–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development Special Emphasis Panel, February 18, 2015, 12:00 p.m. to February 18, 2015, 5:00 p.m., Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, Washington, DC 20015 which was published in the **Federal Register** on January 13, 2015, 80 FR 8, page 1647.

The meeting notice is amended to change the location to the Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, Washington, DC 20015. The meeting is closed to the public.

Dated: January 29, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02091 Filed 2–3–15; 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 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 Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Planning Grant (R34) and Clinical Trial Implementation Cooperative Agreement (UO1).

Date: February 20, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3G13B, 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 20892–7616, (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. 2015–02094 Filed 2–3–15; 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: Surgical Sciences and Bioengineering.

Date: March 4, 2015.

Time: 11:00 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, (Virtual Meeting).

Contact Person: John Firrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, 301–435–2598, *firrellj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Surgical Sciences and Bioengineering.

Date: March 4, 2015.

Time: 4:00 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, (Virtual Meeting).

Contact Person: Chiayeng Wang, Ph.D., Scientific Review Officer, Center for Scientific Review, 6701 Rockledge Drive, Room 5213, MSC 7852, Bethesda, MD 20892, 301–435–2397, *chiayeng.wang@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Hepatobiliary Pathophysiology and Pharmacology.

Date: March 6, 2015.

Time: 1:00 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: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@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 29, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02092 Filed 2–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are 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 proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Project: Addiction Technology Transfer Centers (ATTC) Network National Workforce Surveys—NEW

The ATTC Network, a nationwide, multidisciplinary resource that draws upon the knowledge, experience and latest research of recognized experts in the field of addictions and behavioral health, is a unique Center Substance Abuse Treatment (CSAT) initiative formed in 1993 in response to a shortage of well-trained addiction and behavioral health professionals in the public sector. The ATTC Network works to enhance the knowledge, skills and aptitudes of the addiction/behavioral health treatment and recovery services workforce by disseminating current health services research from the National Institute on Drug Abuse, National Institute on Alcohol Abuse and Alcoholism, National Institute of Mental Health, Agency for Healthcare Research and Quality, National Institute of Justice, and other sources, as well as other SAMHSA programs. To accomplish this, the ATTC Network: (1) Develops and updates state-of-the-art research based curricula and professional development training, (2) coordinates and facilitates meetings between Single State Authorities, Provider Associations and other key stakeholders, and (3) provides ongoing technical assistance to individuals and organizations at the local, regional and national levels.

In response to the emerging shortages of qualified addiction treatment and recovery services professionals, SAMHSA/CSAT instructed the ATTC National Office to lead the ATTC Network in the development and implementation of a national addiction treatment workforce data collection effort of those individuals who work in substance use specialty treatment services. The purpose of this survey and data collection is to gather information to guide the formation of effective national, regional, state, and organizational policies and strategies aimed at successfully recruiting and retaining a sufficient number of adequately prepared providers who are able to respond to the growing needs of those affected by substance use and mental health disorders; including co-occurring disorders and trauma. This data collection will offer a unique perspective on the clinical treatment field so that CSAT and the ATTC Network can better understand current successful strategies and methodologies being used in the workforce and develop appropriate training for emerging trends in the field.

Although SAMHSA/CSAT is the primary target audience for data collection findings, it is expected that the data collected and resulting reports will also be useful to the ATTC Network, as well as to Single State Agencies, provider organizations, professional organizations, training and education entities, and individuals in the workforce.

Overview of Data Collection and Purposes

Data will be collected from two main sources: (1) Interviews with Single State Authorities (SSAs) in all fifty states (2) A national sample of agency directors or their designees, identified by CSAT in conjunction with the ATTC network, in the substance use disorders treatment field. Respondents will be asked to participate in telephone interviews. In addition to this original data collection, existing national data sets will also be utilized. Such data systems will include:

- Census 2000 datasets
- National Survey of Substance Abuse Treatment Services (N–SSATS)
- SAMHSA Treatment Gap Projection Analysis
- Treatment Episode Data
- Bureau of Labor datasets such as Current Employment Statistics
- Annapolis Coalition Data

Provider Association Survey: The provider association survey will be a single question web survey asking association directors to nominate providers that they believe are exemplary in recruitment, retention or staff development. The purpose of this survey is to triangulate responses from three sources, the SSA, the ATTC and the provider association to identify providers that are considered by all three to be exceptional in their ability to recruit, retain or provide staff development for SUD direct service employees.

State Substance Abuse Authorities Interview: Each state substance abuse authority or their designee will be interviewed to identify concerns regarding work force development, state level strategies to improve recruitment, retention and development of the addiction treatment workforce, changes that have occurred within the past five years and any treatment organization level practices that they think have been particularly successful. They will be asked to identify provider organizations that have exemplary practices to interview.

Program Director/Key Staff Interview: Based on identification by state SSA, state provider association nomination and ATTC/CSAT staff identification, a minimum of 60 addiction treatment provider organizations will be selected for telephone interviews. These organizations may be specialty addiction treatment programs, community mental health centers that provide addiction treatment services or primary care organizations that provide addiction treatment services. The purpose of these interviews is to identify exemplary practices in recruitment, retention and staff development for direct service staff working with patients with SUDs. An interview script has been developed to guide the question formation for the interviews.

Overview of Questions Related to Data Collection

The objectives of the national addiction treatment workforce data collection effort are to explore issues related to workforce development: (1) Staff training, recruitment and retention; (2) Professional development; and (3) Support for strategies and methodologies to prepare, recruit, retain, and sustain the workforce. To accomplish these objectives, CSAT outlined two primary questions to be addressed by the workforce data collection:

1. What are the anticipated workforce development needs for 2017–2022?

For the purposes of this data collection, the ATTC Network will identify the growth and capacity-building needs over the next five years of direct care staff, clinical supervisors, and administrators in agencies represented in the I–SATS registry.

2. What are the common strategies and methodologies to prepare, retain, and maintain the workforce?

Identification of potentially effective strategies used to prepare and recruit individuals to enter the workforce (as previously defined), and encourage them to remain in the workforce and stay current on clinical and other job related skills (*e.g.,* evidence based practices).

Information collected from this workforce data collection will help CSAT and the ATTC Network to better understand the needs of the workforce and categorize some best practices for providing support to the field now and in the future. Emerging trends in addiction and/or co-occurring and

trauma treatment and the existence of mental health problems in substance use disorder treatment and recovery services will be identified and shared with those in the addiction/behavioral health treatment field so appropriate training and funding can be allocated. The information from this data collection will also help CSAT identify areas where deficiencies in substance use and/or co-occurring disorder and trauma treatment exist and provide assistance to regions (and states) to help them develop and adopt strategies for addressing this.

The chart below summarizes the annualized burden for this project.

Type of respondent	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
SSA telephone interview	60	1	60	1	60
Provider Organization Key Staff Telephone Interviews	60	1	60	1	60
Provider Association Survey	50	1	50	.25	12.5
Total	170		170		132.5

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *or* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by April 6, 2015.

Summer King,

Statistician.

[FR Doc. 2015–02081 Filed 2–3–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0316]

National Boating Safety Advisory Council; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership on the National Boating Safety Advisory Council. This Council advises the Coast Guard on recreational boating safety regulations and other major boating safety matters.

DATES: Completed applications should reach the Coast Guard on or before April 6, 2015.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the National Boating Safety Advisory Council that also identifies which membership category the applicant is applying under, along with a resume detailing the applicant's boating experience via one of the following methods:

- By email: *jeffrey.a.ludwig@uscg.mil* (preferred).
- By mail: Commandant (CG–BSX–2)/NBSAC, *Attn:* Mr. Jeff Ludwig, U.S. Coast Guard, 2703 Martin Luther King Ave. SE., Stop 7581, Washington, DC 20593–7581.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Ludwig, Alternate Designated Federal Officer of National Boating Safety Advisory Council; telephone 202–372–1061 or email at *jeffrey.a.ludwig@uscg.mil.*

SUPPLEMENTARY INFORMATION: The National Boating Safety Advisory Council is a Federal advisory committee under the Federal Advisory Committee Act, (Pub. L. 92–463, 5 U.S.C., Appendix). It was established under the authority of 46 United States Code 13110 and advises the Coast Guard on boating safety regulations and other major boating safety matters. The National Boating Safety Advisory Council has 21 members: Seven representatives of State officials responsible for State boating safety programs, seven representatives of recreational boat manufacturers and associated equipment manufacturers, and seven representatives of national recreational boating organizations and the general public, at least five of whom are representatives of national recreational boating organizations. Members are appointed by the Secretary of the Department of Homeland Security.

The Council usually meets at least twice each year at a location selected by the Coast Guard. It may also meet for extraordinary purposes. Subcommittees or working groups may also meet to consider specific issues.

We will consider applications for seven positions that expire or become vacant on December 31, 2015:

- Two representatives of State officials responsible for State boating safety programs;
- Two representatives of recreational boat and associated equipment manufacturers; and
- Three representatives of national recreational boating organizations or the general public.

Applicants are considered for membership on the basis of their particular expertise, knowledge, and experience in recreational boating safety. Appointments for the 2015 vacancies remain pending. The vacancies announced in this notice do not include the 2015 vacancies. The vacancies announced in this notice apply to membership positions that become vacant on January 1st, 2016. Individuals who have applied for National Boating Safety Advisory Council membership in any prior years are asked to re-submit an application if the individual wishes to apply for any of the vacancies announced in this notice.

To be eligible, you should have experience in one of the categories listed above.

Registered lobbyists are not eligible to serve on Federal advisory committees in an individual capacity. See ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions'' (79 FR 47482, August 13, 2014). The category for a member from the general public would be someone appointed in their individual capacity and would be designated as a Special Government Employee as defined in 202(a) of Title 18, United States Code. Registered lobbyists are lobbyists required to comply with provisions contained in The Lobbying Disclosure Act of 1995 (Pub. L. 104–65; as amended by Title II of Pub. L. 110–81).

Each member serves for a term of three years. Members may be considered to serve a maximum of two consecutive terms. All members serve at their own expense and receive no salary, or other compensation from the Federal Government. The exception to this policy is when attending National Boating Safety Advisory Council meetings; members may be reimbursed for travel expenses and provided per diem in accordance with Federal Travel Regulations.

The Department of Homeland Security does not discriminate in selection of Council members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are selected as a non-representative member or as a member from the general public, you will serve as a Special Government Employee as defined in section 202(a) of title 18, United States Code. As a candidate for appointment as a Special Government Employee, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). The Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal court or as otherwise provided under the *Privacy Act* (5 U.S.C. 552a). Applicants can obtain this form by going to the Web site of the Office of Government Ethics (*www.oge.gov*) or by contacting the individual listed above in **FOR FURTHER INFORMATION CONTACT**. Applications which are not accompanied by a completed OGE Form 450 will not be considered.

If you are interested in applying to become a member of the Council, send your cover letter and resume to Mr. Jeff Ludwig, Alternate Designated Federal Officer of National Boating Safety Advisory Council by email or mail according to the instructions in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. Indicate the specific category you request to be considered for and specify your area of expertise that qualifies you to serve on the National Boating Safety Advisory Council. Note that during the vetting process, applicants may be asked to provide their date of birth and social security number. All email submittals will receive email receipt confirmation.

To visit our online docket, go to *http://www.regulations.gov.* Enter the docket number for this notice (USCG–2010–0316) in the Search box, and click ''Search.'' Please do not post your resume or OGE–450 Form on this site.

Dated: January 27, 2015.

Jonathan C. Burton,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2015–02129 Filed 2–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4206–DR; Docket ID FEMA–2015–0002]

Soboba Band of Luiseño Indians; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Soboba Band of Luiseño Indians (FEMA–4206–DR), dated January 27, 2015, and related determinations.

DATES: *Effective Date:* January 27, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated January 27, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage to the lands associated with the Soboba Band of Luiseño Indians resulting from severe storms, flooding, and mudslides during the period of December 4–6, 2014, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists for the Soboba Band of Luiseño Indians and associated lands.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance and Hazard Mitigation for the Soboba Band of Luiseño Indians and associated lands. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Rosalyn L. Cole, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following area has been designated as adversely affected by this major disaster:

Soboba Band of Luiseño Indians and associated lands for Public Assistance.

The Soboba Band of Luiseño Indians is eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–02122 Filed 2–3–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2007–28572]

RIN 1652–0046

Intent to Request Revision from OMB of One Current Public Collection of Information: Secure Flight Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day Notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0046, abstracted below that we will submit to OMB for revision in compliance with

the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves passenger information which certain U.S. aircraft operator and foreign air carriers (collectively ''covered aircraft operators'') submit to Secure Flight for the purposes of identifying and protecting against potential and actual threats to transportation security and identifying those individuals who are a lower risk to transportation security and therefore may be eligible for expedited screening. TSA is revising this collection to include the collection of Computer-Assisted Passenger Prescreening Systems (CAPPS) risk assessments, which is explained below.

DATES: Send your comments by April 6, 2015.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0046; Secure Flight Program, 49 CFR part 1560. The Transportation Security Administration collects information from covered aircraft operators, including foreign air carriers, in order to perform risk-based analysis of passenger information under the Secure Flight Program. Under the Secure Flight Program, as part of risk-based analysis, the information collected is used for watch list matching, which includes matching against lists of Known Travelers, and to assess passenger risk, *e.g.*, to identify passengers who present lower risk and may be eligible for expedited screening. The collection covers —

(1) Secure Flight Passenger Data for passengers of covered domestic and international flights within, to, from, or over the continental United States. The collection also covers flights between two foreign locations when operated by a covered U.S. aircraft operator;

(2) Secure Flight Passenger Data for passengers of charter operators and lessors of aircraft with a maximum takeoff weight of over 12,500 pounds; and

(3) Certain identifying information for non-traveling individuals that airport operators or airport operator points of contact (POCs) seek to authorize to enter a sterile area at a U.S. airport, for example, to patronize a restaurant, to escort a minor or a passenger with disabilities or for another approved purpose.

(4) Computer-Assisted Passenger Prescreening Systems (CAPPS) risk assessments, which are used by aircraft operators in risk-based analysis of passenger information and other prescreening data that produces a passenger boarding pass. The assessments are generated by analyzing the underlying passenger and other prescreening data obtained by the aircraft operator when the passenger makes his or her reservation. *Secure Flight receives only the assessment generated from the applicable data and NOT the underlying data.* TSA obtains important security value from the risk assessment without receiving the underlying privacy and other information that are generated when individuals make their flight reservations;

(5) Frequent Flier Code Words generated by aircraft operator to validate that a passenger is a Frequent Flier program member who may be eligible for expedited screening. TSA analyzes this information to determine the appropriate level of physical screening for all passengers;

(6) Registration information critical to deployment of Secure Flight, such as contact information, data format or mechanism the covered aircraft operators will use to transmit Secure Flight Passenger Data.

The current estimated annual reporting burden is 678,245 hours.

Dated: January 29, 2015.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2015–02101 Filed 2–3–15; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Modification of National Customs Automation Program (NCAP) Test Concerning the use of the Partner Government Agency Message Set through the Automated Commercial Environment (ACE) for the Submission of Certain Data Required by the Environmental Protection Agency (EPA)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to modify the National Customs Automation Program (NCAP) test concerning the transmission of electronic filings through the Automated Commercial Environment (ACE), known as the Partner Government Agency (PGA) Message Set test. This modification expands the use of the ACE PGA Message Set to transmit Environmental Protection Agency (EPA) Notice of Arrival of Pesticides and Devices (NOA) import data in the ocean and rail modes of transportation. PGA Message Set data may be submitted only for certain entries filed at certain ports.

This modified test is in furtherance of key CBP International Trade Data System (ITDS) initiatives as provided in the Security and Accountability For Every Port Act (SAFE) of 2006 to achieve the vision of ACE as the single window for the Government and trade community by automating and enhancing the interaction between international trade partners, CBP, and PGAs by facilitating electronic collection, processing, sharing, and review of trade data and documents required by Federal agencies during the cargo import and export process. The initiatives will significantly increase efficiency and reduce costs over the manual, paper-based interactions that have been in place. The PGA Message Set will improve communication

between agencies and filers regarding imports and when applicable, will allow test participants to submit the required data once rather than submitting data separately to each agency, resulting in quicker processing. During this test, participants will collaborate with CBP and EPA to examine the effectiveness of the single window capability.

This notice invites public comment concerning the test program, provides legal authority for the test, explains the purpose of the test and test participant responsibilities, identifies the regulations that will be waived under the test, provides eligibility and selection criteria for participation in the test, provides a link to a list of ports that are accepting PGA Message Set data under this test, explains the application process, and determines the duration of the test. This document also explains the repercussions and appeals process for misconduct under the test.

DATES: The modified PGA Message Set test will commence no earlier than April 15, 2015, and will continue until concluded by way of announcement in the **Federal Register**. Comments will be accepted through the duration of the test.

ADDRESSES: Comments concerning this notice and any aspect of this test may be submitted at any time during the test via email to Josephine Baiamonte, ACE Business Office (ABO), Office of International Trade at *josephine.baiamonte@cbp.dhs.gov.* In the subject line of your email, please indicate, ''*Comment on PGA Message Set Test FRN*''.

FOR FURTHER INFORMATION CONTACT: For PGA related questions, contact Elizabeth McQueen at *elizabeth.mcqueen@cbp.dhs.gov.* For technical questions related to the Automated Commercial Environment (ACE) or Automated Broker Interface

(ABI) transmissions, contact your assigned client representative. Interested parties without an assigned client representative should direct their questions to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov* with the subject heading ''*PGA Message Set EPA NOA Test FRN-Request to Participate*''.

SUPPLEMENTARY INFORMATION:

Background

On December 13, 2013, U.S. Customs and Border Protection (CBP) published in the **Federal Register** a notice announcing a National Customs Automation Program (NCAP) test called the Partner Government Agency (PGA) Message Set test. *See* 78 FR 75931. The PGA Message Set is the data needed to satisfy the PGA reporting requirements. ACE enables the message set by acting as the ''single window'' for the submission of trade-related data required by the PGAs only once to CBP. This data must be submitted at any time prior to the arrival of the merchandise on the conveyance transporting the cargo to the United States as part of an ACE Cargo Release. The data will be validated and made available to the relevant PGAs involved in import, export, and transportation-related decision making. The data will be used to fulfill merchandise entry requirements and will allow for earlier release decisions and more certainty for the importer in determining the logistics of cargo delivery. Also, by virtue of being electronic, the PGA Message Set will eliminate the necessity for the submission and subsequent handling of paper documents.

The December 2013 **Federal Register** notice announced that ACE would be accepting certain PGA data elements for the Environmental Protection Agency (EPA) and the U.S. Department of Agriculture, Food Safety and Inspection Service (FSIS) for type ''01'' (consumption) and type ''11'' (informal) commercial entries filed at specified ports. These data elements are generally those found in the current paper form (EPA Forms 3520–1 and 3520–21; and FSIS Form 9540–1) and also include data submissions related to Ozone Depleting Substances (ODS) imports, which are currently handled via phone and email. The December 2013 **Federal Register** notice also provides additional background on the NCAP and the International Trade Data System (ITDS). *See* 78 FR 75931.

This document announces CBP's plan to expand the PGA Message Set test to now also include electronic filings of the EPA Notice of Arrival of Pesticides and Devices (NOA). This new PGA Message Set capability will satisfy the EPA NOA data requirements for formal and informal consumption entries through electronic filing in ACE as opposed to filing in paper.

For the convenience of the public, a chronological listing of **Federal Register** publications detailing ACE test developments in Entry, Summary, Accounts and Revenue (ESAR) is set forth below in *Section XII,* entitled, ''*Development of ACE Prototypes*''. The procedures and criteria related to participation in the previous ACE notices remain in effect unless otherwise explicitly changed by this or subsequent notices published in the **Federal Register**.

I. Authorization for the Test

The Customs Modernization provisions in the North American Free Trade Agreement Implementation Act provide the Commissioner of CBP with authority to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. This test is authorized pursuant to § 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)) which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

II. Partner Government Agency Message Set

At this time, CBP is expanding the use of the PGA Message set to include electronic filings of the EPA Notice of Arrival of Pesticides and Devices (NOA) for type ''01'' (consumption) and type ''11'' (informal) commercial entries filed at specified ports. The data elements are those found in the current paper form (EPA Form 3540–1, Notice of Arrival of Pesticides and Devices). The NOA data elements are set forth in the supplemental Customs and Trade Automated Interface Requirements (CATAIR) guidelines for EPA. These technical specifications, including the CATAIR chapters and applicable Harmonized Tariff Schedule of the United States (HTSUS) codes, can be found at the following link: *http://www.cbp.gov/document/forms/epa-supplemental-catair-guidelines*.

At this time, a limited number of ports will be accepting PGA Message Set data. A list of those ports is provided on the following Web site: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports*. CBP may expand to additional ports in the future. Test participants should monitor the Web site for updates to the list of ports accepting PGA Message Set data.

III. The Environmental Protection Agency (EPA) Notice of Arrival of Pesticides and Devices

Section 17(c) of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 136o(c), provides that the Secretary of the Treasury [CBP] shall notify the Administrator of EPA of the arrival of pesticides and devices into the United States. 19 CFR § 12.112 states that an importer desiring to import pesticides into the United States shall submit a Notice of Arrival of Pesticides and Devices (EPA Form 3540–1) to the Administrator of EPA. In practice, importers or brokers file the notice of arrival for these products. The NOA requires the identification and contact information of parties involved in the

importation of the pesticide or device as well as information on the identity of the imported pesticide or device.

Importers of pesticides or devices are required to file a copy of the NOA prior to arrival of the shipment, generally on paper. Most of the time prior to arrival, the NOA is first filed with an EPA Import Coordinator in the region where the Port of Entry is located. Delivery costs are incurred. EPA staff review the NOA and make a determination as to whether the shipment should be released, detained, or refused. This involves manual checking of key information against EPA data bases. The NOA is signed and returned to the importer. It is presented to the CBP official at the time of entry along with other required documentation. The current process is costly and inefficient because it relies on paper and ink signatures, and manual data validation and error correction. The review process can take several days during which more costs may be incurred for storage.

This document announces CBP's plan to allow the use of the PGA Message Set for electronic filings of the EPA Notice of Arrival of Pesticides and Devices (NOA) to satisfy the NOA data requirements for formal and informal consumption entries as opposed to filing in paper.

The electronic NOA will be filed once through the single window with both EPA and CBP for pre-arrival using the PGA Message Set. This will eliminate these separate paperwork filings to both agencies for participating importers and as a result, reduce the overall paperwork burden on the importer and port associated with these EPA regulated shipments. It will also significantly reduce the initial processing/review time for the NOAs (often from days to minutes), provide consistency of this review across all EPA regions, and eliminate the delivery service charges for the paper form. The electronic filing will also allow electronic checks of certain mandatory information including registration numbers which facilitates pre-arrival admissibility verifications, thereby focusing CBP and EPA resources on shipments of interest, as well as providing feedback to the filer.

At this time, the test will include only entries originating in the ocean and rail environment. Truck and air modes of transportation will be included in later stages of the test. Upon acceptance into this test, participants will be required to transmit the NOA data elements for entries originating in the ocean and rail environments, as specified in this notice.

IV. Test Participant Responsibilities

PGA Message Set test participants will be required to:

Transmit the applicable data with the ports that are accepting the ACE PGA Message Set data. A current list of those ports are posted on the following Web site: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports*.

- Transmit, when applicable, the data elements contained in the Notice of Arrival of Pesticides and Devices (NOA—EPA Form 3540–1) form using the PGA Message Set. This information must be electronically transmitted to ACE using the ACE Entry Summary at any time prior to the arrival of the merchandise on the conveyance transporting the cargo to the United States;
- Transmit PGA Message Set import filings only as part of an ACE Entry Summary certified for cargo release;
- Transmit import filings to CBP via ABI in response to a request for documentation or in response to a request for release information for certified ACE Cargo Release;
- Only transmit to CBP information that has been requested by CBP or the EPA; and
- Take part in a CBP evaluation of this test.

Participants are reminded that they should only file documents that CBP can accept electronically. The documents CBP can accept electronically are set forth in the **Federal Register** (79 FR 36083) notice announcing expansion of the Document Image System (DIS) Test (*see* Section XIV below) and in the PGA Message Set part of the CATAIR using the Automated Broker Interface. If CBP cannot accept the additional information electronically, the filer must file the additional information by paper. *See* 78 FR 75931 at 75934–35 (December 13, 2013), for information on Confidentiality (Section XIII) and Misconduct under the PGA Message Set Test (Section XIV).

V. Waiver of Regulation under the Test

For purposes of this test, 19 CFR 12.110—12.117 will be waived for test participants only insofar as eliminating any requirement that may appear in these regulations to file a paper version of EPA Form 3540–1 (Notice of Arrival of Pesticides and Devices). In its place, test participants are required to transmit electronically the data, elements contained in EPA Form 3540–1 (Notice of Arrival of Pesticides and Devices). This document does not waive any recordkeeping requirements found in part 163 of title 19 of the CFR (19 CFR part 163) and the Appendix to part 163 (commonly known as the ''(a)(1)(A) list'').

VI. Eligibility Criteria

As announced in this notice, the use of the PGA Message Set test is expanding to accept EPA NOA data elements. All other eligibility criteria as specified in prior PGA Message Set test notices remain the same. To be eligible to apply for this test, the applicant must:

- Be a self-filing importer who has the ability to file ACE Entry Summaries certified for cargo release or a broker who has the ability to file ACE Entry Summaries certified for cargo release; and
- File entries for EPA commodities that are the subject of this test at the ports that are accepting PGA Message Set data.

Except for those interested in participating in the Ozone Depleting Substances portion of the test (announced in 78 FR 75931, December 13, 2013), CBP will accept an unlimited number of participants for the test.

Test applicants must meet the eligibility criteria described in this document to participate in the test program.

VII. Application Process

Any party seeking to participate in the modified PGA Message Set test, including those previously accepted into the PGA Message Set test announced in December 2013 (78 FR 75931), should email their CBP Client Representative, ACE Business Office (ABO), Office of International Trade to request participation in the modified test. Interested parties without an assigned client representative should submit an email to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov* with the subject heading ''*PGA Message Set EPA NOA Test FRN-Request to Participate*''.

Emails sent to the CBP client representative or to Steven Zaccaro must include the applicant's filer code and the port(s) at which they are interested in filing the appropriate PGA Message Set information. At this time, PGA Message Set data may be submitted only for entries filed at certain ports. A current listing of those ports may be found on the following Web site: *http://www.cbp.gov/document/guidance/ace-cargo-release-pilot-ports.*

Client representatives will work with test participants to provide information regarding the transmission of this data. CBP will begin to accept applications upon the date of publication of this notice and will continue to accept applications throughout the duration of

the test. CBP will notify the selected applicants by email of their selection and the starting date of their participation. Selected participants may have different starting dates. Anyone providing incomplete information, or otherwise not meeting participation requirements, will be notified by email and given the opportunity to resubmit their application.

VIII. Test Duration

The modified test will begin no earlier than March 6, 2015 and is intended to last approximately two years from the date of this notice. At the conclusion of the test, an evaluation will be conducted to assess the effect that the PGA Message Set has on expediting the submission of EPA and importation-related data elements and the processing of EPA entries. The final results of the evaluation will be published in the **Federal Register** and the *Customs Bulletin* as required by section 101.9(b)(2) of the CBP regulations (19 CFR 101.9(b)(2)).

IX. Comments

All interested parties are invited to comment on any aspect of this test at any time. CBP requests comments and feedback on all aspects of this test, including the design, conduct and implementation of the test, in order to determine whether to modify, alter, expand, limit, continue, end, or fully implement this program.

X. Paperwork Reduction Act

The collections of information in this test modification, EPA Form 3540–1 (Notice of Arrival of Pesticides and Devices), have been reviewed by OMB in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 2070–0020. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

XI. List of PGA Programs Currently Accepting Data Through the ACE PGA Message Set Test

- Environmental Protection Agency (EPA) Ozone Depleting Substances (ODS) program data.
- EPA Vehicle and Engine (V&E) program data.
- EPA Notice of Arrival of Pesticides and Devices (NOA—EPA Form 3540–1) data. (Ocean and Rail Modes Only)
- U.S. Department of Agriculture (USDA), Food Safety and Inspection Service (FSIS), meat, poultry, and egg products data.

XII. Development of ACE Prototypes

A chronological listing of **Federal Register** publications detailing ACE test developments is set forth below.

- ACE Portal Accounts and Subsequent Revision Notices: 67 FR 21800 (May 1, 2002); 69 FR 5360 and 69 FR 5362 (February 4, 2004); 69 FR 54302 (September 8, 2004); 70 FR 5199 (February 1, 2005).
- ACE System of Records Notice: 71 FR 3109 (January 19, 2006).
- Terms/Conditions for Access to the ACE Portal and Subsequent Revisions: 72 FR 27632 (May 16, 2007); 73 FR 38464 (July 7, 2008).
- ACE Non-Portal Accounts and Related Notice: 70 FR 61466 (October 24, 2005); 71 FR 15756 (March 29, 2006).
- ACE Entry Summary, Accounts and Revenue (ESAR I) Capabilities: 72 FR 59105 (October 18, 2007).
- ACE Entry Summary, Accounts and Revenue (ESAR II) Capabilities: 73 FR 50337 (August 26, 2008); 74 FR 9826 (March 6, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR III) Capabilities: 74 FR 69129 (December 30, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR IV) Capabilities: 76 FR 37136 (June 24, 2011).
- Post-Entry Amendment (PEA) Processing Test: 76 FR 37136 (June 24, 2011).
- ACE Announcement of a New Start Date for the National Customs Automation Program Test of Automated Manifest Capabilities for Ocean and Rail Carriers: 76 FR 42721 (July 19, 2011).
- ACE Simplified Entry: 76 FR 69755 (November 9, 2011).
- National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS): 77 FR 20835 (April 6, 2012).
- National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Simplified Entry: Modification of Participant Selection Criteria and Application Process: 77 FR 48527 (August 14, 2012).
- Modification of NCAP Test Regarding Reconciliation for Filing Certain Post-Importation Preferential Tariff Treatment Claims under Certain FTAs: 78 FR 27984 (May 13, 2013).
- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE), 78 FR 44142, published July 23, 2013.
- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE); Correction; 78 FR 53466, published August 29, 2013.
- Modification of NCAP Test Concerning Automated Commercial Environment (ACE) Cargo Release (formerly known as Simplified Entry): 78 FR 66039, published November 4, 2013.
- Post-Summary Corrections to Entry Summaries Filed in ACE Pursuant to the ESAR IV Test: Modifications and Clarifications: 78 FR 69434, published November 19, 2013.
- National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Environmental Protection Agency and the Food Safety and Inspection Service Using the Partner Government Agency Message Set Through the Automated Commercial Environment (ACE): 78 FR 75931 (December 13, 2013).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Ocean and Rail Carriers: 79 FR 6210 (February 3, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release To Allow Importers and Brokers To Certify From ACE Entry Summary 79 FR 24744 (May 1, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Truck Carriers 79 FR 25142 (May 2, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment Document Image System 79 FR 36083 (June 25, 2014).
- Announcement of eBond Test: 79 FR 70881 (November 28, 2014).
- eBond Test Modifications and Clarifications: Continuous Bond Executed Prior to or Outside the eBond Test May Be Converted to an eBond by the Surety and Principal, Termination of an eBond, Identification of Principal on an eBond by Filing Identification Number, and Email Address Correction: 80 Fed Reg 899 (January 7, 2015).

Dated: January 30, 2015.

Brenda Smith,

Assistant Commissioner, Office of International Trade.

[FR Doc. 2015–02206 Filed 2–3–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[FXFR1334088TWG0]

Renewal of the Trinity River Adaptive Management Working Group

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior (Secretary), after consultation with the General Services Administration, has renewed the Trinity River Adaptive Management Working Group (Working Group) for 2 years. The Working Group provides recommendations on all aspects of the implementation of the Trinity River Restoration Program and affords stakeholders the opportunity to give policy, management, and technical input concerning Trinity River restoration efforts.

FOR FURTHER INFORMATION CONTACT: Joseph Polos, U.S. Fish and Wildlife Service, 1655 Heindon Road, Arcata, CA 95521; 707–822–7201.

SUPPLEMENTARY INFORMATION: The Working Group conducts its operations in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix). It reports to the Trinity River Management Council (TMC) and functions solely as an advisory body. The TMC reports to the Secretary through the Mid-Pacific Regional Director of the Bureau of Reclamation and the Pacific Southwest Regional Director for the Fish and Wildlife Service. The Working Group provides recommendations and advice to the TMC on: (1) The effectiveness of management actions in achieving restoration goals and alternative hypotheses (methods and strategies) for study, (2) the priority for restoration projects, (3) funding priorities, and (4) other components of the Trinity River Restoration Program.

Working Group members represent the varied interests associated with the Trinity River Restoration Program. Members are selected from, but not limited to, Trinity County residents; recreational and commercial fishermen; commercial and recreational boaters; power/utility companies; agricultural water users; private and commercial timber producers; ranchers and people with grazing rights/permits; tribes; environmental organizations; and Federal, State, and local agencies with responsibilities in the Trinity River Basin. Members must be senior representatives of their respective constituent groups with knowledge of the Trinity River Restoration Program, including the Adaptive Environmental Assessment and Management Program.

We have filed a copy of the Working Group's charter with the Committee Management Secretariat, General Services Administration; the Committee on Environment and Public Works, United States Senate; the Committee on Natural Resources, United States House of Representatives; and the Library of Congress.

Certification: I hereby certify that the Trinity River Adaptive Management Working Group is necessary and is in the public interest in connection with the performance of duties imposed on the Department of the Interior by Public Laws 84–386 and 96–335 (Trinity River Stream Rectification Act), 98–541 and 104–143 (Trinity River Basin Fish and Wildlife Management Act of 1984), and 102–575 (Central Valley Project Improvement Act). The Working Group will assist the Department of the Interior by providing advice and recommendations on all aspects of implementation of the Trinity River Restoration Program.

Dated: January 8, 2015.

Sally Jewell,

Secretary of the Interior.

[FR Doc. 2015–02130 Filed 2–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNMP00000 L13110000.PP0000 15XL1109PF]

Notice of Public Meeting, Pecos District Resource Advisory Council Meeting, New Mexico

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, Bureau of Land Management's (BLM) Pecos District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The RAC will meet on March 10, 2015, at the Roswell Field Office, 2909 West 2nd Street, Roswell, New Mexico, 88201, from 9 a.m.–4 p.m. The public may send written comments to the RAC at the BLM Pecos, 2909 West 2nd Street, Roswell, New Mexico, 88201.

FOR FURTHER INFORMATION CONTACT: Howard Parman, Pecos District Office, Bureau of Land Management, 2909 West 2nd Street, Roswell, New Mexico 88201, 575–627–0212. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8229 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 10-member Pecos District RAC advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management in the BLM's Pecos District. Planned agenda items include: Hydrology issues in the Pecos District; the Pecos River riparian corridor; the status and importance of cultural resources within the Pecos District; the status of the Carlsbad plan revision; an update on Section 7 consultations for the lesser prairie-chicken under the Endangered Species Act, and a recommendation from the Lesser Prairie-Chicken Area of Critical Environmental Concern Subcommittee. All RAC meetings are open to the public. There will be a half-hour public comment period at 11 a.m. for any interested members of the public who wish to address the RAC. Depending on the number of persons wishing to speak and time available, the time for individual comments may be limited.

Michael H. Tupper,

Deputy State Director, Lands and Resources.

[FR Doc. 2015–02127 Filed 2–3–15; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17399; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: California State University, Sacramento has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit

a written request to California State University, Sacramento. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to California State University, Sacramento at the address in this notice by March 6, 2015.

ADDRESSES: Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of California State University, Sacramento. The human remains were removed from Colusa County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by California State University, Sacramento professional staff, in consultation with representatives of Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and Nashville-Eldorado Miwok, a non-Federally recognized Native American group. Chicken Ranch Rancheria of Me-Wuk Indians of California; Cortina Indian Rancheria of Wintun Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Picayune Rancheria of Chukchansi Indians of California; Table Mountain Rancheria of California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe); Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California); and the Miwok Tribe of the El Dorado Rancheria, a non-Federally recognized Native American group, were also contacted by California State University, Sacramento.

History and Description of the Remains

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual, were removed from CA–COL–001 (also known as Miller Mound, S–1), located on private property on the west bank of the Sacramento River, approximately 2.5 miles north of the boundary between Colusa and Yolo counties, CA. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Site records for CA–COL–001 indicate the name for the Patwin village is *Cha'-kah de' he.* Additional archeological data suggests the site is a Patwin village known by Kroeber as *Tsaki.* Archeological evidence suggests that occupation at the site occurred as early as the Middle Horizon, through the Late Horizon with the latest occupation lasting until circa A.D. 1872.

Sometime during the 1920s and 1930s, human remains representing, at minimum, six individuals, were removed from CA–COL–002 (also known as Howell's Point, Owl's Point, or S–2), located on the west bank of the Sacramento River in southeast Colusa County, approximately one mile north of the boundary between Colusa and Yolo counties, CA. The remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

The limited archeological data available on the site suggests occupation occurred as early as Phase 2 of the Late Horizon. Archeological and ethnographic evidence indicates this site to be the location of the Patwin village of *Pă-lo.* Its attribution as an ethnographic village suggests occupation lasted until sometime into the historic period.

Archeological evidence indicates that the lower Sacramento Valley and Delta regions were continuously occupied since at least the Early Horizon (5550–550 B.C.). Cultural changes indicated by artifact typologies and burial patterns, historical linguistic evidence, and biological evidence reveal that the populations in the region were not static, with both *in situ* cultural changes and migrations of outside populations into the area. Linguistic evidence suggests that ancestral-Penutian speaking groups related to modern day Miwok, Nisenan, and Patwin groups occupied the region during the Middle (550 B.C.–A.D. 1100) and Late (A.D. 1100–Historic) Horizons, with some admixing between these groups and Hokan-speaking groups that occupied the region at an earlier date. The genetic data suggests that the Penutians may have arrived later than suggested by the linguistics.

Geographical data from ethnohistoric and ethnographic sources indicate that the site was most likely occupied by Patwin-speakers which occupied the valley west of the Sacramento River and Miwok-speakers resided south of the American River. Ethnographic data and expert testimony from Tribes support the high level of interaction between groups in the lower Sacramento Valley and Delta regions that crosscut linguistic boundaries. Historic population movements resulted in an increased level of shifting among populations, especially among the Miwok and Nisenan who were impacted by disease and Euro-American activities relating to Sutter's Fort and later gold-rush activities.

In summary, the ethnographic, historical, and geographical evidence indicates that burials listed at CA–COL–001 and CA–COL–002 are most closely affiliated with contemporary descendants of the Patwin with more distant ties to neighboring groups, such as the Nisenan and Miwok. The earlier remains from the Middle and Late Horizons share cultural relations with the Plains Miwok and Nisenan based on archeological, biological, and historical linguistic evidence.

Determinations Made by California State University, Sacramento

Officials of California State University, Sacramento have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 7 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; and Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; and Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California) may proceed.

California State University, Sacramento is responsible for notifying the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; and Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California) that this notice has been published.

Dated: December 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02226 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17375; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Grand Valley State University, Allendale, MI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Grand Valley State University has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Grand Valley State University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Grand Valley State University at the address in this notice by March 6, 2015.

ADDRESSES: Dr. Janet G. Brashler, Professor and Curator of Anthropology, Department of Anthropology, Grand Valley State University, 1 Campus Drive, Allendale, MI 49401, telephone (616) 331–3694, email *brashlej@gvsu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Grand Valley State University. The human remains were removed from Allegan, Kent, Mecosta, Missaukee, Newago, and Ottawa counties and two unknown locations in MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Grand Valley State University's professional staff in consultation with representatives of the Hannahville Indian Community, Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Bands of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; and the Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.). Additional requests for consultation were sent to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Miami Tribe of Oklahoma; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red

Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Tribe of Oklahoma; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; White Earth Band of the Minnesota Chippewa Tribe, Minnesota; and the Wyandotte Nation. Hereafter, all tribes listed in this section are referred to as ''The Tribes.''

History and Description of the Remains

At an unknown date prior to 1978, human remains representing, at minimum, four individuals were removed from the Akershock/Smith Mounds (20NE118) in Newaygo County, MI. It is not known how the remains came to be in the Grand Valley State University Anthropology Lab (GVSUAL) collections; however, several sites in Newaygo County were excavated before 1970 by avocational archeologists and donated to Grand Valley State University (GVSU). The four individuals include an adult, probably female, an infant of undetermined age, a juvenile of undetermined age, and a sub adult. No known individuals were identified. The remains likely date to the Late Woodland (A.D. 900–1400) based on diagnostic objects. The 144 associated funerary objects are from mound fill and include 65 flint chips, two rocks, two soils samples, three soil and red ocher samples, one piece charred material, 54 body sherds, two rim sherds, one piece of slate, 11 animal bones, two cores, and one possible pipe fragment.

In 1968, human remains representing, at minimum, three individuals were removed from the Hammon Mounds (20NE216) in Newaygo County, MI. The site, consisting of at least two mounds, was excavated by avocational archeologists prior to their demolition. The remains were donated to GVSU in 1981. The three individuals include two adults (one probably male, the other of unknown sex) and one juvenile. No known individuals were identified. The remains likely date to the Middle to Late Woodland (100 B.C. to A.D. 1400) based on associated diagnostic objects. The 16 associated funerary objects include 2 copper awls with bone or wood handle fragments, 12 ceramic body sherds, and 2 animal bone fragments.

In May 1977, human remains representing, at minimum, one individual were removed by campers from the ''Houghton Lake Site'' also known as the ''M–55 burial'' (20MA28) in Missaukee County, MI, and brought to GVSU for review by Richard Flanders. In September 1977, GVSU anthropology personnel conducted a salvage excavation of the original burial pit. All of the remains and associated artifacts were donated to GVSUAL. The individual is an adult male, probably 25–30 years of age, with evidence of extreme physical activity in left femur and possible trauma to skull. No known individuals were identified. The remains date to the historic fur trade era (A.D. 1700–1850, likely toward the earlier part of the time period) based on the associated funerary objects. The 1,278 associated funerary objects include 1,266 glass beads (29 quahog purple white shell beads, 889 semi translucent dark blue tubular glass beads, 59 light blue tubular glass beads, 21 milky white tubular glass beads, and 268 black seed beads); one brass or copper trade kettle; two knives, tang and blade fragments, with a wooden handle and a bone handle; two circular silver broaches; one fragment of a silver tinkling cone; one strike-a-light; one iron ax; one tubular sandstone pipe (possibly prehistoric); two conical cup shaped bone artifacts with carved sides; and one hollow bird bone wrapped with sinew.

In October 1975, human remains representing, at minimum, 14 individuals, were discovered by Eugene Knobloch while plowing his farm in Allegan County, MI. Knobloch contacted Dr. Richard Flanders at GVSU (then Grand Valley State Colleges), and between 1976 and 1978, GVSU conducted field excavations at the site, known as the Knobloch site (20AE633) under the direction of Dr. Richard Flanders. The landowner donated the collection to GVSU where most of the remains were curated as a site number. Field notes and preliminary analysis suggested the presence of 23 uncremated individuals and possibly 8 cremated individuals. A re-examination of the remains in 2011 indicate that human remains include uncremated remains of six adults (one adult male, two adult females and three adults of indeterminate sex); four juveniles of indeterminate sex; and four infants, one of which is possibly a late term fetus. No known individuals were identified. The site also included an ossuary with 32,384 fragments of bone that could not be used to calculate an accurate MNI. Two radio carbon dates (uncalibrated A.D. 1440±90 and A.D. 1140±90) indicate a Late Woodland age for the site. Nearby artifacts include ceramic and lithic diagnostics, which date to the Late Woodland. No associated funerary objects are present.

Between September 1994 and September 1995, human remains representing, at minimum, six individuals (at least one adult male, two adult females and three indeterminant adults) were discovered by John Koster while dredging for black dirt and gravel. Initial analysis of the remains in 1995 by Dr. Robert Sundick of Western Michigan University confirmed that the remains were Native American. Subsequent analysis indicated that four of the five individuals suffered from osteoarthritis and significantly worn dentition. No known individuals were identified. No age determination was possible given disturbed context, however, it is possible that these remains are middle Holocene in age (circa 5500 B.P.) based on their possible geological context in a peat/marl deposit. No associated funerary objects were present, though a single Archaic period projectile point was recovered from the surface approximately 50 m from the disturbed remains.

On an unknown date between 1964 and 1990, human remains representing, at minimum, one individual were recovered from an unknown location in Kent County, MI, most likely in the vicinity of Lowell, MI. The remains are from an adult male in good health. There are no notes in the GVSUAL files related to the discovery, excavation, or donation of the remains to the lab. No date or time period for the remains could be established. No known individuals were identified. No associated funerary objects are present.

In 1978, human remains representing, at minimum, one adult individual were recovered from a load of dirt and gravel deposited on a road near Paris in Mecosta County, MI. The remains, a portion of a skull of one adult male, were recovered by the Mecosta County Sherriff, and the source of the gravel traced to a local gravel pit which was searched for additional remains. None were found. The skull was sent to the Michigan State Police Lab for identification and was donated to the GVSUAL at an unknown date. No date or time period for the remains could be established. No known individuals were identified. No associated funerary objects are present.

In 1964, human remains representing, at minimum, two individuals were removed from the basement excavation

of the Myers Lake site (20KT185) in Kent County, MI. The local police and W.D. Frankforter of the Public Museum of Grand Rapids were notified. Frankforter visited the site and recovered additional remains, and subsequently the landowner found additional remains, which he turned over to the Public Museum of Grand Rapids. Sometime between 1964 and 1989, the remains of one adult male and one adult of undetermined sex were donated by the Museum to the GVSUAL. The remains probably date to the Late Woodland time period (A.D. 500–1400) based on diagnostic ceramics found with the remains. No known individuals were identified. The one associated funerary object is a partially reconstructed ceramic vessel.

Between 1963 and 1964, human remains representing, at minimum, one individual were recovered from Norton Mounds (20KT1) in Kent County, MI. The remains of a single infant, 10–18 months in age, were most likely recovered during excavations by the University of Michigan at Norton Mounds. The majority of the remains from Norton Mounds were housed at the Public Museum of Grand Rapids, with the exception of this single individual, which was donated to the GVSUAL at some time between 1964 and 1989. There is no record of donation, however W.D. Frankforter, Director of the Public Museum, and Richard Flanders of GVSU worked collaboratively on a number of projects. Norton Mounds is a Middle Woodland burial location dating to between 100 B.C. and A.D. 200 based on radiocarbon dates, diagnostic ceramics, and lithics. No known individuals were identified. No associated funerary objects are present.

In June 1969, human remains representing, at minimum, 11 individuals were excavated at the Paggeot Site (20OT89) in Ottawa County, MI. Children discovered remains eroding into the Grand River and other remains were discovered in the process of construction of a sewer pipe. The largely disturbed remains of eight adults (at least two males, one possible female, one possible male 21–45 years old, and four individuals of undetermined sex); one sub-adult; and two infants (one 6–18 months and one 16–32 months) were excavated under the direction of W. D. Frankforter of the Public Museum of Grand Rapids. All of the human remains and a portion of the associated funerary objects were donated to the GVSUAL between 1970 and 1989. In 1987, the current landowner donated additional remains recovered from the site. There were no notes in the GVSUAL collection documenting burial position or specific artifact associations. Associated diagnostic artifacts suggest that the remains date to the later Middle Woodland period between A.D. 100 and 300. No known individuals were identified. The 26 associated funerary objects are two split and pointed deer metapodial pins, one deer antler tine, one deer long bone section, one lot of fragments of a single turtle carapace, 20 freshwater pearl beads, and one *Busycon contrarium* shell dipper.

In late May 1977, human remains representing, at minimum, 6 individuals were removed from the Rice Lake site (20NE219) in Newaygo County, MI. The disturbed remains were exposed on the surface of a sand pit. Staff from Grand Valley State University under the direction of Richard Flanders collected the remains of five adults (one male 25–35, one older adult male, and three individuals of undetermined sex) and one sub adult individual approximately 15 years of age. One of the individuals shows unusual modification to the calvarium. Documents in the collections at GVSUAL suggest that the grooves are possibly consistent with bear mauling, though evidence was not conclusive. The position of burials was not clear because they were eroded, but the possibility of their being bundle burials is suggested in notes on file. The date and/or time period for these remains is unclear. Shovel tests in the vicinity of the remains indicated presence of Late Woodland (A.D. 500–1400) ceramics and lithics, but these are not directly associated with the remains and are not funerary objects. Further, a horse pelvis was recovered in the same context suggesting the possibility that the remains could be historic; however, no other historic materials were recovered from the area. No known individuals were identified. No associated funerary objects are present.

In 1929, 1956, or on April 29, 1958, human remains representing, at minimum, 10 individuals were removed from Saugatuck City Hall in Allegan County, MI. Remains from the site (20AE01) were documented originally in 1937 by George Quimby, then at the University of Michigan. In 1956, remains were recovered by the Grand Rapids Public Museum. In 1958, additional remains were recovered during excavation of a sewer trench a few meters south of the city hall. Notes on file at GVSUAL suggest that avocational archeologist members of the Wright L. Coffinberry Chapter of the Michigan Archaeological Society were involved in identification of the 1958 remains. In 1958, some or all of the remains were reported to be located in the Saugatuck City Hall. One report suggests these were later buried in an unknown cemetery in Saugatuck. Sometime between 1964 and 1989, human remains from one of these excavations were donated to the GVSUAL, however, there is no record of donation. The GVSUAL remains include an infant, four sub-adults, four middle aged (two male, two female) individuals, and one adult individual of indeterminate age. A small number of cremation remains were recovered for which no MNI was calculated. One of the sub-adult crania shows cut marks on frontal bone and parietal bone and in short strikes circumferentially around the skull consistent with marks of a scalping. Examination of the cut marks suggests the scalping was conducted peri-mortem. In addition one scapula indicates an anterior dislocation. Two femur (a right and a left) display round holes drilled post mortem. One report by Emmerson Greenman, who visited the site in 1956, suggested that the remains were Hopewell based on a flint blade recovered from ''inside of the body.'' Reports in GVSUAL and University of Michigan (UMMA) files, suggest that some of the Saugatuck remains date to the late fur trade era, most likely during the American Period between A.D. 1791 and 1850 approximately. Oral history suggests the location was a cemetery for the Potawatomi and by this time, the Potawatomi historically occupied the area of Michigan south of the Grand River where Saugatuck is located. No known individuals were identified. No associated funerary objects are present.

In 1967, human remains representing, at minimum, 22 individuals were removed from the Schooley A Mound (20NE218) in Newaygo County, MI. The site was excavated by members of the Newaygo Chapter of the Michigan Archaeological Society with assistance by Richard Flanders of GVSU. The human remains include 16 adults (three possible males, three males 35–50 years in age, one possible female, and nine individuals of indeterminate sex); four sub adults (two 15 year olds and two of indeterminate age); one infant; and one pre-natal infant that were donated to GVSUAL sometime after 1967 and before 1981. Burials occured at four places in the mound, with one relatively intact burial in a flexed position, and three areas where multiple individuals were interred including one area where cremains were deposited suggesting multiple internment episodes. The Late Woodland (A.D. 500–1200) date and time period for the remains is based on projectile points and five diagnostic

right angle clay elbow pipes included in the mound. No known individuals were identified. No associated funerary objects are present.

In June 1967, human remains representing, at minimum, five individuals were removed from the Schrader Mound (20NE217) in Newaygo County, MI. The site was excavated by members of the Newaygo Chapter of the Michigan Archaeological Society. The human remains include 5 adults (one probable male 27–44 and four adults of undetermined sex). At least two individuals were cremated and three individuals were not cremated. The human remains were donated to GVSU sometime after 1967 and before 1989. Artifacts from the site were retained by private individuals. The site dates to the Woodland Period (100 B.C. to A.D. 1400) based on notes in the GVSUAL files. Given the shape and size of the mound, it is likely that the remains date to the Late Woodland (A.D. 500–1400). No known individuals were identified. No associated funerary objects are present.

On October 12, 1972, human remains representing, at minimum, one individual were removed from the G. Sharphorn property in Ottawa County, MI. The remains of one 15 year old, probable female, were identified by workmen during construction and were removed by staff from GVSU under the supervision of Richard Flanders in consultation with the Ottawa County Sherriff. The relatively complete burial was donated to GVSU. No date or time period could be established. No known individuals were identified. No associated funerary objects are present.

Between 1966 and 1969, human remains representing, at minimum, four individuals, were removed from the Spoonville site (20OT1), in Ottawa County, MI. The site was previously excavated in 1962 by Richard Flanders, then of UMMA (collections and funerary objects from this excavation were curated at UMMA). The human remains in the GVSUAL include one adult male, two adults of unidentified sex, and one sub-adult which were recovered by Flanders (who was by 1964 at GVSU). At this time, one of the mounds was being leveled for construction of a residence. The landowner donated the human remains to GVSU and kept associated funerary objects. The burials were recovered from a Hopewellian Middle Woodland period mound dating between A.D. 1 and A.D. 400. No known individuals were identified. No known associated funerary objects are in the GVSUAL collection.

On an unknown date, human remains representing, at minimum, four individuals were removed from the Virginianus site at an unknown location presumably in Michigan. Three individuals are adult of undetermined sex and one individual is a juvenile. There are no records in the GVSUAL archeological site files or any other state site files. There is no record of donation. No date or time period for the human remains could be established. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, two individuals were removed from an unknown site, presumably in Michigan. Two adult individuals are represented, one possible male and one probable male. Possible cut marks are present on the left side of one mandible. No records are available for these remains. No date or time period for the human remains could be established. No known individuals were identified. No associated funerary objects are present.

In March 1997, human remains representing, at minimum, three individuals were removed from the Emshwiller property in Ottawa County, MI. The remains of three adults (one of which is possibly male, the other two of undetermined sex) were collected by Detective James Brack of the Ottawa County Sherriff Department upon being discovered during excavation of a basement. Detective Brack subsequently delivered the remains to the GVSUAL. No date or time period for the human remains could be established. No known individuals were identified. No associated funerary objects are present.

In October 1999 and in March 2000, human remains representing, at minimum, four individuals were removed from the Vanderstel property (20OT296) in Ottawa County MI. The remains were discovered by a heavy equipment operator who was digging a foundation for a residence. The Ottawa County Sherriff was given the remains of one individual who brought them to GVSUAL to determine if they were Native American. Subsequently, two burial pits were identified by the operator, and Drs. Kimmarie Murphy, Bruce Hardy and Janet Brashler excavated the remains. In the spring, a fourth burial pit with a single individual was located and excavated from the planned septic field for the residence. The remains include four discrete burials in pit features excavated into a previously occupied Late Woodland archeological site dating to the 12th century based on a radiocarbon date from the site. Burial 1 was a young adult female. Burial 2 (young adult male) was disturbed by equipment. Burial 3 was a young adult female. Burial 4 was an adult female between 25 and 40. The date and time for the human remains is established based on a series of radiocarbon dates from associated materials and from the presence of European brass associated with Burials 1 and 2. Radiocarbon dates suggest a date between A.D. 1590 and 1620, an early date for European brass in the Great Lakes. No known individuals were identified. Eight associated funerary objects include: From Burial 1, two notched brass armbands, one woven textile wrap, and one rabbit skin wrap preserved by copper salts; from Burial 2, one brass tube with woven plant fibers; from Burial 3, one Late Prehistoric/Protohistoric triangular projectile point; and from Burial 4, two bone tubes, one with a polished end.

On an unknown date, human remains representing, at minimum, two individuals were removed from an unknown location, presumably in Michigan. The human remains are two adults of undetermined sex and were recovered from a box with the label ''Bone Museum'' in the GVSUAL faunal comparative collection. There is no documentation for this collection. No date or time period for the human remains could be established. No known individuals were identified. No associated funerary objects are present.

On an unknown date, human remains representing, at minimum, one individual was removed from the Pretty Lake Site at an unknown location in Mecosta County, MI. The remains of one adult of undetermined sex were discovered in the GVSUAL in a box labeled the Pretty Lake Site. No documentation for these remains exists in the GVSUAL. No date and time period for the human remains could be established. No known individuals were identified. No associated funerary objects are present.

In summer of 1969 and in June 2010, human remains representing, at minimum, one individual were removed from the Blendon Landing site (20OT73) in Ottawa County, MI. The remains were recovered as part of archeological field schools conducted by GVSU directed by Richard Flanders in 1969 and Janet Brashler in 2010. Included in the remains are a single proximal femur of a probable young adult male and a single adult molar tooth with a partial 5th cusp, suggesting possible European origin. Both remains were recovered during excavations of a 19th century historic Euro-American logging camp. However, a small amount of pre-Columbian contact material has been recovered from the site. The date and

time period for the human remains could not be established. No known individuals were identified. No associated funerary objects are present.

On July 19, 2008, human remains, representing at minimum, one individual were removed from a residence in Blendon Township, Ottawa County, MI. On July 31, 2008, Ottawa County Sherriff officers Kik, Garvelink, and Blakely transferred the remains to the GVSUAL. The remains are an adult female, 35–55 years old. Presence of wormian bones in sagittal suture suggests possible European or shared European ancestry. No other ethnic markers present. Sheriff's office provided no information on how the remains came to be in a private residence. No date or time period could be established. No known individuals were identified. No associated funerary objects are present.

On an unknown date(s) between 1970 and 1990, and during June 2010, human remains representing, at minimum, one individual were removed from the Sand Creek Site (20OT66) in Ottawa County, MI. The remains are one adult of undetermined sex and were recovered during surface collection and excavations conducted by GVSU in the 1970s and again during June 2010. The date and time period for the remains is unknown because the site is multi-component dating from the Archaic and Woodland periods (3000 B.C.—A.D. 1640) and from the historic period (19th century) when an Ottawa village was located in the vicinity. No known individuals were identified. No associated funerary objects are present.

Determinations Made by Grand Valley State University

Officials of Grand Valley State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on cranial morphology, dental traits, accession documentation, and archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 111 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 1,473 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Tribes.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Janet Brashler, Professor and Curator of Anthropology, Grand Valley State University, 1 Campus Drive, Allendale, MI 49401, telephone (616) 331–3694, email *brashlej@gvsu.edu,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Tribes may proceed.

Grand Valley State University is responsible for notifying The Tribes that this notice has been published.

Dated: January 14, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02264 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17374; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum), Golden, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum) has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum). If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum) at the address in this notice by March 6, 2015.

ADDRESSES: Steve Friesen, Director, Buffalo Bill Museum and Grave, 987 1/2 Lookout Mountain Road, Golden, CO 80401, telephone (303) 526–0744, email *steve.friesen@denvergov.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum), Golden, CO. The human remains were removed from an unknown location.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum) professional staff in consultation with representatives of the Crow Tribe of Montana.

History and Description of the Remains

Prior to 1931, human remains representing, at minimum, one individual came into the possession of Johnny Baker, foster son of Buffalo Bill

Cody. The first mention of the scalp was in the museum's 1931 inventory when the collection was under the control of Mr. Baker and his wife Olive. Upon Olive's death in 1957, control of the collection was transferred to the City of Denver, which operates the Buffalo Bill Museum and Grave. The inventory done in 1957, at the time the collection was transferred, includes a ''Crow scalp''. No known individuals were identified. No associated funerary objects are present. The human remains are Native American based on the museum records.

Determinations Made by the Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum)

Officials of the Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum) have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Crow Tribe of Montana.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Steve Friesen, Director, Buffalo Bill Museum and Grave, 987 1/2 Lookout Mountain Road, Golden, CO 80401, telephone (303) 526–0744, email *steve.friesen@denvergov.org,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Crow Tribe of Montana may proceed.

The Buffalo Bill Museum and Grave (formerly the Buffalo Bill Memorial Museum) is responsible for notifying the Crow Tribe of Montana that this notice has been published.

Dated: December 19, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02186 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17479; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains in consultation with the appropriate federally recognized Indian tribes and has determined that there is no cultural affiliation between the human remains and any present-day federally recognized Indian tribes. Representatives of any federally recognized Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains to the federally recognized Indian tribes stated in this notice may proceed.

DATES: Representatives of any federally recognized Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to TVA at the address in this notice by March 6, 2015.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control and possession of TVA. The human remains were likely removed from the Citico site, 40MR7, in Monroe County, TN, as a result of unauthorized digging. The human remains were anonymously delivered to TVA in the 1990s.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by TVA's professional staff in consultation with representatives of the Absentee Shawnee Tribe of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

TVA has in its control and possession human remains representing, at minimum, 12 individuals. All are adults. Four have been determined to be female and two to be male. The sex of the other 6 individuals is indeterminate. Composed primarily of cranial bones, oral history indicates that the human remains were sent to the Tennessee Valley Authority after November 16, 1990, but excavated before the passage of NAGPRA. These human remains likely resulted from the unauthorized digging that took place at the Citico site between 1968 and 1978. Their context within the site and chronological placement is unknown.

The Citico site was excavated by the University of Tennessee in 1967 and 1968 under a contract with the National Park Service. The site was exposed using heavy equipment and the excavation focused on features, burials, and mound stratigraphy. These excavations were a result of the impoundment of the Little Tennessee River as part of TVA's Tellico Dam and Reservoir project. Subsequent to the professional excavation, the site was damaged by unauthorized digging.

Excavations at the Citico site revealed two dominate occupations: A Mississippian Dallas phase occupation (A.D. 1300–1550) and a later eighteenth century Overhill Cherokee occupation. Since no funerary objects accompanied these human remains, it is not known if they were derived from the Dallas phase or the historic Cherokee occupation. The lack of any detailed information on these human remains leads TVA to designate them as culturally unidentifiable.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in prehistoric archeological contexts.

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 12 individuals of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.

• According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

• Pursuant to 43 CFR 10.11(c)(1)(ii), TVA has decided to transfer control of the culturally unidentifiable human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any federally recognized Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

TVA is responsible for notifying the Absentee Shawnee Tribe of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: January 13, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02218 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17466; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: University of Denver Museum of Anthropology, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The University of Denver Museum of Anthropology has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the University of Denver Museum of Anthropology. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the University of Denver Museum of Anthropology at the address in this notice by March 6, 2015.

ADDRESSES: Anne Amati, University of Denver Museum of Anthropology, 2000 E. Asbury Ave., Denver, CO 80208, telephone (303) 871–2687, email *anne.amati@du.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the University of Denver Museum of Anthropology, Denver, CO. The human remains were removed from an unknown site in Wyoming.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the University of Denver Museum of Anthropology professional staff in consultation with representatives of tribes with aboriginal territory in Wyoming. The consultant tribes with aboriginal territory in Wyoming include: Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Crow Tribe of Montana; Ely Shoshone Tribe of Nevada; Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; Keweenaw Bay Indian Community, Michigan; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Santee Sioux Nation, Nebraska; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation; Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada; Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; and Yankton Sioux Tribe of South Dakota.

The following tribes with aboriginal territory in Wyoming were also invited to participate but were not involved in consultations: Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Big Pine Paiute Tribe of the Owens Valley (previously listed as the Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California); Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California); Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Death Valley Timbi-Sha Shoshone Tribe (previously listed as the Death Valley Timbi-Sha Shoshone Band of California); Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Flandreau Santee Sioux Tribe of South Dakota; Fort McDermitt Paiute and

Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Lone Pine Paiute-Shoshone Tribe (previously listed as the Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California); Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community in the State of Minnesota; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Prairie Island Indian Community in the State of Minnesota; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Reno-Sparks Indian Colony, Nevada; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shakopee Mdewakanton Sioux Community of Minnesota; Spirit Lake Tribe, North Dakota; Standing Rock Sioux Tribe of North & South Dakota; Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band); Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Upper Sioux Community, Minnesota; Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches); and Yomba Shoshone Tribe of the Yomba Reservation, Nevada.

Hereafter, all tribes listed in this section are referred to as ''The Consulted and Notified Tribes.''

History and Description of the Remains

At an unknown date, human remains representing, at minimum, 1 individual were removed from an unknown site in Wyoming. Theodore Sowers collected the human remains in the 1930s during fieldwork led by Dr. E.B. Renaud of the University of Denver Department of Anthropology. Mr. Sowers' daughters, Katy Sickles and Jenny Bauer, donated the human remains to the University of Denver Museum of Anthropology in August, 1995, to facilitate repatriation. A napkin with the inscription ''A Katenia'' and male/female symbols were found with the remains upon donation. No known individuals were identified. No associated funerary objects are present.

Pursuant to 43 CFR 10.16, the Secretary of the Interior may make a recommendation for a transfer of control of culturally unidentifiable human remains. In November 2014, the University of Denver Museum of Anthropology requested that the Secretary, through the Native American Graves Protection and Repatriation Review Committee, recommend the proposed transfer of control of the culturally unidentifiable Native American human remains in this notice to the Arapaho Tribe of the Wind River Reservation, Wyoming; and the Shoshone Tribe of the Wind River Reservation, Wyoming. The Review Committee, acting pursuant to its responsibility under 25 U.S.C. 3006(c)(5), considered the request at its November 2014 meeting and recommended to the Secretary that the proposed transfer of control proceed. A December 29, 2014 letter on behalf of the Secretary of Interior from the Associate Director, Cultural Resources, Partnerships, and Science transmitted the Secretary's independent review and concurrence with the Review Committee that:

- The University of Denver Museum of Anthropology consulted with every appropriate Indian tribe or Native Hawaiian organization,
- none of The Consulted and Notified Tribes objected to the proposed transfer of control, and
- the University of Denver Museum of Anthropology may proceed with the agreed upon transfer of control of the culturally unidentifiable human remains to the Arapaho Tribe of the Wind River Reservation, Wyoming; and the Shoshone Tribe of the Wind River Reservation, Wyoming.

Transfer of control is contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

Determinations Made by the University of Denver Museum of Anthropology

Officials of the University of Denver Museum of Anthropology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the broader collecting practices of Mr. Theodore Sowers and the findings of a physical anthropologist employed by the University of Denver prior to November 1995.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 1 individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Pursuant to 43 CFR 10.16, the disposition of the human remains will be to the Arapaho Tribe of the Wind River Reservation, Wyoming; and the Shoshone Tribe of the Wind River Reservation, Wyoming.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Anne Amati, University of Denver Museum of Anthropology, 2000 East Asbury Ave., Denver, CO 80208, telephone (303) 871–2687, email *anne.amati@du.edu,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Arapaho Tribe of the Wind River Reservation, Wyoming; and the Shoshone Tribe of the Wind River Reservation, Wyoming may proceed.

The University of Denver Museum of Anthropology is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: January 9, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02189 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17372; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice by March 6, 2015.

ADDRESSES: Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the American Museum of Natural History, New York, NY. The human remains were removed from an unidentified mound in an unknown county in MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the American Museum of Natural History professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bay Mills Indian Community, Michigan; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Band of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Saginaw Chippewa Indian Tribe of Michigan; Sault Ste. Marie Tribe of Chippewa Indians, Michigan; Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Tribe of Oklahoma; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; White Earth Band of Minnesota Chippewa Tribe, Minnesota; Wyandotte Nation (hereinafter referred to as ''The Tribes'').

History and Description of the Remains

In an unknown year, human remains representing, at minimum, one adult male individual were removed from a mound in Michigan by an unknown individual. These remains were in the possession of the American Institute of Phrenology and the American Museum of Natural History does not have any information regarding how theses remains were acquired. The American Museum of Natural History acquired these remains as a gift in 1929 as part of the Phrenology Collection from Jesse Y. Loomis, in the name of Ernest Yates Loomis. No known individual was identified.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archaeological context and the presence of cranial deformation.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the unknown aboriginal land of The Tribes.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of The Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, NY, NY 10024, telephone 212–769–5837, email *nmurphy@amnh.org,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The American Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: December 19, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02187 Filed 2–3–15; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17383;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Idaho Transportation Department, Boise, ID, and Alfred W. Bowers Laboratory of Anthropology, University of Idaho, Moscow, ID

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Idaho Transportation Department has completed an inventory of human remains and associated funerary objects in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Idaho Transportation Department. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Idaho Transportation Department at the address in this notice by March 6, 2015.

ADDRESSES: Marc Münch, State Highway Archaeologist, Idaho Transportation Department, 3311 W. State Street, P.O. Box 7129, Boise, ID 83707–1129, telephone (208) 334–8449, email *marc.munch@itd.idaho.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Idaho Transportation Department, Boise, ID, and in the physical custody of the Alfred W. Bowers Laboratory of Anthropology, Moscow, ID. The human remains and associated funerary objects were removed from 10NP102 (Arrow Beach) and 10NP105 (Lenore Village) in Nez Perce County, ID.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Idaho Transportation Department and professional staff from the Alfred W. Bowers Laboratory of Anthropology in consultation with representatives of the Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho).

History and Description of the Remains

In 1967, human remains representing, at minimum, 1 individual and 208 associated funerary objects were removed from the Arrow Beach site (10NP102) in Nez Perce County, ID. In 1967, a human burial marked by a large pile of stones mounded on top of the body and including funerary objects was uncovered at the Arrow Beach site (10NP102). The body was in a loosely flexed position facing east. The burial was radiocarbon dated to 2930 B.P. ± 130 years. Due to the crushed state of the remains, age and sex are indeterminate.

The human remains and associated funerary objects were removed and transferred to the Idaho State University Museum. In 1976, the collection was transferred to the University of Idaho, Alfred W. Bowers Laboratory of Anthropology for study and analysis (UI accession number 76–14). No known individuals were identified.

The 208 associated funerary objects are: Debitage (n=80), stones (n=2), edge ground cobble (n=1), cobble fragment (n=1), modified flake (n=1), spall (n=1), biface (n=1), uniface (n=1), fish (n=1), bivalve (n=1), bivalve fragments (1 lot), rodent bone (n=1), medium mammal bone fragments (n=27), small mammal bone fragments (n=12), small mammal bone fragments (1 lot), unidentified mammal bone fragments (n=52), unidentified mammal bone fragments (2 lots), charcoal (n=1), charcoal (6 lots), unidentified excrement (n=4 lots/1 piece), ochre (n=1), ochre (1 lot), soil samples (n=2), soil sample (3 lots), glass fragment (n=1), modified large mammal vertebra (n=1), bone awls (n=2).

The earliest occupation of the Arrow Beach (10NP102) site dates to 3500–3000 B.P. The human burial found at 10NP102 likely belongs to this phase and has been radiocarbon dated to 2930 B.P. ± 130. The site is believed to have been temporarily abandoned after the first phase and reoccupied around 2800 B.P. with significant evidence of continuous occupation lasting until the early 1800s. The Arrow Beach (10NP102) site is located within the traditional territories of the Nez Perce Tribe and lies well within current reservation boundaries established in the Treaty of 1863.

Between 1968 and 1970, human remains representing, at minimum, three individuals were removed from the Lenore Village site (10NP105) in Nez Perce County, ID. Human remains were unearthed in the NE corner of Unit 20L4 (Feature 26). The body was in an extended position with the head oriented west and the feet oriented east. The remains are a male likely in his 30s–40s with historic-era clothing.

Human remains were unearthed in Block A–3A (Feature 12). This individual was described as having two traumatic injuries suggestive of a bullet wound in the skull. The individual is of indeterminate sex or age, due to the state of the remains.

A cranium and cranium fragment were unearthed 36 cm below the surface in Block 17L15. The individual was initially described as having a small molar which led to a faulty assumption that the individual was a child. This burial was not assigned a feature or burial number.

The human remains and associated funerary objects were removed and transferred to the Idaho State University Museum. In 1976, the collection was transferred to the University of Idaho, Alfred W. Bowers Laboratory of Anthropology, for study and analysis (UI accession number 76–14). No known individuals were identified.

The 2038 unassociated funerary objects are: Debitage (n=1680), debitage (n=4 lots), rocks (n=48), flaked cobbles (n=8), cores (n=5), net sinker blank (n=1), modified flakes (n=44), bifaces (n=7), uniface (n=1), cobble flakes (n=6), cobbles (n=3), projectile points (n=2), spall (n=1), edge battered cobbles (n=9), end battered cobbles (n=7), ground stones (n=5), fire cracked rock (n=14), tested cobbles (n=5), pestles (n=2), fragments of elk bone (n=2), unidentified bone fragments (possibly human) (n=8 lots), unidentified mammal bone fragments (n=89), unidentified mammal bone fragments (n=6 lots), teeth (n=2), ochre (n=13), charcoal (n=17), charcoal (n=22 lots),

soil (1 lot), clothing and buttons (n=3 lots), left boot heel (n=1 lot), right boot heel (1 lot), glass fragments (n=4), historic nails and glass (n=12 fragments), historic battery (n=1), seeds (n=2), beetle (n=1), beetle remains (n=1 lot).

The Lenore Village site dates to at least 8,000 B.P. with occasional occupation of the site in the post-contact period. The Lenore Village (10NP105) site is located within the traditional territories of the Nez Perce Tribe and lies well within current reservation boundaries established in the Treaty of 1863.

Determinations Made by the Idaho Transportation Department

Officials of the Idaho Transportation Department have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 4 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 2246 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Marc Münch, State Highway Archaeologist, Idaho Transportation Department, 3311 W. State Street, P.O. Box 7129, Boise, ID 83707–1129, telephone (208) 334–8449, email *marc.munch@itd.idaho.gov,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho) may proceed.

The Idaho Transportation Department is responsible for notifying the Nez Perce Tribe (previously listed as the Nez Perce Tribe of Idaho) that this notice has been published.

Dated: December 22, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02224 Filed 2–3–15; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17344;[PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Milwaukee Public Museum, Milwaukee, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Milwaukee Public Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Milwaukee Public Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Milwaukee Public Museum at the address in this notice by March 6, 2015.

ADDRESSES: Dawn Scher Thomae, Milwaukee Public Museum, 800 W. Wells Street, Milwaukee, WI 53233, telephone (414) 278–6157, email *thomae@mpm.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Milwaukee Public Museum, Milwaukee, WI. The human remains and associated funerary objects were removed from the Massee Rock Shelter, Isle Royale, Keweenaw County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Milwaukee Public Museum professional staff in consultation with representatives of Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe; Mille Lacs Band of the Minnesota Chippewa Tribe; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; White Earth Band of Minnesota Chippewa Tribe.

These groups were also invited to consult with MPM: Bois Forte (Nett Lake) of the Minnesota Chippewa Tribe; Chippewa-Cree Indians of the Rocky Boy's Reservation; Fond du Lac Band of the Minnesota Chippewa Tribe; Grand Portage Band of the Minnesota Chippewa Tribe; Menominee Nation, Wisconsin; Red Lake Band of Chippewa Indians, Minnesota Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Montana; and Turtle Mountain Band of Chippewa Indians of North Dakota.

History and Description of the Remains

In 1928, human remains representing, at minimum, 15 individuals were removed from the Massee Rock Shelter, Isle Royale (20–IR–14) in Keweenaw County, MI. The human remains and associated funerary objects were removed by Mr. George West and group who were on an expedition to examine sites related to native copper mining in the Lake Superior region. They stopped on the island and were led to the rock shelter by a local fisherman. The minimum number of individuals is 10 adults and 5 sub adults. Based on several indicators, at least eight of the

individuals appear to be male and five appear to be female. No known individuals were identified. The two associated funerary objects are bird skeletons.

Determinations Made by the Milwaukee Public Museum

Officials of the Milwaukee Public Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on examination by three individuals with extensive knowledge and training in identifying Native American human remains.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of at least 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the two objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe; Mille Lacs Band of the Minnesota Chippewa Tribe; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and White Earth Band of Minnesota Chippewa Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe; Mille Lacs Band of the Minnesota Chippewa Tribe; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and White Earth Band of Minnesota Chippewa Tribe.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe; Mille Lacs Band of the Minnesota Chippewa Tribe; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and White Earth Band of Minnesota Chippewa Tribe.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dawn Scher Thomae, Milwaukee Public Museum, 800 W. Wells Street, Milwaukee, WI 53233, telephone (414) 278–6157, email *thomae@mpm.edu,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe; Mille Lacs Band of the Minnesota Chippewa Tribe; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and White Earth Band of Minnesota Chippewa Tribe may proceed.

The Milwaukee Public Museum is responsible for notifying the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe; Mille Lacs Band of the Minnesota Chippewa Tribe; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; and White Earth Band of Minnesota Chippewa Tribe that this notice has been published.

Dated: December 17, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02216 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17340; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology at Indiana University, Bloomington, IN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology at Indiana University has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Indiana University NAGPRA Office. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Indiana University NAGPRA Office at the address in this notice by March 6, 2015.

ADDRESSES: Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E. Kirkwood Ave., Bloomington, IN

47405, telephone (812) 856–5315, email *thomajay@indiana.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Department of Anthropology at Indiana University, Bloomington, IN. The human remains were removed from an unknown location.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Indiana University professional staff in consultation with representatives of The Chickasaw Nation.

History and Description of the Remains

In 1956, human remains representing, at minimum, 3 individuals were donated to the Department of Anthropology at Indiana University from the Cincinnati Society of Natural History. Notes indicate that these remains may have been part of the Chicago Historical Society collections prior to 1950. The remains are labeled as being from Chickasaw individuals. No other information is present.

Determinations Made by the Department of Anthropology at Indiana University

Officials of the Department of Anthropology at Indiana University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 3 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Chickasaw Nation.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Jayne-Leigh Thomas, NAGPRA Director, Indiana University, NAGPRA Office, Student Building 318, 701 E. Kirkwood Ave., Bloomington, IN 47405, telephone (812) 856–5315, email *thomajay@indiana.edu,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Chickasaw Nation may proceed.

The Department of Anthropology at Indiana University is responsible for notifying The Chickasaw Nation that this notice has been published.

Dated: December 16, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02228 Filed 2–3–15; 8:45 am]

BILLING CODE 4310–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17373: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice March 6, 2015.

ADDRESSES: Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the American Museum of Natural History, New York, NY. The human remains were removed from Bay and Saginaw Counties, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the American Museum of Natural History professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Saginaw Chippewa Indian Tribe of Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians, Michigan (hereinafter referred to as ''The Tribes'').

Additional requests for consultation were sent to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Citizen Potawatomi Nation, Oklahoma; Delaware Nation; Delaware Tribe of Indians, Oklahoma; Eastern Shawnee Tribe of Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Hannahville Indian Community, Michigan; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Band of

Odawa Indians, Michigan; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Menominee Indian Tribe of Wisconsin; Miami Tribe of Oklahoma; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Pokagon Band of Potawatomi Indians, Michigan and Indiana; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Seneca-Cayuga Tribe of Oklahoma; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; White Earth Band of Minnesota Chippewa Tribe, Minnesota; and the Wyandotte Nation.

History and Description of the Remains

In an unknown year, human remains representing, at minimum, 1 adult male individual were removed by an employee of the Michigan Central Railroad Company from a site 3 miles south of Saginaw Bay, along the west side of the Saginaw River near West Bay City in Bay County, MI. In 1903, the American Museum of Natural History purchased the remains from E.H. Crane. No known individuals were identified.

In an unknown year, human remains representing, at minimum, 2 adult individuals were collected by Harlan Smith from sand obtained from Andrews Sand Hill, Germain Village Site, secondarily deposited near north of the Tittabawassee River, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

In an unknown year, human remains representing at minimum, 10 individuals, were collected by Harlan I. Smith from a disturbed grave in the Germain Village Site, East Side of Saginaw River, Saginaw County, Saginaw, MI. Smith gifted these remains to the American Museum of Natural History in 1899. No known individuals were identified.

In 1894, human remains representing at minimum, 14 individuals, were collected by Harlan I. Smith from Fobear Mound #1, south of the Cass River, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

In an unknown year, human remains representing, at minimum, 3 adult individuals, were collected by Harlan I. Smith from Fobear Mound #2, south of Cass River, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

In an unknown year, human remains representing, at minimum, 1 adult individual, were collected by Harlan I. Smith, from the largest of the three mounds, Spaulding, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

On July 1, 1894, human remains representing, at minimum, 2 adult individuals, were collected by Harlan I. Smith from the Frazier Village Site, south side of the Tittabawassee River, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

In an unknown year, human remains representing at minimum, 1 adult individual, were collected by Harlan I. Smith from Ayers Camp site, east side of Saginaw River, Saginaw, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1899. No known individual was identified.

In an unknown year, human remains representing at minimum, 1 individual, were collected by George Rose from the Flint River, Saginaw County, MI. It is unknown when Rose transferred the remains to Harlan I. Smith, who gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

In an unknown year, human remains representing at minimum, 5 individuals, were collected by Harlan I. Smith in Golson's Yard, South Saginaw, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

On August 19, 1894, human remains representing at minimum, 1 adult individual, were collected by Harlan I. Smith, from the Little Village Site, Park House vicinity, Saginaw, Saginaw County, MI. Smith gifted these remains to the American Museum of Natural History in 1901. No known individuals were identified.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based primarily on the donor's collecting history and archaeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 41 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Saginaw Chippewa Indian Tribe of Michigan.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of The Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, NY, NY 10024, telephone 212–769–5837, email *nmurphy@amnh.org,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The American Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: January 14, 2015

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02184 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17400; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: California State University, Sacramento has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to California State University, Sacramento. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to California State University, Sacramento at the address in this notice by March 6, 2015.

ADDRESSES: Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of California State University, Sacramento. The human remains were removed from Sacramento and Yolo counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by California State University, Sacramento professional staff in consultation with representatives of Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and Nashville-Eldorado Miwok, a non-Federally recognized Native American group. Chicken Ranch Rancheria of Me-Wuk Indians of California; Cortina Indian Rancheria of Wintun Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Picayune Rancheria of Chukchansi Indians of California; Table Mountain Rancheria of California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe); Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California); and the Miwok Tribe of the El Dorado Rancheria, a non-Federally recognized Native American group, were also contacted by California State University, Sacramento.

History and Description of the Remains

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual, were removed from private property on CA–SAC–157 (also known as Wamser Mound), located on the south bank of the American River near River Bend Park of Rancho Cordova in north-central Sacramento County, CA. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Archeological data from the site indicates occupation occurred during the Middle and Late Horizons. Additional archeological data suggests occupation may have lasted into an unknown time during the Historic period.

Sometime during the 1920s and 1930s, human remains representing, at minimum, six individuals, were removed from CA–YOL–013 (also known as the Mustang site), located on the south bank of the Sacramento River at the confluence of the Sacramento River, Feather River, and Sacramento Slough in west-central Yolo County, CA. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Archeological data indicates occupation of the site occurring as early as Phase 1 of the Late Horizon, lasting until an unknown time during the historic period. Ethnographic evidence suggest that CA–YOL–013 may be the site of a large historic Nisenan Village known as *Hol'-lo-wi* or a close association thereof.

Archeological evidence indicates that the lower Sacramento Valley and Delta regions were continuously occupied since at least the Early Horizon (5550–550 B.C.). Cultural changes indicated by artifact typologies and burial patterns, historical linguistic evidence, and biological evidence reveal that the populations in the region were not static, with both *in situ* cultural changes and migrations of outside populations into the area. Linguistic evidence suggests that ancestral-Penutian speaking groups related to modern day Miwok, Nisenan, and Patwin groups occupied the region during the Middle (550 B.C.–A.D. 1100) and Late (A.D. 1100–Historic) Horizons, with some admixing between these groups and Hokan-speaking groups that occupied the region at an earlier date. The genetic data suggests that the Penutians may have arrived later than suggested by the linguistics.

Geographical data from ethnohistoric and ethnographic sources indicate that the site was most likely occupied by Nisenan-speaking groups at the beginning of the historic period, while Patwin-speakers occupied the valley west of the Sacramento River and Miwok-speakers resided south of the American River. Ethnographic data and expert testimony from Tribes support the high level of interaction between groups in the lower Sacramento Valley and Delta regions that crosscut linguistic boundaries. Historic population movements resulted in an

increased level of shifting among populations, especially among populations who were impacted by disease, violence, and Euro-American activities relating to Sutter's Fort and later gold-rush activities.

In summary, the ethnographic, historical, and geographical evidence available indicate that the burials listed above are most closely affiliated with contemporary descendants of the Nisenan with more distant ties to neighboring groups, such as Miwok, Patwin, and Yokut. The earlier remains from the Middle and Late Horizons share cultural relations with the Plains Miwok, Nisenan, and Yokut based on archeological, biological, and historical linguistic evidence.

Determinations Made by California State University, Sacramento

Officials of California State University, Sacramento have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 7 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California and United Auburn Indian Community of the Auburn Rancheria of California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California and United Auburn Indian Community of the Auburn Rancheria of California may proceed.

California State University, Sacramento is responsible for notifying the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California and United Auburn Indian Community of the Auburn Rancheria of California that this notice has been published.

Dated: December 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02227 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17370; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Formerly Colorado Historical Society, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Colorado, formerly Colorado Historical Society, has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to History Colorado at the address in this notice by March 6, 2015.

ADDRESSES: Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4561, email *sheila.goff@state.co.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of History Colorado, Denver, CO. One set of remains was received through the Moffat County Coroner and is presumed to have originated in that county. One set of remains was the result of an inadvertent discovery in Mesa County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by History Colorado professional staff in consultation with representatives of the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Jicarilla Apache Nation, New Mexico; Kiowa Tribe of Oklahoma; Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Clara, New Mexico; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Southern Ute Indian Tribe of the Southern Ute Indian Reservation, Colorado; Ute Indian Tribe (Uintah & Ouray Reservation), Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Ohkay Owingeh, New Mexico (formerly the Pueblo of San Juan); Pueblo of San Felipe, New Mexico; and Zuni Tribe of the Zuni Reservation, New Mexico were invited to consult, but did not participate. Hereafter, all tribes listed above are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In March 2014, the Craig Colorado Police Department was contacted by a local public school because human remains representing, at minimum, one individual, were found in a storage closet. A teacher recalled that the remains had been used for teaching in the distant past. Anecdotal information indicated that they were removed from a local, unnamed archeological site at an unknown time in the past. They were transferred to History Colorado and are identified as Office of Archaeology and Historic Preservation (OAHP) Case Number 303. Osteological analysis

determined they are of Native American ancestry. No known individuals were identified. No associated funerary objects are present.

In May 2014, human remains representing, at minimum, one individual were inadvertently discovered at the bottom of a slope on private property near Grand Mesa, CO. The Mesa County Coroner investigated and ruled out forensic interest. The exact location from which the human remains originated could not be located, but it is presumed they eroded from higher ground. The human remains were transferred to History Colorado, where they are identified as OAHP Case Number 306. Osteological analysis by determined that they are of Native American ancestry. No known individuals were identified. No associated funerary objects are present.

History Colorado, in partnership with the Colorado Commission of Indian Affairs, Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah, conducted tribal consultations among the tribes with ancestral ties to the State of Colorado to develop the process for disposition of culturally unidentifiable Native American human remains and associated funerary objects originating from inadvertent discoveries on Colorado State and private lands. As a result of the consultation, a process was developed, *Process for Consultation, Transfer, and Reburial of Culturally Unidentifiable Native American Human Remains and Associated Funerary Objects Originating From Inadvertent Discoveries on Colorado State and Private Lands,* (2008, unpublished, on file with the Colorado Office of Archaeology and Historic Preservation). The tribes consulted are those who have expressed their wishes to be notified of discoveries in the Great Basin Consultation Region as established by the *Process,* where these individuals originated.

The Native American Graves Protection and Repatriation Review Committee (Review Committee) is responsible for recommending specific actions for disposition of culturally unidentifiable human remains. On November 3–4, 2006, the *Process* was presented to the Review Committee for consideration. A January 8, 2007, letter on behalf of the Review Committee from the Designated Federal Officer transmitted the provisional authorization to proceed with the *Process* upon receipt of formal responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma, subject to forthcoming conditions imposed by the Secretary of the Interior. On May 15–16, 2008, the responses from the Jicarilla Apache Nation, New Mexico, and the Kiowa Indian Tribe of Oklahoma were submitted to the Review Committee. On September 23, 2008, the Assistant Secretary for Fish and Wildlife and Parks, as the designee for the Secretary of the Interior, transmitted the authorization for the disposition of culturally unidentifiable human remains according to the *Process* and NAGPRA, pending publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

43 CFR 10.11 was promulgated on March 15, 2010, to provide a process for the disposition of culturally unidentifiable Native American human remains recovered from tribal or aboriginal lands as established by the final judgment of the Indian Claims Commission or U.S. Court of Claims, a treaty, Act of Congress, or Executive Order, or other authoritative governmental sources. As there is no evidence indicating that the human remains reported in this notice originated from tribal or aboriginal lands, they are eligible for disposition under the *Process.*

Determinations Made by History Colorado

Officials of History Colorado have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains are Native American based on osteological analysis.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Pursuant to 43 CFR 10.11(c)(2)(ii) and the *Process,* the disposition of the human remains may be to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Sheila Goff, NAGPRA Liaison, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may proceed.

History Colorado is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: December 19, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02225 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17371; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The American Museum of Natural History has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the American Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the American Museum of Natural History at the address in this notice by March 6, 2015.

ADDRESSES: Nell Murphy, Director of Cultural Resources, American Museum

of Natural History, Central Park West at 79th Street, New York, NY 10024, telephone (212) 769–5837, email *nmurphy@amnh.org*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the American Museum of Natural History, New York, NY. The human remains were removed from the Grand Hotel, Mackinac Island, Mackinac County, MI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the American Museum of Natural History professional staff in consultation with representatives of the Bay Mills Indian Community, Michigan; Grand Traverse Band of Ottawa and Chippewa Indians, Michigan; Hannahville Indian Community, Michigan; Keweenaw Bay Indian Community, Michigan; Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; Little River Band of Ottawa Indians, Michigan; Little Traverse Bay Band of Odawa Indians, Michigan; Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan; Miami Tribe of Oklahoma; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians, Michigan (hereinafter referred to as ''The Tribes'').

Additional requests for consultation were sent to the Absentee-Shawnee Tribe of Indians of Oklahoma; Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana; Citizen Potawatomi Nation, Oklahoma; Delaware Nation, Oklahoma; Delaware Tribe of Indians; Eastern Shawnee Tribe of Oklahoma; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Forest County Potawatomi Community, Wisconsin; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Menominee Indian Tribe of Wisconsin; Ottawa Tribe of Oklahoma; Peoria Tribe of Indians of Oklahoma; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Shawnee Tribe; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Sac and Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation of Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Seneca-Cayuga Tribe of Oklahoma; Seneca Nation of Indians (previously listed as the Seneca Nation of New York); Tonawanda Band of Seneca (previously listed as the Tonawanda Band of Seneca Indians of New York); Turtle Mountain Band of Chippewa Indians of North Dakota; White Earth Band of Minnesota Chippewa Tribe, Minnesota; and the Wyandotte Nation.

History and Description of the Remains

In an unknown year, human remains representing, at minimum, one adult male individual were collected by an unknown individual near the foundation of the porch of the Grand Hotel, Mackinac Island, Mackinac County, MI, on Mackinac Island. The American Museum of Natural History acquired these remains as a gift from Mr. Nicholas Lambaris in 1957 and accessioned these remains in 1959. No known individuals were identified.

Determinations Made by the American Museum of Natural History

Officials of the American Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archeological context and museum records.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed from Mackinac Island which is the aboriginal land of the Saginaw Chippewa Indian Tribe of Michigan.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of The Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to The Tribes.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, NY, NY, 10024, 212–769–5837, email *nmurphy@amnh.org,* March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to The Tribes may proceed.

The American Museum of Natural History is responsible for notifying The Tribes that this notice has been published.

Dated: December 19, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02183 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17404; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: California State University, Sacramento has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains

and associated funerary objects and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to California State University, Sacramento. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the California State University, Sacramento at the address in this notice by March 6, 2015.

ADDRESSES: Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the California State University, Sacramento. The human remains and associated funerary objects were removed from Amador, Sacramento, San Joaquin, and Yolo counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the California State University, Sacramento professional staff in consultation with representatives of Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Ione Band of Miwok Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; United Auburn Indian Community of the Auburn Rancheria of California; and the Nashville-Eldorado Miwok, a non-Federally recognized Native American group. Chicken Ranch Rancheria of Me-Wuk Indians of California; Cortina Indian Rancheria of Wintun Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Picayune Rancheria of Chukchansi Indians of California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; Wilton Rancheria, California; Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe); Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California); and the Miwok Tribe of the El Dorado Rancheria, a non-Federally recognized Native American group, were also contacted by California State University, Sacramento.

History and Description of the Remains

Sometime during the 1920s and the 1930s, human remains representing, at minimum, 114 individuals were removed from unknown locations most likely located within Sacramento and Yolo Counties, CA. The remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento).

Information regarding the site location for the human remains and funerary objects does not exist; however, research done by professional staff at California State University, Sacramento indicates the human remains were most likely removed from site locations in Sacramento or Yolo counties, CA. No known individuals were identified. The 11 associated funerary objects are two shell beads, one lot of slate drills, two projectile points, one shell, and five *Haliotis* shell ornaments.

Anthony Zallio lived in Sacramento during the 1920s and 1930s. He was employed by Sacramento City College as an instructor of several disciplines including anthropology. Zallio excavated archaeological sites in order to obtain items for his private collection; his documented area of interest surrounded the Lower Sacramento Valley and the Delta Regions in Sacramento and Yolo counties in CA. Zallio also travelled internationally, and collected objects and human remains from around the world. Zallio demarcated these items from the rest of his collection by indicating the place of origin in his personal ledger or upon the object. It is believed that objects that have not been marked or otherwise noted in his personal ledger were considered less noteworthy, and were most likely removed from the lower Sacramento Valley region.

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual were removed from an unknown location in Amador County, CA. The exact location is currently unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual were removed from ''Anderson Place,'' most likely located in southern Sacramento County, CA. The exact location is currently unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, two individuals were removed from ''Bartholomew Mound #2'', which may be located at or in the vicinity of CA–SAC–117, on Deer Creek approximately 3.5 miles southeast of Elk Grove, in central Sacramento County, CA. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. The four associated funerary objects are *Haliotis* shell ornaments.

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual were removed from a site location near Deer Creek in Sacramento County, CA. The exact location is currently unknown. The

remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. The associated funerary object is one projectile point imbedded in human bone.

Sometime during the 1920s and 1930s, human remains representing, at minimum, two individuals were removed from ''Fessler Mound,'' which is located 2 miles north of Slough House between Deer Creek and the Cosumnes River. The exact location is currently unknown. The human remains are currently a part of the Zallio Collection which was donated by Anthony Zallio to Sacramento State College, CA (now California State University, Sacramento) in 1951. It is currently unknown if the human remains were a part of the original Zallio Collection or if they were incorporated into the collection sometime after it was donated. No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual were removed from ''Hutchinson Mound,'' which is believed to be located near Sloughhouse, in east-central Sacramento County, CA. The exact location is currently unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

In 1935, human remains representing, at minimum, one individual were removed from ''Buckeye.'' The exact location is currently unknown. Anthony Zallio, a private collector, attributed the remains to the Nisenan, which indicates the site was most likely located in the lower Sacramento Valley, CA. Zallio posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930, human remains representing, at minimum, one individual were removed from an unknown location referred to as ''Big Tree.'' The exact location is currently unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, four individuals were removed from ''Dalton.'' The exact location is currently unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual were removed from ''MacGeorge,'' which is believed to be located in San Joaquin County, CA. The exact location is currently unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, four individuals were removed from a site known as ''Oak Tree,'' which may represent CA–SAC–106, located in southeastern Sacramento County, CA. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects were present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, six individuals were removed from ''Thistle,'' which is believed to be located in west-central Sacramento County, CA. The exact location is currently unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals were identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, one individual were removed from a site located in Sacramento County, CA. The exact site location is unknown. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College (now California State University, Sacramento) No known individuals have been identified. No associated funerary objects are present.

Sometime during the 1920s and 1930s, human remains representing, at minimum, six individuals were removed from a site known as ''Hall Mound,'' which may be located 2 miles north of Sloughhouse in the Cosumnes River Basin between Deer Creek and the Cosumnes River in Yolo County, CA. The exact site location is unknown. Hall Mound may represent CA–YOL–051 located near Elk Slough in southeastern Yolo County, CA. The human remains were in the possession of Anthony Zallio, a private collector, who posthumously donated the collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). No known individuals have been identified. No associated funerary objects are present.

Determinations Made by the California State University, Sacramento

Officials of the California State University, Sacramento have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on physical and dental morphology, the condition of the human remains, and the funerary objects found in association.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 146 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 16 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian tribe.
- Other credible lines of evidence, indicate that the land from which the Native American human remains and funerary objects, if applicable, were

removed is the aboriginal land of the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok.

• Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes).

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes) may proceed.

California State University, Sacramento is responsible for notifying the Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cortina Indian Rancheria of Wintun Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe); and Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California) that this notice has been published. California State University, Sacramento will also notify the El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok, two non-Federally recognized Native American groups.

Dated: December 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02181 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17456;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, Formerly Colorado Historical Society, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Colorado has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to History Colorado at the address in this notice by March 6, 2015.

ADDRESSES: Sheila Goff, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *Sheila.goff@state.co.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the History Colorado, Denver, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by History Colorado professional staff in consultation with representatives of the Arapahoe Tribe of

the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes of Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Crow Tribe of Montana; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly the Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Pojoaque, New Mexico, the Pueblo of Cochiti, New Mexico; Pueblo of San Ildefonso, New Mexico; the Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Tesuque, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shoshone Tribe of the Wind River Reservation, Wyoming; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta Del Sur Pueblo of Texas and Zuni Tribe of the Zuni Reservation, New Mexico. The Apache Tribe of Oklahoma; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Pueblo of Picuris, New Mexico; Pueblo of San Felipe, New Mexico; the Pueblo of Taos, New Mexico; the Pueblo of Zia, New Mexico; Shoshone-Bannock Tribes of the Fort Hall Reservation; and Standing Rock Sioux Tribe of North & South Dakota were invited to consult but did not participate. Hereafter, all tribes listed above are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In 1967, History Colorado received a collection of 679 Native American archeological, ethnographic, and historic objects from the estate of Vida F. Ellison, a collector who predominately collected in the American Southwest. Included in the donation were human remains, representing at minimum, two individuals, O.7451.356 and O.7451.357. There is no documentation as to where they were removed from or when. No known individuals were identified. No associated funerary objects are present.

In 1961, a collection of Native American archaeological materials was purchased from Tom O. Kimball, a collector who predominately collected in the American Southwest. In 2004, human remains, representing at minimum, one individual (O.7398.17.A), were found in a Coconino gray pitcher in the collection. There is no documentation as to where they were removed from and when. It is unknown if there is a relationship between the remains and the pitcher. No known individuals were identified. No associated funerary objects are present.

In 2008, human remains representing, at minimum, two individuals (R.2.2008) were found in collections in a box with a mailing label from the Museum of Northern Arizona (MNA). Pottery sherds and photographs were also in the box. There is no documentation as to where the remains were removed from and when. No known individuals were identified. No associated funerary objects are present. It was not possible to determine an association of remains with MNA or the other items in the box.

Pursuant to 43 CFR 10.16, the Secretary of the Interior may make a recommendation for a transfer of control of culturally unidentifiable human remains. In November 2014, History Colorado requested that the Secretary, through the Native American Graves Protection and Repatriation Review Committee, recommend the proposed transfer of control of the culturally unidentifiable Native American human remains in this notice to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah. The Review Committee, acting pursuant to its responsibility under 25 U.S.C. 3006(c)(5), considered the request at its November 2014 meeting and recommended to the Secretary that the proposed transfer of control proceed. A December 29, 2014 letter on behalf of the Secretary of Interior from the Associate Director, Cultural Resources, Partnerships, and Science transmitted the Secretary's independent review and concurrence with the Review Committee that:

- History Colorado consulted with every appropriate Indian tribe or Native Hawaiian organization,
- none of The Consulted and Invited Tribes objected to the proposed transfer of control, and
- History Colorado may proceed with the agreed upon transfer of control of the culturally unidentifiable human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Transfer of control is contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

Determinations Made by History Colorado

Officials of History Colorado have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological analysis conducted by Dr. Catherine Gaither and the collecting habits of the collectors, when known.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 5 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Pursuant to 43 CFR 10.16, the disposition of the human remains will be to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Sheila Goff, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *Sheila.goff@state.co.us.by* March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado and and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may proceed.

History Colorado is responsible for notifying ''The Consulted and Invited

Tribes'' that this notice has been published.

Dated: January 8, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02191 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17331;PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Beneski Museum of Natural History, Amherst College, Amherst, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Beneski Museum of Natural History, Amherst College (formerly the Pratt Museum of Natural History) has completed an inventory of human remains, in consultation with the appropriate Indian tribes, and has determined that no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations can be established on the basis of the documentation available. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Beneski Museum of Natural History, Amherst College. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Beneski Museum of Natural History, Amherst College at the address in this notice by March 6, 2015.

ADDRESSES: Tekla A. Harms, NAGPRA Coordinator, Beneski Museum of Natural History, Amherst College, Amherst, MA 01002, telephone (413) 542–2233, email *taharms@amherst.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Beneski Museum of Natural History, Amherst College. The human remains were removed from Tennessee.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the NAGPRA Coordinator and museum staff of the Beneski Museum of Natural History, Amherst College, and their agents, in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Eastern Band of Cherokee Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); Shawnee Tribe; The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Muscogee (Creek) Nation; The Quapaw Tribe of Indians; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma. Representatives of the Beneski Museum also contacted, but were not able to consult with, the Eastern Shawnee Tribe of Oklahoma, Kialegee Tribal Town, and the Tunica-Biloxi Indian Tribe.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from Tennessee. The remains consist of one cranium that is without the lower jaw, without part of the upper jaw, and missing many teeth. The cranium appears to have been modified during growth. It is markedly flattened in the forehead, and flattened and indented on the back of the cranium, opposite the forehead, so that the forehead and back of the cranium slope toward the top of the cranium. The sides of the cranium bulge out slightly, so that the face looks widened, especially in the cheekbones. Minor repairs in plaster or putty were made to the cranium at some time.

The Beneski Museum of Natural History, Amherst College has no collection or provenience information for these remains. The only existing information derives from inked lettering on the cranium, which says: ''Indian S. Tennessee Adult [male gender symbol] CW.'' The cranium also bears the numbers GT 2045 and A–32, neither of which corresponds to any cataloging system in use at any time in the history of the Beneski Museum. No known individuals have been identified. No associated funerary objects are present.

Determinations Made by the Beneski Museum of Natural History, Amherst College

Officials of the Beneski Museum of Natural History, Amherst College have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the physical evidence from the cranium.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains were removed is the aboriginal land of the Eastern Band of Cherokee Indians.
- Treaties, Acts of Congress, or Executive Orders, including Indian Land Cessions in the period 1784–1894 for the State of Tennessee, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Tekla A. Harms, NAGPRA Coordinator, Beneski Museum of Natural History, Amherst College, Amherst, MA 01002, telephone (413) 542–2233, email *taharms@amherst.edu,* by March 6, 2015. After that date, if no additional requestors have come

forward, transfer of control of the human remains to the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; the United Keetoowah Band of Cherokee Indians in Oklahoma; and the Quapaw Tribe of Indians (when joined to the request of one or more of the foregoing Indian tribes) may proceed.

The Beneski Museum of Natural History, Amherst College is responsible for notifying the Cherokee Nation; Eastern Band of Cherokee Indians; The Chickasaw Nation; and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: December 16, 2014.

Melanie O'Brien,

Acting Program Manager, National NAGPRA Program.

[FR Doc. 2015–02214 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17480; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains in consultation with the appropriate federally recognized Indian tribes and has determined that there is no cultural affiliation between the human remains and any present-day federally recognized Indian tribes. Representatives of any federally recognized Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains to the federally recognized Indian tribes stated in this notice may proceed.

DATES: Representatives of any federally recognized Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to TVA at the address in this notice by March 6, 2015.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control and possession of TVA. The human remains were likely removed from the Cox site, 40AN19, in Anderson County, TN, by amateur archeologists digging at the site. The human remains were anonymously delivered to TVA in the 1990's.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by TVA's professional staff in consultation with representatives of the Absentee Shawnee Tribe of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

TVA has in its control and possession human remains representing, at minimum, 2 individuals, identified as one adult and one sub-adult. The sex of both is indeterminate. Composed primarily of cranial bones, oral history indicates that the human remains were sent to TVA after November 16, 1990, but excavated before the passage of NAGPRA. The human remains were anonymously delivered to TVA in the 1990s. These human remains were the likely result of amateur digging that took place at the Cox site in 1961. Their context within the site and chronological placement is unknown.

The Cox mound site was first excavated by William S. Webb using labor provided by the Civil Works Administration in anticipation of the construction of the Norris Reservoir. Additional excavations by Charles McNutt and the University of Tennessee took place in 1960 in anticipation of the construction of the Melton Hill reservoir. In 1960 and 1961, members of the Knoxville chapter of the Tennessee Archaeological Society also dug at this site. Records from the 1961 excavations, which were carried out by amateurs, are incomplete and the funerary objects were not curated.

Excavations at 40AN19 revealed two dominate occupations: A Mississippian Dallas phase occupation (A.D. 1300–1550) and an earlier Woodland occupation. Since no funerary objects accompanied these human remains, it is not known if they were derived from the Dallas phase or the Woodland occupation. The lack of any detailed information on these human remains leads TVA to designate them as culturally unidentifiable.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on their presence in prehistoric archeological contexts.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 2 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1)(ii), TVA has decided to transfer control of the culturally unidentifiable human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any federally recognized Indian tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* March 6,

2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, and the United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

TVA is responsible for notifying the Absentee Shawnee Tribe of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: January 13, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02217 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17464; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion; U.S. Department of the Interior, National Park Service, Horseshoe Bend National Military Park, Daviston, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Horseshoe Bend National Military Park has completed an inventory of an associated funerary object, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the associated funerary object and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request to Horseshoe Bend National Military Park. If no additional requestors come forward, transfer of control of the associated funerary object to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request with information in support of the request to Horseshoe Bend National Military Park at the address in this notice by March 6, 2015.

ADDRESSES: Doyle Sapp, Superintendent, Horseshoe Bend National Military Park, 11288 Horseshoe Bend Road, Daviston, AL 36256, telephone (256) 234–7111, x226, email *doyle_sapp@nps.gov*.

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of an associated funerary object under the control of the U.S. Department of the Interior, National Park Service, Horseshoe Bend National Military Park, Daviston, AL. The associated funerary object was removed from the Taskigi site, Elmore County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of Horseshoe Bend National Military Park.

Consultation

A detailed assessment of the associated funerary object was made by Horseshoe Bend National Military Park professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Coushatta Tribe of Louisiana; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); The Muscogee (Creek) Nation; and Thlopthlocco Tribal Town (hereafter referred to as ''The Tribes'').

History and Description of the Remains

At an unknown date, a ceramic vessel was removed from the Taskigi site in Elmore County, AL by Dr. Peter A. Brannon. In 1963, Dr. Brannon donated the vessel to Horseshoe Bend National Military Park. Dr. Brannon's documentation indicates the vessel is a funerary urn, and it is morphologically similar to other funerary vessels from the Taskigi site. There are no human remains associated with the vessel, but the vessel is believed to have been made exclusively for burial purposes or to contain human remains. The one associated funerary object is a funerary urn.

The occupation of the Taskigi site has been dated from ca. A.D. 1600–1650. Documentary evidence links the site to ''Tuskegee,'' the historic Creek Nation tribal town. Tuskegee residents were removed to Indian Territory with other members of the Creek Nation in the 19th century. Descendants of this group now are members of several Indian tribes including Kialegee Tribal Town, Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama), The Muscogee (Creek) Nation, and Thlopthlocco Tribal Town. The area was also historically occupied by Alabama and Coushatta peoples, who were later members of the Creek Confederacy and shared many cultural traditions with the Creek. Descendants of these groups now are members of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas), Alabama-Quassarte Tribal Town, and Coushatta Tribe of Louisiana.

Determinations Made by Horseshoe Bend National Military Park

Officials of Horseshoe Bend National Military Park have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is reasonably believed to have been made exclusively for burial purposes or to contain human remains.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the associated funerary object and The Tribes.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of this associated funerary object should submit a written request with information in support of the request to Doyle Sapp, Superintendent, Horseshoe Bend National Military Park, 11288 Horseshoe Bend Road, Daviston, AL 36256, telephone (256) 234–7111 x226, email *doyle_sapp@nps.gov*, by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the associated funerary object to The Tribes may proceed.

Horseshoe Bend National Military Park is responsible for notifying The

Tribes that this notice has been published.

Dated: January 9, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02190 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17306; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: History Colorado, formerly Colorado Historical Society, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: History Colorado has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to History Colorado. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to History Colorado at the address in this notice by March 6, 2015.

ADDRESSES: Sheila Goff, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *sheila.goff@state.co.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the History Colorado, Denver, CO. The human remains and associated funerary objects were removed from Pueblo County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by History Colorado professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes of Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Crow Tribe of Montana; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Nation, New Mexico; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (formerly the Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)); Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Tesuque, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shoshone Tribe of the Wind River Reservation, Wyoming; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Ysleta Del Sur Pueblo of Texas and Zuni Tribe of the Zuni Reservation, New Mexico. The Apache Tribe of Oklahoma; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Oglala Sioux Tribe (previously listed as the Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota); Pueblo of Picuris, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of San Felipe, New Mexico; the Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; and Standing Rock Sioux Tribe of North & South Dakota were invited to consult but did not participate. Hereafter, all tribes listed above are referred to as ''The Consulted and Invited Tribes.''

History and Description of the Remains

In 1967, human remains representing, at minimum, one individual were removed from Clift Swallows Site (5PE1) in Pueblo County, CO. The site was discovered and partially excavated by private citizens. They subsequently contacted Professor William Buckles of Southern Colorado State College (now Colorado State University-Pueblo) who completed their removal. In 1999, the remains were delivered to History Colorado after the closure of the Laboratory of Anthropology at the College. The burial was located in a cleft in rocks in a shallow pit lacking significant deposits above it. The burial was near the confluence of Rush Creek and the Arkansas River. Osteological analysis determined that the remains are of an adult female of Native American ancestry. No known individuals were identified. The four associated funerary objects are one lot of fragments of a woven bag, one piece of braided yucca, one flake and one drill bit tip.

Based on expert opinion, archeological, geographical and historical evidence, and oral tradition, there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah. Expert opinion of Dr. Buckles concluded that the site where the remains originated most likely dated to the historic period based on the condition of the remains and funerary objects and that it was consistent with Ute burial practices in which the deceased were often placed in clefts in rock. Description of traditional Ute burial practices provided by the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah confirm that the individual's burial was consistent with Ute burial

practices. The burial was located in the ancestral territory of the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah. Oral tradition and historical documents cited by the Ute Tribes indicate Moache, Capute and Weenuche bands used the area where the remains were discovered on seasonal rounds and for trading and raiding. Descendants from these bands now reside on the Southern Ute and Ute Mountain Ute Reservations. Funerary objects are consistent with Ute culture.

Determinations Made by History Colorado

Officials of History Colorado have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the four objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Sheila Goff, History Colorado, 1200 Broadway, Denver, CO 80203, telephone (303) 866–4531, email *Sheila.goff@state.co.us,* by March 6, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may proceed.

History Colorado is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: December 10, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02215 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17401; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: California State University, Sacramento, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to California State University, Sacramento. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to California State University, Sacramento at the address in this notice by March 6, 2015.

ADDRESSES: Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of California State University, Sacramento, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Sometime during the 1920s and 1930s, six unassociated funerary objects were removed from CA–SAC–026 (also known as Cory Mound/Joe Mound), located adjacent to the northern bank of the American River, approximately one half mile east of the Sacramento River, in west-central Sacramento County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The six unassociated funerary objects are one lot of charcoal, one modified bone, three *Haliotis* shell ornaments, and one shell bead.

CA–SAC–026 is the location of Pujune, a Nisenan village that is well documented in the historic record due to its proximity to New Helvetia (Sutter's Fort), which resulted in high levels of interaction with pioneer John Sutter. It is known to have been an extensive and influential village when Sutter arrived in the area in the 1840s.

Sometime during the 1920s and 1930s, seven unassociated funerary objects were removed from CA–SAC–029 (also known as *Sama,* King Brown, Roeder, and S–29), which is located approximately one half mile east of the Sacramento River and five miles south of the confluence of the American and Sacramento Rivers, in west-central Sacramento County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The seven unassociated funerary objects are one modified antler, one chert biface, one bone awl tip, three modified bone tools, and one lot of charred cordage. CA–SAC–029 was occupied as early as the Middle Horizon with reoccupation occurring sometime during the Late Sutter period. The site is believed to be a Nisenan village known as *Sama.*

Sometime during the 1920s and 1930s, one unassociated funerary object was removed from ''Rose Spring Mound,'' located in Roseville in Placer County, CA. The exact location is

currently unknown. The unassociated funerary object was in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The unassociated funerary object is one projectile point. Although the exact site location for Rose Spring Mound in Placer County, CA, is unknown, the site is within the aboriginal territory of the Nisenan.

Archeological evidence indicates that the lower Sacramento Valley and Delta regions were continuously occupied since at least the Early Horizon (5550–550 B.C.). Cultural changes indicated by artifact typologies and burial patterns, historical linguistic evidence, and biological evidence reveal that the populations in the region were not static, with both in situ cultural changes and migrations of outside populations into the area. Linguistic evidence suggests that ancestral-Penutian speaking groups related to modern day Miwok, Nisenan, and Patwin groups occupied the region during the Middle (550 B.C.–A.D. 1100) and Late (A.D. 1100–Historic) Horizons, with some admixing between these groups and Hokan-speaking groups that occupied the region at an earlier date. The genetic data suggests that the Penutians may have arrived later than what is suggested by the linguistics.

Geographical data from ethnohistoric and ethnographic sources indicate that the site was most likely occupied by Nisenan-speaking groups at the beginning of the historic period, while Patwin-speakers occupied the valley west of the Sacramento River and Miwok-speakers resided south of the American River. Ethnographic data and expert testimony from Tribes support the high level of interaction between groups in the lower Sacramento Valley and Delta regions that crosscut linguistic boundaries. Historic population movements resulted in an increased level of shifting among populations, especially among populations who were impacted by disease, violence, and Euro-American activities relating to Sutter's Fort and later gold-rush activities.

In summary, the ethnographic, historical, and geographical evidence indicate that the funerary objects listed above are most closely affiliated with contemporary descendants of the Nisenan with more distant ties to neighboring groups, such as Miwok, Patwin, and Yokut. The earlier cultural items from the Middle and Late Horizons share cultural relations with the Plains Miwok, Nisenan, and Yokut based on archeological, biological, and historical linguistic evidence.

Determinations Made by California State University, Sacramento

Officials of the California State University, Sacramento have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 14 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary object and Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; and United Auburn Indian Community of the Auburn Rancheria of California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu,* by March 6, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California and United Auburn Indian Community of the Auburn Rancheria of California may proceed.

California State University, Sacramento is responsible for notifying the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California, and United Auburn Indian Community of the Auburn Rancheria of California that this notice has been published.

Dated: December 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02180 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–16405; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Department of Agriculture, Forest Service, Chugach National Forest, Anchorage, AK, and the Thomas Burke Memorial Washington State Museum, University of Washington, Seattle, WA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service, Chugach National Forest and the Thomas Burke Memorial Washington State Museum (Burke Museum), University of Washington, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Chugach National Forest. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Chugach National Forest at the address in this notice by March 6, 2015.

ADDRESSES: Terri Marceron, Chugach National Forest, 161 East 1st Ave., Door 8, Anchorage, AK 99501, telephone (907) 743–9525, email *tmarceron@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the USDA Forest Service, Chugach National Forest, Anchorage, AK, and in the physical custody of the Burke Museum, Seattle, WA, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1933, Drs. Kaj Birket-Smith and Frederica de Laguna performed archeological survey and excavations in Prince William Sound, AK, under the auspices of University of Pennsylvania Museum and the Danish National Museum. The University of Pennsylvania Museum and the Danish National Museum transferred objects from the expedition to the Burke Museum in 1935. There was no archival documentation included with the transferred materials. In 2011, it was brought to the Burke Museum's attention that these objects could be funerary objects. During tribal consultation, it was brought to the Burke Museum's attention that two of these sites, 49–COR–001 and 49–SEW–048, were located on Chugach Forest Service land at the time of excavation. Site 49–COR–001 has since been patented to the Chugach Alaska Corporation.

In 1933, cultural items were removed from 49–COR–001 during systematic excavations in Prince William Sound, AK, by Drs. Kaj Birket-Smith and Frederica de Laguna. Based on archeological records and reports, 12 of the transferred cultural items were found to be in close proximity to known burials, or were identified through consultation as typical funerary objects. The 12 unassociated funerary objects are: 1 grinding stone, 2 slate awls, 1 bone harpoon point, 1 bird bone awl, 2 bird bone tubes, 1 bird bone tool, 1 modified bird bone fragment, 1 unmodified bear tooth, 1 lot of shell beads, and 1 bone bead.

Site 49–COR–001 was a main village for one of the eight original Chugach tribes (de Laguna 1956). Ethnographic evidence indicates that 49–COR–001 is ancestral to the present day Chugach villages. Additionally, oral tradition and ethnographic information presented during consultation supports this affiliation with the Chugach villages.

In 1933, cultural items removed from 49–SEW–048 during systematic excavations in Prince William Sound, AK, by Drs. Kaj Birket-Smith and Frederica de Laguna were placed in the Burke Museum. The unassociated funerary object is one canoe, which is currently in 12 pieces.

Site 49–SEW–048 is in the territory of the Kiniklik people (de Laguna 1956). Edmond Meany, who had previously worked in the area, noted that canoes were traditionally placed with the remains as part of burial practices (de Laguna 1956). Archeological evidence indicates that 49–SEW–048 is ancestral to the present day Chugach villages. Additionally, oral tradition and ethnographic information presented during consultation supports this affiliation with the Chugach villages.

Archeological data, ethnographic information, and oral tradition all support these sites being ancestral to the present-day Chugach villages of the Native Village of Eyak (Cordova), the Native Village of Chenega (aka Chanega), and the Native Village of Tatitlek.

Determinations Made by the Chugach National Forest and the Burke Museum

Officials of the Chugach National Forest and the Burke Museum have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 13 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Native Village of Eyak (Cordova), the Native Village of Chenega (aka Chanega), and the Native Village of Tatitlek.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Terri Marceron, Chugach National Forest, 161 East 1st Ave., Door 8, Anchorage, AK 99501, telephone (907) 743–9525, email *tmarceron@fs.fed.us,* by March 6, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Native Village of Eyak (Cordova), the Native Village of Chenega (aka Chanega), and the Native Village of Tatitlek may proceed. By signed delegated authority, and on behalf of the Native Village of Eyak, the Native Village of Chenega, and the Native Village of Tatitlek, items will be repatriated through the Chugach Alaska Corporation.

The Chugach National Forest is responsible for notifying the Native Village of Eyak (Cordova), the Native Village of Chenega (aka Chanega), and the Native Village of Tatitlek that this notice has been published.

Dated: January 14, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02223 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17403: PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent to Repatriate Cultural Items: California State University, Sacramento, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: California State University, Sacramento, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to California State University, Sacramento. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to California State University, Sacramento at the address in this notice by March 6, 2015.

ADDRESSES: Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone (916) 278–4864, email *obbodvarsson@csus.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural

items under the control of California State University, Sacramento that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Sometime during the 1920s and 1930s, 20 unassociated funerary objects were removed from CA–SAC–006 (also known as Johnson Mound), located approximately 1.3 miles west of the Cosumnes River and 5.5 miles northeast of the intersection of the Mokelumne and Cosumnes Rivers in southern Sacramento County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The 20 unassociated funerary objects are two lots of charred basketry, one lot of charred seeds, and 17 lots of baked clay.

Archeological data suggests occupation occurred at the site as early as the Middle Horizon with historic occupation occurring until the Sutter Period. Ethnographic and historic data suggests that this site was once the tribelet center for the *Consomne* Plains Miwok. Historic records indicate that the site was attacked by the Spanish in 1820 with conflicts occurring with the Mexicans in 1826. Ethnohistoric records indicate that the *Consomne* eventually banded together in defense with other Plains Miwok groups, such as the *Ylamne* and *Sisumne,* who collectively led a series of uprisings against pioneer John Sutter in the 1840s. Eventually the *Consomne* abandoned the village site at CA–SAC–006 in 1844 to relocate to Sutter's New Helvetia (Sutter's Fort).

Sometime during the 1920s and 1930s, 10 unassociated funerary objects were removed from CA–SAC–021 (also known as Hollister, Allister, or S–29), located immediately adjacent to Snodgrass Slough, approximately 1.3 miles southeast of the intersection of Snodgrass Slough and the Sacramento River, in southwest Sacramento County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The 10 unassociated funerary objects are four stone drills, one bone awl, three *Haliotis* shell ornaments, and two bone harpoons.

Archeological evidence suggests occupation at the site occurred during the Middle Horizon through Phase 1 of the Late Horizon. The site location places CA–SAC–021 in the aboriginal territory of the Plains Miwok.

Sometime during the 1920s and 1930s, one unassociated funerary object was removed from CA–SAC–056 (also known as Mosher, Mosler, Hathaway No. 1, and S–56), located on the east bank of the Sacramento River near Stone Lake, approximately thirteen miles south of the confluence of the American and Sacramento Rivers, in southwest Sacramento County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The one unassociated funerary object is a small charred *Olivella* bead.

Archeological evidence suggests occupation at the village occurred as early as Phase 1 of the Late Horizon. Archeological and ethnographic records indicate that the site may be *Walak,* a tribelet center for the *Gualacomne* Plains Miwok. The site was occupied historically between the Mission Period and early Sutter Period from 1769–1845. Mission records indicate that 67 individuals were baptized from this site, and historical records note *Walak* as the first Native American village visited by pioneer John Sutter.

Sometime during the 1920s and 1930s, two unassociated funerary objects were removed from CA–SAC–066 (also known as Morse Mound). The two unassociated funerary objects may represent bone hair pins or pendants. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). CA–SAC–066 is located within the aboriginal territory of the Plains Miwok.

Sometime during the 1920s and 1930s, 51 unassociated funerary objects were removed from CA–SAC–072 or CA–SAC–073 (also known as Herzog, Van Lobensels, or Vorden), located on the west bank of Snodgrass Slough in southwest Sacramento County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The 51 unassociated funerary objects are seven *Haliotis* shell ornaments, five charmstones, 17 whistles, six awls, two bone tubes, one modified antler, four modified bones, four possible bird bone whistle fragments, one biface, one pestle, and three lots of *Olivella* shell beads.

Archeological data suggests occupation occurring at CA–SAC–072 during Phase 2 of the Late Horizon, and occupation at CA–SAC–73 occurring sometime during the Middle Horizon. The site locations place CA–SAC–072 and CA–SAC–73 within the aboriginal territory of the Plains Miwok Indians.

Sometime during the 1920s and 1930s, four unassociated funerary objects were removed from CA–SAC–109 (also known as Drescher, C–109), located 3.5 miles southeast of Elk Grove in central Sacramento County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The four unassociated funerary objects are slate projectile points.

Archeological evidence indicates that occupation occurred at the site from the Middle to Late Horizon. The site location places CA–SAC–109 within the aboriginal territory of the Plains Miwok Indians.

Sometime during the 1920s and 1930s, one unassociated funerary object was removed from CA–SAC–113 (also known as Calhoun #1, Calquehoun, or C–113), located on private property on the west bank of the Cosumnes River, east of Elk Grove in Sacramento County, CA. The unassociated funerary object was in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The unassociated funerary object is one modified bone bead.

This site may represent *Sukididi,* a subsidiary settlement for the *Shalachmushumne* Plains Miwok. It is believed that the village was abandoned after the 1833 malaria epidemic. A known archeological historic

component is not present at the site, and the association with *Sukididi* has not been verified. Archeological data from the site indicate that it was occupied during Phase 2 of the Late Horizon.

Sometime during the 1920s and 1930s, 54 unassociated funerary objects were removed from CA–YOL–045 (also known as Indian Head or Holy Ghost), located on the west bank of the Sacramento River, approximately 8.75 miles due south of the confluence of the American and Sacramento Rivers, in southeast Yolo County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The 54 unassociated funerary objects are one sandstone abrader, one incised baked clay, one lot of charred textile ash, six bone awls, three lots of *Olivella* shell beads, three lots of clamshell beads, three obsidian bifaces, one charmstone, one whole clamshell, 11 *Haliotis* ornaments, one obsidian projectile point, one lot of charred seeds, 15 charred textile fragments, three modified bone tools, one incised bird bone tube, and two bird bone whistles.

CA–YOL–045 is located within the aboriginal territory of the Plains Miwok. Archeological data indicates occupation occurred during Phase 1 of the Late Horizon.

Sometime during the 1920s and 1930s, 11 unassociated funerary objects were removed from CA–YOL–053 (also known as the Frank King Mound), located on private property on the west bank of Elk Slough 2.5 miles southwest of Clarksburg in Yolo County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The 11 unassociated funerary objects are one lot of clam shell beads, one biface, one lot of miscellaneous organic remains, one lot of small glass fragments, one *Haliotis* shell ornament, and six lots of charred textile fragments.

Ethnographic evidence indicates that CA–YOL–053 may have been the tribelet center for the *Ylamne* Plains Miwok. Earliest known occupation occurred from Phase 2 of the Early Horizon and lasted until the Late Mission Period from 1769 to 1839. The site is believed to have been abandoned after the 1833 malaria epidemic with survivors shifting residence to neighboring tribelets and Mission San Jose.

Sometime during the 1920s and 1930s, nine unassociated funerary objects were removed from CA–YOL–054 (also known as Farren Mound), located on the west bank of Elk Slough, approximately five miles southwest of Clarksburg, in southeast Yolo County, CA. The unassociated funerary objects were in the possession of Anthony Zallio, a private collector, who posthumously donated his collection in 1951 to the Department of Anthropology at Sacramento State College, CA (now California State University, Sacramento). The nine unassociated funerary objects are one lot clamshell beads, two lots of *Olivella* shell beads, and six lots of charred textile fragments.

CA–YOL–54 is believed to be associated with the Plains Miwok village of *Siusumne.* This association is based on CA–YOL–54 being the only site in the vicinity of *Siusumne* lacking a village name and being of significant size, which is typical of a tribelet center.

Archeological evidence indicates that the lower Sacramento Valley and Delta regions were continuously occupied since at least the Early Horizon (5550–550 B.C.). Cultural changes indicated by artifact typologies and burial patterns, historical linguistic evidence, and biological evidence reveal that the populations in the region were not static, with both *in situ* cultural changes and migrations of outside populations into the area. Linguistic evidence suggests that ancestral-Penutian speaking groups related to modern day Miwok, Nisenan, and Patwin groups occupied the region during the Middle (550 B.C.–A.D. 1100) and Late (A.D. 1100–Historic) Horizons, with some admixing between these groups and Hokan-speaking groups that occupied the region at an earlier date. The genetic data suggests that the Penutians may have arrived later than suggested by the linguistics.

Geographical data from ethnohistoric and ethnographic sources indicate that the site was most likely occupied by Plains Miwok-speaking groups at the beginning of the historic period, while Patwin-speakers occupied the valley west of the Sacramento River and Miwok-speakers resided south of the American River. Ethnographic data and expert testimony from Tribes support the high level of interaction between groups in the lower Sacramento Valley and Delta regions that crosscut linguistic boundaries. Historic population movements resulted in an increased level of shifting among populations, especially among the Miwok and Nisenan who were impacted by disease and Euro-American activities relating to Sutter's Fort and later gold-rush activities.

In summary, the ethnographic, historical, and geographical evidence indicates that the cultural items listed above are most closely affiliated with contemporary descendants of the Plains Miwok with more distant ties to neighboring groups, such as the Nisenan, Patwin, and Yokuts. The earlier cultural items from the Middle and Late Horizons share cultural relations with the Plains Miwok, Nisenan, Patwin, and Yokuts based on archeological, biological, and historical linguistic evidence.

Determinations Made by the California State University, Sacramento

Officials of California State University, Sacramento have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 163 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects to Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California, Wilton Rancheria, California; United Auburn Indian Community of the Auburn Rancheria of California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Orn Bodvarsson, Dean of the College of Social Sciences and Interdisciplinary Studies, CSUS, 6000 J Street, Sacramento, CA 95819–6109, telephone

(916) 278–4864, email *obbodvarsson@csus.edu,* by March 6, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California, Wilton Rancheria, California; United Auburn Indian Community of the Auburn Rancheria of California; and two non-Federally recognized Native American groups: El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok (if joined to the request of one or more of the foregoing Indian tribes) may proceed.

California State University, Sacramento is responsible for notifying the Buena Vista Rancheria of Me-Wuk Indians of California; Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Cortina Indian Rancheria of Wintun Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Picayune Rancheria of Chukchansi Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California, Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; United Auburn Indian Community of the Auburn Rancheria of California; Wilton Rancheria, California; Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe); and Yocha Dehe Wintun Nation, California (previously listed as the Rumsey Indian Rancheria of Wintun Indians of California) that this notice has been published. California State University, Sacramento will also notify El Dorado Miwok Rancheria; and Nashville-Eldorado Miwok, two non-federally recognized Native American groups.

Dated: December 29, 2014.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02182 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17467; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: Denver Museum of Nature & Science, Denver, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Denver Museum of Nature & Science, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Denver Museum of Nature & Science. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Denver Museum of Nature & Science at the address in this notice by March 6, 2015.

ADDRESSES: Dr. Chip Colwell, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO, telephone (303) 370–6378, email *chip.colwell@dmns.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Denver Museum of Nature & Science, Denver, CO, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Prior to 1951, 11 cultural items were removed from ''graves'' or ''burial mounds'' in Humboldt County, CA. Ten of these cultural items were obtained, either through collection or excavation, by George and Ethel Smith. One necklace (AC.2256) is noted to have been excavated by Dr. Ben Hathaway of the State Museum in Sacramento and obtained by George Smith through an exchange. All of the cultural items were a part of the collection at the Smith Museum, a small museum off Star Route in Orange Cove, Fresno County, CA, run by George and Ethel Smith from the mid-1930s until 1950. In 1951, Mary W.A. Crane and Francis V. Crane purchased the cultural items from the Smith Museum. In 1968, the Cranes donated the cultural items to the Denver Museum of Natural History (later renamed to the Denver Museum of Nature & Science). In 1983, the cultural items were formally accessioned into the collections. The 11 unassociated funerary objects are 4 shell bead necklaces (AC.1946, AC.1947, AC.2256, AC.2257), 3 shell objects (AC.1939, AC.2154A–B), 1 stone pestle (AC.2093), 2 stone ear plugs (AC.2133A–B; note the location of AC.2133B is currently unknown), and 1 lot of shell beads (AC.2258).

Museum records indicate that all of these cultural items were excavated from Native American graves or burial mounds located within Humboldt County, CA. Based on archival documents and expert opinion, it is reasonable to conclude that they were likely removed from a burial mound in Humboldt Bay known as HUM–67 and Tuluwat, located on Indian Island (formerly Gunther Island)—a place closely associated with Wiyot history. Stylistic attributes of material culture found at Tuluwat indicate that the site was occupied after A.D. 900. Multiple lines of evidence suggest the Wiyot culture has developed in-situ within Humboldt County over the last thousand years or more. Given this long term development the shared group identity is evident. The identifiable earlier group is the Wiyot and present-day tribes are those with Wiyot members: The Bear River Band of Rohnerville Rancheria, California, Blue Lake Rancheria, California, and the Wiyot Tribe, California (previously

listed as the Table Bluff Reservation-Wiyot Tribe).

Determinations Made by the Denver Museum of Nature & Science

Officials of the Denver Museum of Nature & Science have determined that:

• Pursuant to 25 U.S.C. 3001(3)(B), the 11 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Bear River Band of Rohnerville Rancheria, California, Blue Lake Rancheria, California, and the Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Dr. Chip Colwell, Denver Museum of Nature & Science, 2001 Colorado Boulevard, Denver, CO, telephone (303) 370–6378, email *chip.colwell@dmns.org,* by March 6, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to Bear River Band of Rohnerville Rancheria, California, Blue Lake Rancheria, California, and the Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe) may proceed. The Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe) has made a formal claim for the cultural items, which has been supported by Bear River Band of Rohnerville Rancheria, California and Blue Lake Rancheria, California.

The Denver Museum of Nature & Science is responsible for notifying the Bear River Band of Rohnerville Rancheria, California, Blue Lake Rancheria, California, and the Wiyot Tribe, California (previously listed as the Table Bluff Reservation-Wiyot Tribe) that this notice has been published.

Dated: January 9, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02188 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17465; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Department of the Interior, National Park Service, Horseshoe Bend National Military Park, Daviston, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, National Park Service, Horseshoe Bend National Military Park, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to Horseshoe Bend National Military Park. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Horseshoe Bend National Military Park at the address in this notice by March 6, 2015.

ADDRESSES: Doyle Sapp, Superintendent, Horseshoe Bend National Military Park, 11288 Horseshoe Bend Road, Daviston, AL 36256, telephone (256) 234–7111x226, email *doyle_sapp@nps.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the U.S. Department of the Interior, National Park Service, Horseshoe Bend National Military Park, Daviston, AL that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Horseshoe Bend National Military Park.

History and Description of the Cultural Items

At an unknown date, 140 cultural items were removed from an unknown site within the boundaries of Horseshoe Bend National Military Park in Tallapoosa County, AL. The cultural items were donated to Horseshoe Bend National Military Park in 1965 by James Warren. While the original provenience of the objects is unknown, park donation receipts indicate that they were removed from burial contexts. The whereabouts of the human remains are unknown. The 140 unassociated funerary objects are 88 straight brass pins, 6 antler fragments, 7 small spherical brass bells, 1 ball and pendant cone silver earring, 2 rolled sheet copper metal fragments, 3 metal buckles, 1 flat copper wire bracelet, 5 copper disc buttons, 2 semi-circular grey flint tools, 2 small polished stone pebbles, 2 complete cone-shaped brass buttons, 16 cone-shaped brass button fragments, 3 stone projectile points, and 2 calcined marine shells.

In 1921, 125 cultural items were removed from an unnamed site near Enitachopco Creek, in Tallapoosa County, AL. The cultural items were donated to Horseshoe Bend National Military Park in 1978 by Mrs. Joe Murphee. Ms. Murphee indicated on a donation questionnaire that the items were removed from a Native American grave near the farm of Andrew H. Watson by Jim Brittain, a tenant of Ms. Murphee's uncle. The whereabouts of the human remains are unknown. The 125 unassociated funerary objects are 125 trade beads.

The unassociated funerary objects date to the historic period (late 16th-early 19th century), and originate from Tallapoosa County, AL. The Tallapoosa County area was historically occupied by Upper Creek Muscogee peoples. Upper Creek Muscogee descendants now are members of several Indian tribes including Kialegee Tribal Town, Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama), The Muscogee Creek Nation, and Thlopthlocco Tribal Town. The area was also historically occupied by Alabama and Coushatta peoples, who were later members of the Creek confederacy and shared many cultural traditions with the Creek. Descendants of these groups now are members of the

Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas), Alabama-Quassarte Tribal Town, and Coushatta Tribe of Louisiana.

Determinations Made by Horseshoe Bend National Military Park

Officials of Horseshoe Bend National Military Park have determined that:

• Pursuant to 25 U.S.C. 3001(3)(B), the 265 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas), Alabama-Quassarte Tribal Town, Coushatta Tribe of Louisiana, Kialegee Tribal Town, Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama), The Muscogee (Creek) Nation, and Thlopthlocco Tribal Town.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Doyle Sapp, Superintendent, Horseshoe Bend National Military Park, 11288 Horseshoe Bend Road, Daviston, AL 36256, telephone (256) 234–7111 x 226, email *doyle_sapp@nps.gov,* by March 6, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas), Alabama-Quassarte Tribal Town, Coushatta Tribe of Louisiana, Kialegee Tribal Town, Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama), The Muscogee (Creek) Nation, and Thlopthlocco Tribal Town may proceed.

Horseshoe Bend National Military Park is responsible for notifying the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas), Alabama-Quassarte Tribal Town, Coushatta Tribe of Louisiana, Kialegee Tribal Town, Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama), The Muscogee (Creek) Nation, and Thlopthlocco Tribal Town that this notice has been published.

Dated: January 9, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–02213 Filed 2–3–15; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–552]

Overview of Cuban Imports of Goods and Services and Effects of U.S. Restrictions

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of hearing.

SUMMARY: Following receipt on December 17, 2014, of a request from the Senate Committee on Finance (Committee) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332–552, *Overview of Cuban Imports of Goods and Services and Effects of U.S. Restrictions.*

DATES:

March 10, 2015: Deadline for filing requests to appear at the public hearing.

March 12, 2015: Deadline for filing prehearing briefs and statements.

March 24, 2015: Public hearing.

March 31, 2015: Deadline for filing posthearing briefs and statements.

April 15, 2015: Deadline for filing all other written submissions.

September 15, 2015: Transmittal of Commission report to the Committee.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Project leader Heidi Colby-Oizumi (202–205–3391 or *heidi.colby@usitc.gov*) or deputy project leader Alissa Tafti (202–205–3244 or *alissa.tafti@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). 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.

Background: As requested by the Committee, the Commission will conduct an investigation and provide a report that provides an overview of recent and current trends in Cuban imports of goods and services, including from the United States, and an analysis of U.S. restrictions affecting such purchases, including restrictions on U.S. citizen travel to Cuba. The Committee asked that the report, to the extent possible, include the following:

1. An overview of Cuba's imports of goods and services from, to the extent possible, 2005 to the present, including identification of major supplying countries, products, and market segments;

2. a description of how U.S. restrictions on trade, including those relating to export financing terms and travel to Cuba by U.S. citizens, affect Cuban imports of U.S. goods and services; and

3. for sectors where the impact is likely to be significant, a qualitative and, to the extent possible, quantitative estimate of U.S. exports of goods and services to Cuba, in the event that statutory, regulatory, or other trade restrictions on U.S. exports of goods and services as well as travel to Cuba by U.S. citizens are lifted.

The Committee also asked that the report include, to the extent possible, state-specific analysis of the impacts described above. The Committee asked that the Commission deliver its report no later than September 15, 2015. The Committee also stated that it intends to make the Commission's report public and asked that the report not include any confidential business information.

Public Hearing: The Commission will hold a public hearing in connection with this investigation at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on Tuesday, March 24, 2015. Requests to appear at

the public hearing should be filed with the Secretary not later than 5:15 p.m., March 10, 2015, in accordance with the requirements in the ''Submissions'' section below. All prehearing briefs and statements should be filed with the Secretary not later than 5:15 p.m., March 12, 2015; and all posthearing briefs and statements responding to matters raised at the hearing should be filed with the Secretary not later than 5:15 p.m., March 31, 2015. All hearing-related briefs and statements should be filed in accordance with the requirements for filing written submissions set out below. In the event that, as of the close of business on March 10, 2015, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant may call the Office of the Secretary (202–205–2000) after March 5, 2015, for information concerning whether the hearing will be held.

Written Submissions: In lieu of, or in addition to, participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and all such submissions (other than prehearing and posthearing briefs and statements) should be received not later than 5:15 p.m., April 15, 2015. All written submissions must conform with the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''nonconfidential'' version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

In the request letter, the Committee stated that it intends to make the Commission's report available to the public in its entirety, and asked that the Commission not include any confidential business information in the report it sends to the Committee. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: The Commission intends to publish summaries of the positions of interested persons in an appendix to its report. Persons wishing to have a summary of their position included in the appendix should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. In the appendix the Commission will identify the name of the organization furnishing the summary, and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: January 29, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–02103 Filed 2–3–15; 8:45 am]

BILLING CODE 7020–02–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–024]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency has submitted to OMB for approval the information collection described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted to OMB at the address below on or before March 6, 2015 to be assured of consideration.

ADDRESSES: Send comments to Mr. Nicholas A. Fraser, Desk Officer for NARA, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5167; or electronically mailed to *Nicholas_A._Fraser@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694 or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. NARA published a notice of proposed collection for this information collection on November 14, 2014 (79 FR 68305). No comments were received. NARA has submitted the described information collection to OMB for approval.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (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 respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. In this notice, NARA is soliciting comments concerning the following information collection:

Title: Use of NARA Official Seals and Logos.

OMB number: 3095–0052.

Agency form number: N/A.

Type of review: Regular.

Affected public: Business or other for-profit, not-for-profit institutions, Federal government.

Estimated number of respondents: 10.

Estimated time per response: 20 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 3 hours.

Abstract: The authority for this information collection is contained in 36 CFR 1200.8. NARA's three official

seals are the National Archives and Records Administration seal; the National Archives seal; and the Nationals Archives Trust Fund Board seal. The official seals are used to authenticate various copies of official records in our custody and for other official NARA business. Occasionally, when criteria are met, we will permit the public and other Federal agencies to use our official seals. A written request must be submitted to use the official seals, which we approve or deny using specific criteria.

Dated: January 29, 2015.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2015–02155 Filed 2–3–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–25]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request extension of a currently approved information collection used by registrants or other authorized individuals to request information from or copies of Selective Service System (SSS) records. The public is invited to comment on the proposed information collections pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before April 6, 2015 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (ISSD), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–7409; or electronically mailed to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collections and supporting statements should be directed to Tamee Fechhelm at telephone number 301–837–1694, or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (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 all respondents, including the use of information technology; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collections:

Title: Selective Service System Record Request.

OMB number: 3095–0071.

Agency form numbers: NA Form 13172.

Type of review: Regular.

Affected public: Individuals or households.

Estimated number of respondents: 1,500.

Estimated time per response: 2 minutes.

Frequency of response: On occasion.

Estimated total annual burden hours: 50.

Abstract: The National Personnel Records Center (NPRC) of the National Archives and Records Administration (NARA) administers the Selective Service System (SSS) records. The SSS records contain both classification records and registration cards of registrants born before January 1, 1960. When registrants or other authorized individuals request information from or copies of SSS records they must provide on forms or letters certain information about the registrant and the nature of the request. Requesters use NA Form 13172, Selective Service Record Request to obtain information from SSS records stored at NARA facilities.

Dated: January 29, 2015.

Swarnali Haldar,

Executive for Information Services/CIO.

[FR Doc. 2015–02156 Filed 2–3–15; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Proposed Collection; Comment Request

AGENCY: National Endowment for the Humanities

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) is soliciting public comments on the proposed information collection described below. The proposed information collection will be sent to the Office of Management and Budget (OMB) for review, as required by the provisions of the Paperwork Reduction Act of 1995.

DATES: Comments on this information collection must be submitted on or before April 6, 2015.

ADDRESSES: Submit electronic comments to Mr. Joel Schwartz, Chief Guidelines Officer at *jschwartz@neh.gov.*

SUPPLEMENTARY INFORMATION: The NEH will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 35). This notice is soliciting comments from members of the public and affected agencies. NEH is particularly interested in comments which help the agency to: (1) 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; (2) 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; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of electronic submissions of responses.

This Notice also lists the following information:

Type of Review: Extension of a currently approved collection.

Agency: National Endowment for the Humanities.

Title of Proposal: Generic Clearance Authority for the National Endowment for the Humanities.

OMB Number: 3136–0134.

Affected Public: Applicants to NEH grant programs, reviewers of NEH grant applications, and NEH award recipients.

Total Respondents: 7,074.

Frequency of Collection: On occasion.

Total Responses: 7,074.

Average Time per Response: Varied according to type of information collection.

Estimated Total Burden Hours: 67,105 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the information collection request. These comments will also become a matter of public record.

Dated: January 26, 2015.

Margaret F. Plympton,

Deputy Chairman.

[FR Doc. 2015–02165 Filed 2–3–15; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting of the ACRS Subcommittee on Reliability & PRA; Notice of Meeting

The ACRS Subcommittee on Reliability & PRA will hold a meeting on February 18, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is propriety pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, February 18, 2015—8:30 a.m. Until 5:00 p.m.

The Subcommittee will discuss the staff's progress of level 3 Probabilistic Risk Assessment (PRA) Project. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), John Lai (Telephone 301–415–5197 or Email: *John.Lai@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307–59308).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: January 21, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–02270 Filed 2–3–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2015–33; Order No. 2333]

Change in Postal Rates

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the Postal Service's intention to changes rates of general applicability for competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 9, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: On January 26, 2015, the Postal Service filed notice with the Commission concerning changes in rates of general applicability for competitive products.[1] The Notice also includes related classification changes. The Postal Service represents that, as required by the Commission's rules, 39 CFR 3015.2(b), the Notice includes an explanation and justification for the changes, the effective date, and a schedule of the changed rates. *Id.* at 1. The changes are scheduled to become effective April 26, 2015. *Id.*

Attached to the Notice is Governors' Decision No. 14–05, which evaluates the new prices and classification changes in accordance with 39 U.S.C. 3632, 3633, and 39 CFR 3015.2.[2] The Governors' Decision provides an analysis of the competitive products' price and classification changes intended to demonstrate that the changes comply with 39 U.S.C. 3633(a) and 39 CFR part 3015. *Id.* at 1.

The attachment to the Governors' Decision sets forth the price changes and includes draft Mail Classification Schedule (MCS) language for competitive products of general applicability. Selected highlights of the price and classification changes follow.

Priority Mail Express. The existing structure of Priority Mail Express Retail, Commercial Base, and Commercial Plus price categories do not change. Some minor classification changes are made, but no price changes are proposed.

Priority Mail. The existing structure of Priority Mail Retail, Commercial Base, and Commercial Plus price categories do not change. Some minor classification changes are made, but no price changes are proposed.

Parcel Select. Non-Lightweight Parcel Select prices increase, on average, by 8.0 percent. The proposed prices for Lightweight Parcel Select increase by

[1] Notice of the United States Postal Service of Changes in Rates of General Applicability for Competitive Products Established in Governors' Decision No. 14–5, January 26, 2015 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the new rates or classes.

[2] Decision of the Governors of the United States Postal Service on Changes in Rates and Classes of General Applicability for Competitive Products (Governors' Decision No. 14–05), December 5, 2014 (Governors' Decision No. 14–05).

9.8 percent. For destination entry parcels, the average price increases by 7.3 percent. For non-destination entry parcels, the average price increase is 8.7 percent.

Parcel Return Service. Overall, Parcel Return Service prices increase by 4.8 percent. Proposed prices for returned parcels retrieved from a return Network Distribution Center increase by 5.7 percent, prices for returned parcels retrieved from a return Sectional Center Facility increase by 5.0 percent, and prices for parcels picked up at a return delivery unit increase by 4.7 percent. The elimination of Parcel Return Service-Full Network is being proposed due to insufficient volumes, and to simplify product offerings.

First-Class Package Service. Overall, First-Class Package Service prices increase by 5.1 percent. The transfer of First-Class Mail Retail parcels to the competitive product list is pending before the Commission.[3] If the transfer is approved, First-Class Mail Retail prices increase by 22.0 percent. If the transfer is not approved, the First-Class Mail Retail changes to the MCS are not proposed to be adopted.

Standard Post. Standard Post prices increase by an average of 11.4 percent. Prices in Zones 1–4 continue to align with the Retail Priority Mail prices for those zones. Thus, customers continuing to ship in those price cells will receive Priority Mail service, and will default to Standard Post service only if the item contains hazardous material or is otherwise not permitted to travel by air transportation.

Round-Trip Mailer. At the time Governors' Decision No. 14–05 was issued, the addition of Round-Trip Mailer to the competitive product list was pending before the Commission. If approved, prices for Round-Trip Mailer would increase by 2.3 percent and classification changes to the MCS would be adopted. On December 23, 2014, the Commission denied the request to add Round-Trip Mailer to the competitive product list.[4] Given the Commission's denial, this request is moot.

Domestic Extra Services. Prices for several Domestic Extra Services are proposed to increase. The retail counter enrollment fee for Performance Forward Service (PFS) increases to $18.00. The online enrollment fee for PFS increases to $16.50. The weekly reshipment fee for PFS increases to $18.00. Prices for Adult Signature service will increase to $5.50 for the basic service and $5.75 for the person-specific service. Address Enhancement Service prices increase up to 4.7 percent. Competitive Post Office Box prices increase by, on average, 3.5 percent. The proposed price increase for Package Intercept Service is 5.7 percent.

Global Express Guaranteed and Priority Mail Express International. Overall, Global Express Guaranteed (GXG) service prices increase by 7.2 percent. Priority Mail Express International (PMEI) service prices increase by 6.7 percent. The existing structure of GXG Retail, Commercial Base, and Commercial Plus price categories do not change.

Priority Mail International. Overall, Priority Mail International (PMI) prices increase by 5.5 percent. The existing structure of PMI Flat Rate, Retail, Commercial Base, and Commercial Plus price categories do not change, except for the establishment of new zoned prices based on origin ZIP Code for PMI destined to Canada. The maximum weight for PMI Rate Group 17 (Netherlands) will increase to 66 pounds.

International Priority Airmail/ International Surface Air Lift. The published prices for International Priority Airmail and International Surface Air Lift are proposed to increase by 4.5 percent.

Airmail M-Bags. The published prices for Airmail M-Bags increase by 6.8 percent.

First-Class Package International Service. Overall, prices for First-Class Package International Service (FCPIS) increase by 7.2 percent. The existing structure of FCPIS Retail, Commercial Base, and Commercial Plus price categories do not change.

International Ancillary Services. Certificates of Mailing prices are proposed to increase by 2.5 percent. Registered Mail prices increase by 2.2 percent. International Return Receipt prices increase by 2.7 percent.

The insurance tables for PMEI and PMI will be combined to simplify pricing. The International Business Return Service Competitive Contract product is to be renumbered. Provisions concerning Inbound International Return Receipt and Inbound International Insurance are to be removed from the MCS.

Further details of these changes may be found in the attachment to Governors' Decision No. 14–05 which is included as part of the Notice and contains proposed changes to the MCS in legislative format.

The Notice also includes three additional attachments:

- A redacted table showing FY 2015 projected volumes, revenues, attributable costs, contribution, and cost coverage for each product, assuming implementation of the new prices on April 26, 2015.
- A redacted table showing FY 2015 projected volumes, revenues, attributable costs, contribution, and cost coverage for each product, assuming a hypothetical implementation of the new prices on October 1, 2014.
- An application for non-public treatment of the attributable costs, contribution, and cost coverage data in the unredacted version of the annex to Governors' Decision No. 14–05, as well as the supporting materials for the data.

The table referenced above shows that the share of institutional cost generated by competitive products, assuming implementation of new prices on April 26, 2015, is expected to be 15.3 percent.

Notice. The Commission establishes Docket No. CP2015–33 to consider the Postal Service's Notice. Interested persons may express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, 3642, 39 CFR part 3015, and 39 CFR 3020 subparts B and E. Comments are due no later than February 9, 2015. For specific details of the planned price and classification changes, interested persons are encouraged to review the Notice, which is available on the Commission's Web site, *www.prc.gov.*

Pursuant to 39 U.S.C. 505, Kenneth E. Richardson is appointed to serve as Public Representative to represent the interests of the general public in this docket.

It is ordered:

1. The Commission establishes Docket No. CP2015–33 to provide interested persons an opportunity to express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, 3642, 39 CFR part 3015, and 39 CFR 3020 subparts B and E.

2. Comments are due no later than February 9, 2015.

3. The Commission appoints Kenneth E. Richardson to serve as Public Representative to represent the interests of the general public in this proceeding.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–02124 Filed 2–3–15; 8:45 am]

BILLING CODE 7710–FW–P

[3] Docket No. MC2015–7, Request of the United States Postal Service to Transfer First-Class Mail Parcels to the Competitive Product List, November 14, 2014.

[4] Docket Nos. MC2013–57 and CP2013–75, Order No. 2306, Order Denying Request, December 23, 2014.

POSTAL REGULATORY COMMISSION

[Docket Nos. PI2015–1; Order No. 2336]

Public Inquiry on Service Performance Measurement Systems

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is establishing a public inquiry to receive comments regarding the Postal Service's proposed service performance measurement systems for Market Dominant products. In addition, the Commission is scheduling a technical conference where the Postal Service will briefly outline its proposals. This notice informs the public of this proceeding and the technical conference, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 26, 2015. *Reply Comments are due:* April 8, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: On October 17, 2014, the Postal Service began discussions with the Commission on proposals to develop new internal service performance measurement systems for several of its market dominant products, including products within domestic First-Class Mail, Periodicals, Standard Mail and Package Services.[1] Service performance, for the products under consideration, are currently measured using either external, or hybrid (combined internal and external), measurement systems.[2]

For reporting service performance to the Commission, service performance must be measured by an objective external performance measurement system unless the Commission approves the use of an internal measurement system. See 39 U.S.C. 3691(b)(1)(D) and (b)(2). This docket will consider a Postal Service request for the Commission to approve newly proposed internal service performance measurement systems for product level reporting within domestic First-Class Mail, Periodicals, Standard Mail and Package Services.

The Postal Service's proposals are outlined in United States Postal Service, Service Performance Measurement, January 2015, which is concomitantly being filed as Library Reference PRC–LR–PI2015–1/1. The proposals would change at least two aspects of service performance measurement. First, the External First-Class system used for measuring single-piece First-Class Mail service performance would be replaced by a measurement system internal to the Postal Service. Second, the external reporters that are used to develop the last mile factors for all hybrid measurement systems for developing reports within First-Class Mail, Periodicals, Standard Mail and Package Services would be replaced by mail carrier scans at delivery. If the proposals are approved by the Commission, the Postal Service intends to report service performance using the new measurement systems beginning FY 2016.[3]

The Commission's role under section 3691 of title 39 is to consult with the Postal Service concerning the establishment of service standards for market dominant products. Given its obligations under the Postal Accountability Enhancement Act (PAEA) and the Postal Service's proposals, the Commission is initiating this docket to solicit public comment on the Postal Service's proposed service performance measurement systems.

The Commission will host an off-the-record technical conference on March 5, 2015, which is open to all persons interested in the Postal Service's service performance measurement systems proposals. The Postal Service shall briefly outline the proposals contained within its plan, and be available to answer questions.

Interested persons are invited to comment on any or all aspects of the Postal Service's new proposals for service performance measurement and reporting systems. Comments are due March 26, 2015. Reply comments may be filed no later than April 8, 2015. The Commission intends to evaluate the comments received and use those suggestions to help carry out its service performance measurement responsibilities under the PAEA. Material filed in this docket will be available for review on the Commission's Web site, *http://www.prc.gov.*

It is ordered:

1. Docket No. PI2015–1 is established for the purpose of receiving comments regarding the Postal Service's proposed service performance measurement systems.

2. A technical conference will be held in the Commission's hearing room at 10 a.m. on March 5, 2015, where the Postal Service will briefly outline its proposals, and be available to answer questions.

3. Interested persons may submit written comments on any or all aspects of the Postal Service's proposed service performance measurement and reporting systems no later than March 26, 2015.

4. Reply comments may be filed by no later than April 8, 2015.

5. Lyudmila Y. Bzhilyanskaya is designated to represent the interests of the general public in this docket.

6. The Secretary shall arrange for publication of this notice in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–02131 Filed 2–3–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Internal service performance measurement systems are under the direct control of the Postal Service. External service performance measurement systems are under the direct control of an independent third party.

[2] See Docket No. PI2008–1, Order No. 140, Order Concerning Proposals for Internal Service Standards Measurement Systems, November 25, 2008, 73 FR 73664 (2008).

[3] For compliance purposes, the Postal Service reports service performance for most market dominant products on an annual basis. See 39 CFR part 3055 subpart A; 39 U.S.C. 3652(a)(2)(i). For informational purposes, the Postal Service reports service performance for most market dominant products on a quarterly basis. See 39 CFR part 3055 subpart B.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74174; File No. SR–NYSE–2015–04]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change With the Proposed Amendment of the Restated Certificate of Incorporation of Exchange Subsidiary NYSE Regulation, Inc.

January 29, 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 21, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Items I and II below, which Items have been prepared by the self-regulatory organization. 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 the Substance of the Proposed Rule Change

The Exchange proposes amendment of the Restated Certificate of Incorporation (the ''Current Restated Certificate'') of the Exchange's subsidiary, NYSE Regulation, Inc., a New York not-for-profit corporation (''NYSE Regulation''), to make corrections as requested by the Department of State of the State of New York (the ''Department''). The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 self-regulatory organization 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 those 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

The Exchange seeks approval for its subsidiary NYSE Regulation to modify the form of Restated Certificate of Incorporation that it proposes to file with the Department. In December 2014, the Commission approved an amendment and restatement of the Current Restated Certificate (the ''Amended and Restated Certificate'') relating to the termination of NYSE Group Trust I, a Delaware trust (the ''Trust'').[3] However, in reviewing the Amended and Restated Certificate, the Department requested further revisions prior to accepting the document for filing. Specifically, under Section 805(b)(4) of the New York Not-For-Profit Corporation Law, the Department requested that the recitals to the Amended and Restated Certificate specify the amendment being made in the body of the document. The Department also requested a correction in a reference to the date of a filing made with it in 2007.

Under the proposed amendment, the Amended and Restated Certificate would be further revised to correct the date in the fourth recital and to add a reference to the termination the [sic] Trust in the sixth recital. The proposed amendment would not affect the substance of the Amended and Restated Certificate.

2. Statutory Basis

The Exchange believes that this filing is consistent with Section 6(b) of the Exchange Act,[4] in general, and Section 6(b)(5) of the Exchange Act,[5] in particular, because the proposed rule change summarized herein would be consistent with and facilitate a governance and regulatory structure that 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. The enhanced recital and the correction of the date reference will provide additional clarity to readers of the Amended and Restated Certificate.

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 Exchange Act. The proposed rule change is not designed to address any competitive issue in the U.S. securities markets or have any impact on competition in those markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the foregoing 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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the enhanced recital and the correction of a date would provide greater clarity to readers, and immediate operability would allow the Exchange to file the Amended and Restated Certificate, as revised pursuant to this proposed rule change, with the Department as soon as possible. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[11]

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

[3] *See* Exchange Act Release No. 34–73740 (Dec. 4, 2014) (SR–NYSE–2014–53), 79 FR 73362 (December 10, 2014).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of 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.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

investors, or 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 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–NYSE–2015–04 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–NYSE–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 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–NYSE–2015–04, and should be submitted on or before February 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02108 Filed 2–3–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74173; File No. SR–BATS–2015–06]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Amend the Fees Applicable to Securities Listed on BATS Exchange, Inc. pursuant to Rule 14.13

January 29, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 22, 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, 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fees applicable to securities listed on the Exchange pursuant to BATS Rule 14.13. Changes to the Exchange's fees pursuant to this proposal are effective upon filing. Changes to the fee schedule pursuant to this proposal are effective upon filing.

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 August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing, and delisting of companies on the Exchange,[3] which it modified on February 8, 2012 in order to adopt pricing for the listing of exchange traded products (''ETPs'')[4] on the Exchange,[5] which it subsequently modified again on June 4, 2014,[6] and October 16, 2014.[7] The Exchange proposes to modify Rule 14.13, entitled ''Company Listing Fees,'' to modify how the Exchange administers the billing of the application fee applicable to the listing of ETPs to more closely align with the Exchange's typical billing cycle, which is administered on a monthly basis. Currently, the issuer of an ETP is required to pay the $5,000 application fee to the Exchange with the application to list the ETP on the Exchange. The Exchange is proposing to amend the language in Rule 14.13(b)(1)(C) such that the application fee for ETPs becomes billable to the issuer for the month during which the ETP is first listed on the Exchange. As proposed, instead of requiring the Exchange to take payment without issuing any bill, the Exchange would bill application fees to issuers on a monthly basis, which is in line with how the Exchange applies most other aspects of its billing. The Exchange notes that it is not proposing to amend the $5,000 application fee for ETPs.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 65225 (August 30, 2011) 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[4] As defined in BATS Rule 11.8(e)(1)(A), the term ''ETP'' means any security listed pursuant to Exchange Rule 14.11.

[5] *See* Securities Exchange Act Release No. 66422 (February 17, 2012) 77 FR 11179 (February 24, 2012) (SR–BATS–2012–010).

[6] *See* Securities Exchange Act Release No. 72377 (June 12, 2014) 79 FR 34822 (June 18, 2014) (SR–BATS–2014–024).

[7] *See* Securities Exchange Act Release No. 73414 (October 23, 2014) 79 FR 64434 (October 29, 2014) (SR–BATS–2014–050)

are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[8] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) and 6(b)(5) of the Act,[9] in that it provides for the equitable allocation of reasonable dues, fees and other charges among issuers and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed changes are a reasonable, equitable, and non-discriminatory allocation of fees to issuers because the proposal is designed only to amend the timing and method with which issuers are billed for the application fee for ETPs and not to make any changes to the amount of the $5,000 application fee. Further, the proposal will benefit all ETP issuers because it will allow them to pay their application fee at a later date than they are required to pay the application fee today. The Exchange also notes that the proposed changes will apply equally to all issuers that list ETPs on the Exchange. Based on the foregoing, the Exchange believes that the proposed amendment to the billing associated with application fees for ETPs is a reasonable, equitable, and non-discriminatory allocation of fees to issuers.

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. With respect to the proposed new billing method for the application fee related to ETPs, the Exchange does not believe that the changes burden competition, but instead, enhance competition, as it is intended to increase the competitiveness of the Exchange's listings program by allowing the Exchange to offer ETPs the ability to pay their application fees after an ETP is already listed and trading on the Exchange instead of requiring the issuer to pay the application fee upon submission of their application. As such, the proposal is a competitive proposal that is intended to make the Exchange a more attractive venue for ETP listings, which will, in turn, benefit the Exchange and all other BATS-listed ETPs.

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 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[10] and paragraph (f) of Rule 19b–4 thereunder.[11] 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–BATS–2015–06 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–BATS–2015–06. 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 offices 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–BATS–2015–06, and should be submitted on or before February 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02107 Filed 2–3–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74169; File No. SR–CBOE–2015–011]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To Amend Exchange Rules Related to Order Tickets

January 29, 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 23, 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 and II 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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules related to order tickets. The text of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the proposed rule change is provided below.

(additions are *in italics;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.53. Certain Types of Orders Defined

* * * * *

. . . Interpretations and Policies:

.01 No change.

.02 Complex orders of twelve (12) legs or less (one leg of which may be for an underlying security or security future, as applicable) must be entered on a single order ticket at time of systemization. If permitted by the Exchange (which the Exchange will announce by Regulatory Circular), complex orders of more than twelve (12) legs (one leg of which may be for an underlying security or security future, as applicable) may be split across multiple order tickets, if the Trading Permit Holder representing the complex order includes twelve (12) legs on one of the order tickets and identifies for the Exchange the order tickets that are part of the same complex order (in a form and manner prescribed by the Exchange).

* * * * *

Rule 24.20. SPX Combo Orders

* * * * *

. . . Interpretations and Policies:

.01 An SPX Combo Order for twelve (12) legs or less must be entered on a single order ticket at time of systemization. If permitted by the Exchange (which the Exchange will announce by Regulatory Circular), an SPX Combo Order for more than twelve (12) legs may be represented or executed as a single SPX Combo Order in accordance with this Rule 24.20 if it is split across multiple order tickets and the Trading Permit Holder representing the SPX Combo Order includes twelve (12) legs on one of the order tickets and identifies for the Exchange the order tickets that are part of the same SPX Combo Order (in a manner and form prescribed by the Exchange).

* * * * *

The text of the proposed rule change is also 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 set forth order ticket requirements applicable to complex orders in open outcry pursuant to Rule 6.53, as well as SPX Combo Orders [3] pursuant to Rule 24.20.

Background

On May 19, 2014, the Exchange submitted a rule change filing (SR–CBOE–2014–046), which became effective on that date, to amend Rule 24.20, ''SPX Combo Orders''. Rule 24.20, as amended, states: ''For an order to be eligible for the trading procedures contained in this Rule, a Trading Permit Holder must apply an indicator to the SPX Combo Order upon systematization as provided in Rule 6.24.'' [4] Once the Exchange implements the combo indicator requirement, TPHs will be required to apply the combo indicator upon systematization. Orders that include the combo indicator but do not meet the requirements of an SPX Combo Order (*i.e.,* orders must be at least three legs and include an SPX combination [5]) will be rejected. Additionally, the Public Automatic Routing System (''PAR'') will no longer allow an order to be endorsed as an SPX Combo Order and reported to OPRA as such.[6]

On August 19, 2014, the Exchange submitted a separate rule change filing (SR–CBOE–2014–015) to amend, among other things, Rule 24.20 to include Interpretation and Policy .01.[7] Proposed Interpretation and Policy .01 was proposed to require that any complex order in open outcry, including an SPX Combo Order, for twelve (12) legs or less be entered on a single order ticket at time of systemization. In addition, a complex order, including an SPX Combo Order, that contains more than twelve (12) legs may be represented and executed as a single order, and for an SPX Combo Order in accordance with Rule 24.20 if it is split across multiple order tickets and the TPH representing the order identifies for the Exchange the order tickets that are part of the same order (in a manner and form prescribed by the Exchange).

Pursuant to rule change filing SR–CBOE–2014–046, the Exchange issued a Regulatory Circular requiring Trading Permit Holders (''TPHs'') to begin applying the combo indicator upon systematization on November 1, 2014.[8] The implementation date was subsequently delayed until February 27, 2015 [9] in order to coincide with the implementation date of the order ticket requirements in SR–CBOE–2014–015.[10]

Pursuant to SR–CBOE–2014–046, a third-party vendor updated the Exchange provided Floor Broker Workstation (''FBW) to support the combo indicator. Pursuant to SR–CBOE–2014–015, the Exchange, through a third-party vendor, developed an enhanced version of FBW to support the

[3] An ''SPX Combo Order'' consists of an order to purchase or sell one or more SPX option series and the offsetting number of SPX combinations defined by the delta, where an ''SPX combination'' is a purchase (sale) of an SPX call and sale (purchase) of an SPX put having the same expiration date and strike price and a ''delta'' is the positive (negative) number of SPX combinations that must be sold (bought) to establish a market neutral hedge with one or more SPX option series.

[4] Securities Exchange Act Release No. 34–72271 (May 29, 2014), 79 FR 32342 (June 4, 2014) (SR–CBOE–2014–046).

[5] SR–CBOE–2014–046 defines an SPX combination as a purchase (sale) of an SPX call and sale (purchase) of an SPX put having the same expiration date and strike price.

[6] *See supra,* note 2. Currently, brokers must apply an SPX Combo Order designation for the purposes of price reporting. This is accomplished by endorsing a trade via PAR; however the system changes that allow a combo indicator to be applied upon systematization will remove the capability to endorse an order as an SPX Combo Order on PAR, *Id.*

[7] Securities Exchange Act Release No. 34–72975 (September 2, 2014) (''Notice''), 79 FR 53230 (September 8, 2014) (SR–CBOE–2014–015). SR–CBOE–2014–015 was withdrawn by the Exchange on November 21, 2014, in order to bifurcate the filing into two separate filings. The first filing is represented by this proposed rule change regarding the single order ticket requirements. The second filing will, among other things, include amendments to the complex order definitions.

[8] *CBOE Regulatory Circular* RG14–125—Implementation of SPX Combo Order Indicator (August 15, 2014).

[9] *See CBOE Regulatory Circular* RG14–153—Delayed Implementation of SPX Combo Order Indicator (October 31, 2014).

[10] *See* Securities Exchange Act Release No. 34–73479 (October 31, 2014), 79 FR 66014 (November 6, 2014) (SR–CBOE–2014–083) (delaying the combo indicator requirement in SR–CBOE–2014–046 in order to coincide with the order ticket requirements of SR–CBOE–2014–015).

entry of complex orders with up to twelve legs. The enhanced version of FBW was made available to TPHs for training purposes on January 2, 2015.[11] The Exchange notes that PULSe, which is an Exchange provided alternative to FBW, also currently allows up to twelve (12) legs on a single order ticket and has been updated with the combo indicator.[12] In addition, the Exchange has been in contact with TPH broker groups consistently since the filing of SR–CBOE–2014–015 in an effort to prepare TPH broker groups for the combo indicator and the single order ticket requirements.[13]

Proposal

Currently, Exchange system limitations may prevent a multi-part order with more than a certain number of legs from being entered on a single order ticket for representation and execution in open outcry as a complex order.[14] As a result, complex orders with more than the applicable leg limitation that are represented in open outcry must be split up and entered on multiple order tickets. For consistency in processing and in order to enhance the Exchange's audit trail, the Exchange proposes to amend Rules 6.53 to require:

• Complex orders of twelve (12) legs or less (one leg of which may be for an underlying security or security future, as applicable) must be entered on a single order ticket at time of systemization. If permitted by the Exchange (which the Exchange will announce by Regulatory Circular), complex orders of more than twelve (12) legs (one leg of which may be for an underlying security or security future, as applicable) may be split across multiple order tickets, if the Trading Permit Holder representing the complex order includes twelve (12) legs on one of the order tickets [15] and identifies for the Exchange the order tickets that are part of the same complex order (in a form and manner prescribed by the Exchange).

With respect to the order ticket requirements, the Exchange also proposes to add to Rule 24.20 (pertaining to SPX Combo Orders) Interpretation and Policy .01 to require that an SPX Combo Order for twelve (12) legs or less be entered on a single order ticket at time of systemization. An SPX Combo Order that contains more than twelve (12) legs may be represented and executed as a single SPX Combo Order in accordance with Rule 24.20 if it is split across multiple order tickets and the TPH representing the SPX Combo Order includes twelve (12) legs on one of the order tickets [16] and identifies for the Exchange the order tickets that are part of the same SPX Combo Order (in a manner and form prescribed by the Exchange). The Exchange will announce by Regulatory Circular whether it permits SPX Combo Orders with more than 12 legs and, if so permitted, the form and manner in which the TPH must link the multiple order tickets. The Exchanges notes that a TPH may submit an order that does not satisfy these ticket requirements, but such order may not be represented or executed as a single SPX Combo Order in accordance with Rule 24.20. The Exchange also notes that Rules 24.20 already specifies an applicable ratio (defined by the delta as noted above), and it is proposing no changes to the ratio through this rule filing.

The Exchange will announce the implementation date of the proposed rule change in a Regulatory Circular to be published within 90 days of the filing date of this filing. The implementation date of this filing, if the filing is approved, will be within 180 days of the filing date, but no earlier than the approval date of the filing.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [18] requirements that the rules of an exchange be 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [19] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes enhancing the audit trail with respect to open outcry complex order processing and SPX Combo Orders will help to protect investors and the public interest because an enhanced audit trail promotes transparency and aids in surveillance, as well as, provides the Exchange the ability to better enforce compliance by the Exchange's TPHs (and persons associated with its TPHs) with the Act, the rules and regulations thereunder and the rules of the Exchange, thereby protecting investors.

In addition, the Exchange believes the proposed rule change is consistent with Section 6(b)(1) of the Act,[20] which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and to enforce compliance by the Exchange's TPHs (and persons associated with its TPHs) with the Act, the rules and regulations thereunder and the rules of

[11] *See* RG14–176.

[12] The Exchange also notes that TPHs will not be required to make changes to their own or third-party vendor's order entry and execution systems. However, to the extent a TPH wants to represent and execute a multi-part order in open outcry as a complex order, the order must be entered on a single order ticket and cannot exceed twelve (12) legs (or, if the Exchange has determined to make it available, an order for more than twelve (12) legs that is entered on multiple order tickets, which tickets are linked in a form and manner prescribed by the Exchange). For example, if a TPH's order entry and execution system currently only supports the open outcry processing of a complex order with up to four (4) legs, the system would not need to be enhanced if the TPH does not intend to represent and execute complex orders with more than four (4) legs. If the TPH intends to represent and execute complex orders with more than four (4) legs (*i.e.,* complex orders with five (5) to twelve (12) legs), then the TPH may need to enhance its existing system or utilize another order entry and execution system that supports the open outcry processing of such orders on a single order ticket.

[13] *See* RG14–125; RG–14–153; and RG14–176. Beyond Regulatory Circulars, the Exchange has been in contact with TPHs about the upcoming single order ticket requirements.

[14] As noted above, system enhancements currently allow orders with up to twelve legs to be processed for open outcry.

[15] The Exchange recognizes that SR–CBOE–2014–015 indicated that the Exchange was not imposing requirements on how a complex order with more than 12 legs should be split across multiple tickets. *See supra* note 5, at page 6. However, the Exchange does not believe TPHs will be adversely affected by the proposed requirement specifying how an order with more than 12 legs should be split across multiple tickets because the Exchange believes PULSe, the enhanced version of FBW, and proprietary systems that TPHs have designed to comply with the single order ticket requirements of SR–CBOE–2014–015 are capable of complying with the requirement specifying how orders with more than 12 legs should be split across multiple tickets without further programming or configuration.

[16] As noted in the proposed rule text, for an open outcry complex order and an SPX Combo Order, if an order with more than twelve legs is split across multiple order tickets, one of the order tickets must contain twelve legs. For example, a thirteen leg order cannot have seven legs on one ticket and six legs on another ticket; rather, one ticket must have twelve legs and the other ticket must have one leg.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] *Id.*

[20] 15 U.S.C. 78f(b)(1).

the Exchange. Enhancing the audit trail with respect to open outcry complex order processing will further improve the Exchange's ability to better enforce compliance by the Exchange's TPHs (and persons associated with its TPHs) with the Act, the rules and regulations thereunder and the rules of the Exchange.

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. The Exchange does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition because the order ticket requirements will be applicable to all TPHs executing complex orders in open outcry and SPX Combo Orders.

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 proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

The Exchange has requested accelerated approval of the proposed rule change. The Commission is considering granting accelerated approval of the proposed rule change at the end of a 15-day comment period.

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–2015–011 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–CBOE–2015–011. 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–2015–011 and should be submitted on or before February 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02104 Filed 2–3–15; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74170; File No. SR–Phlx–2015–08]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule Under Section VIII With Respect To Execution and Routing of Orders in Securities Priced at $1 or More Per Share

January 29, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 16, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule under Section VIII, entitled ''NASDAQ OMX PSX FEES,'' with respect to execution and routing of orders in securities priced at $1 or more per share.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.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 aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the certain fees and rebates for order execution and routing applicable to the use of the order execution and routing services of the NASDAQ OMX PSX System (''PSX'') by member organizations for all securities traded at $1 or more per share.

Currently, for non-displayed orders the Exchange assesses a charge of ''$0.0003 per share executed charge for a midpoint pegged order (''midpoint order'')''. The Exchange proposes to delete this so that the charge for orders with midpoint pegging to access liquidity will revert to the $0.0024 per share executed charge currently assessed on member organizations that enter orders that execute in PSX.

Additionally, the Exchange proposes to eliminate the $0.0003 per share executed charge for orders that execute against resting midpoint liquidity and add a $0.0010 per share credit for orders with midpoint pegging that provide liquidity.

The current $0.0005 per share executed credit for other non-displayed orders that provide liquidity will remain unchanged, but within the Pricing Schedule it will follow the charge listed in the paragraph immediately above for purposes of clarity. This makes it clear that the word ''other'' in ''other non-displayed orders that provide liquidity'' refers to orders other than ''orders with midpoint pegging''.

2. Statutory Basis

The Exchange believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act [3] in general, and furthers the objectives of Sections 6(b)(4) and (b)(5) of the Act [4] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities, and it does not unfairly discriminate between customers, issuers, brokers or dealers. The proposed changes are reasonable because they reflect the Exchange's need to adjust its credits and fees in response to the costs and benefits provided. Credits provided by the Exchange are given in lieu of assessing normal fees, and accordingly provide incentives to market participants to enter such orders. The proposed changes balance the Exchange's desire to provide certain incentives to market participants with the costs the Exchange incurs in providing such incentives.

Thus, the proposed change with respect to the elimination of the $0.0003 per share executed charge for a midpoint pegged order is reasonable because by eliminating the charge within this part of the Pricing Schedule, the charge will become the already existing current charge of $0.0024 per share executed assessed on member organizations that enter orders that execute in PSX, regardless of the listing venue of the security. The Exchange also believes that the proposed change is consistent with an equitable allocation of fees and is not unfairly discriminatory because it applies to all member organizations that enter orders that execute in PSX, regardless of the listing venue of the security.

The Exchange believes that eliminating the $0.0003 per share executed charge for orders that execute against resting midpoint liquidity is reasonable for the reasons discussed above regarding the Exchange's need to adjust its credits and fees. The Exchange also believes that it is consistent with an equitable allocation of fees and is not unfairly discriminatory because it applies to all market participants.

The Exchange believes that adding a $0.0010 per share credit for orders with midpoint pegging that provide liquidity is reasonable for the reasons discussed above regarding the Exchange's need to adjust its credits and fees. Specifically, the Exchange believes that the $0.0010 per share credit for orders with midpoint pegging will incentivize market participants to add liquidity using orders with midpoint pegging. The Exchange also believes that the $0.0010 per share credit for orders with midpoint pegging is consistent with an equitable allocation of fees and is not unfairly discriminatory because it applies to all market participants that provide liquidity using orders with midpoint pegging, regardless of the listing venue of the security of the order.

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 not necessary or appropriate in furtherance of the purposes of the Act, as amended.[5] The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the changes to the credits provided and charges assessed are intended to reduce the Exchange's costs, while still continuing to provide an incentive for members to execute shares on PSX. Because there are numerous competitive alternatives to PSX, it is likely the Exchange will lose market share as a result of the changes if they are unattractive to market participants. Accordingly, the Exchange does not believe the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[6] the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

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 shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4) and (5).

[5] 15 U.S.C. 78f(b)(8).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

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–Phlx–2015–08 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–2015–08. 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 available publicly. All submissions should refer to File Number SR–Phlx–2015–08 and should be submitted on or before February 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02105 Filed 2–3–15; 8:45 am]

BILLING CODE 8011–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74175; File No. SR–NYSEArca–2015–01]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Amending NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 Relating To Listing of Investment Company Units Based on Municipal Bond Indexes

January 29, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 16, 2015, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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 proposes to amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 relating to listing of Investment Company Units based on municipal bond indexes. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.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 self-regulatory organization 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 those 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

NYSE Arca Equities Rule 5.2(j)(3) permits the listing and trading, including trading pursuant to unlisted trading privileges (''UTP''), of Investment Company Units (''Units'').[4] NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 provides for listing on the Exchange pursuant to Rule 19b–4(e)[5] under the Act of a series of Units with an underlying index or portfolio of Fixed Income Securities[6] meeting specified criteria.[7] These ''generic'' listing criteria permit listing and trading on the Exchange of series of Units meeting such criteria without Commission approval of each individual product pursuant to Section 19(b)(2) of the Act.[8]

NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) provides that, in order to be listed and traded pursuant to Rule 19b–4(e), components of an index or portfolio that in aggregate account for at least 75% of the weight

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] An Investment Company Unit is a security that represents an interest in a registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities (or holds securities in another registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities). *See* NYSE Arca Equities Rule 5.2(j)(3)(A).

[5] 17 CFR 240.19b–4(e).

[6] Fixed Income Securities are described in NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 as debt securities that are notes, bonds, debentures or evidence of indebtedness that include, but are not limited to, U.S. Department of Treasury securities, government-sponsored entity securities, municipal securities, trust preferred securities, supranational debt and debt of a foreign country or a subdivision thereof.

[7] The Commission approved NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 in Securities Exchange Act Release No. 55783 (May 17, 2007), 72 FR 29194 (May 24, 2007) (SR–NYSEArca–2007–36) (order approving generic listing standards for series of Units based on Fixed Income Indexes and Combination Indexes). The Commission also approved generic listing standards for the American Stock Exchange LLC (''Amex'') for Index Fund Shares based on Fixed Income Indexes and Combination Indexes in Securities Exchange Act Release No. 55437 (March 9, 2007), 72 FR 12233 (March 15, 2007) (SR–Amex–2006–118). The Commission has approved listing of exchange-traded funds based on a fixed income index or portfolio. *See, e.g.,* Securities Exchange Act Release No. 48534 (September 24, 2003), 68 FR 56353 (September 30, 2003) (SR–Amex–2003–75) (order approving listing on Amex of eight series of iShares Lehman Bond Funds).

[8] 15 U.S.C. 78s(b)(2).

of the index or portfolio each shall have a minimum original principal amount outstanding of $100 million or more. The Exchange proposes to amend its generic listing criteria applicable to Units in order to better accommodate listing of Units based on indexes that include municipal bonds, in view of features of such bonds that differ from those of most other Fixed Income Securities.[9]

Specifically, the Exchange proposes to amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) to state that components that in aggregate account for at least 75% of the weight of the index or portfolio shall meet the following: (A) each shall have a minimum original principal amount outstanding of $100 million or more; or (B) if a municipal bond component, such component shall be issued in an offering with an aggregate size, as set forth in the official statement of the offering, of $100 million or more. Thus, with respect to a municipal bond component of an index or portfolio, the aggregate size of the municipal bond issue covered by the official statement applicable to such municipal bond component, *i.e.,* a municipal bond offering, must be $100 million or more. Thus, even if the individual municipal bond component (*i.e.,* an individual maturity) of an index has an amount outstanding of less than $100 million, such component could be included in the 75% weight required to meet the $100 million principal amount outstanding requirement if such component were part of a municipal bond offering of $100 million or more.

The Exchange believes it is appropriate to calculate components of a municipal bond index differently from other Fixed Income Securities for purposes of the 75% weighting requirement of NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) because municipal bond offerings differ from U.S. Treasury, Government Sponsored Entities (''GSEs''), or other fixed income offerings in a variety of ways. Principally, municipal bonds are issued with either ''serial'' or ''term'' maturities or some combination thereof. The official statement issued in connection with a municipal bond offering describes the terms of the component bonds and the issuer and/or obligor on the related bonds. Such an offering is comprised of a number of specific maturity sizes.[10] The entire issue or offering that includes such maturity sizes (sometimes also referred to as the ''deal size'') receives the same credit rating and the various maturities are all subject to the provisions set forth in the official statement. The entire issue or offering is based on a specified project or group of related projects and funded by the same revenue or other funding sources identified in the official statement.[11]

Because the individual municipal bond components of an index may predominantly have maturities of less than $100 million outstanding (although part of a municipal bond offering of $100 million or greater), NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 generally would not permit listing under Rule 19b–4(e) of Units based on an underlying municipal bond index if only individual maturity sizes were considered. The Exchange believes the proposed amendment to Commentary .02(a)(2) would facilitate listing of Units based on municipal bond indexes by permitting the Exchange, in applying its generic listing criteria, to take into account the aggregate size of the municipal bond offering of which the index component is part, as set forth in the applicable official statement.

The Exchange notes that major municipal bond indexes, while they include individual bond maturities as index components, include ''deal size'' as a factor in the criteria for index constituents and additions. For example, the index methodology for the S&P National AMT-Free Municipal Bond Index specifies that each bond must be a constituent of a deal where the deal's original offering amount was at least $100 million.[12] For Barclays Capital municipal bond indexes, the index methodology for the Barclays Capital Investment-Grade Municipal Index specifies that a bond in the index must be issued as part of a transaction of at least $75 million; for the Barclays Capital High-Yield Municipal Index and the Barclays Capital Enhanced State Specific Indices, the bond constituents must be issued as part of a transaction of at least $20 million.[13]

The Exchange notes that the Commission previously has approved listing and trading of Units where the applicable municipal index components did not individually meet the 75% percentage requirement of NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2).[14] As stated in the iShares 2020 Notice, the investment adviser (Blackrock Fund Advisors or ''BFA'') for the iShares 2020 S&P AMT-Free Municipal Series has represented that the nature of the municipal bond market and municipal bond instruments makes it feasible to categorize individual issues

[9] The Commission previously has approved proposed rule changes relating to listing and trading on the Exchange of Units based on municipal bond indexes. *See* Securities Exchange Act Release Nos. 67985 (October 4, 2012), 77 FR 61804 (October 11, 2012) (SR–NYSEArca–2012–92) (order approving proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 67729 (August 24, 2012), 77 FR 52776 (August 30, 2012) (SR–NYSEArca–2012–92) (notice of proposed rule change relating to the listing and trading of iShares 2018 S&P AMT-Free Municipal Series and iShares 2019 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02) (''iShares 2018 Notice''); 72523, (July 2, 2014), 79 FR 39016 (July 9, 2014) (SR–NYSEArca–2014–37) (order approving proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02); 72172 (May 15, 2014), 79 FR 29241 (May 21, 2014) (SR–NYSEArca–2014–37) (notice of proposed rule change relating to the listing and trading of iShares 2020 S&P AMT-Free Municipal Series under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02) (''iShares 2020 Notice''); 72464 (June 25, 2014), 79 FR 37373 (July 1, 2014) (File No. SR–NYSEArca-2014–45) (order approving proposed rule change governing the continued listing and trading of shares of the PowerShares Insured California Municipal Bond Portfolio, PowerShares Insured National Municipal Bond Portfolio, and PowerShares Insured New York Municipal Bond Portfolio). The Commission also has issued a notice of filing and immediate effectiveness of a proposed rule change relating to listing and trading on the Exchange of shares of the iShares Taxable Municipal Bond Fund. *See* Securities Exchange Act Release No. 63176 (October 25, 2010), 75 FR 66815 (October 29, 2010) (SR–NYSEArca-2010–94). The Commission has approved for Exchange listing and trading of shares of two actively managed funds of the PIMCO ETF Trust that principally hold municipal bonds. *See* Securities Exchange Act Release No. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving listing and trading of shares of the PIMCO Short-Term Municipal Bond Strategy Fund and PIMCO Intermediate Municipal Bond Strategy Fund). The Commission also has approved listing and trading on the Exchange of shares of the SPDR Nuveen S&P High Yield Municipal Bond Fund under Commentary .02 of NYSE Arca Equities Rule 5.2(j)(3). *See* Securities Exchange Act Release No. 63881 (February 9, 2011), 76 FR 9065 (February 16, 2011) (SR–NYSEArca–2010–120).

[10] There are two principal types of municipal bonds—general obligation, which are issued to raise capital supported by the taxing power of the issuer, and revenue bonds, which fund projects supported by the income these projects generate. Multiple maturities allow municipal bond issuers to better match and manage the timing of revenues and expenses associated with municipal bond offerings and projects financed thereby, and allow issuers to reduce their cost of funding over time. This is especially important given the long-term nature of the projects that secure municipal bond offerings and intermittent cash flows generated from the projects or other revenue sources. The issuer is able to pay down the municipal bond offering, lowering the amount outstanding, and thereby paying less interest over the life of the issue in contrast to an issue with a term maturity.

[11] Financial information vendors provide deal size as well as maturity size information for each issue.

[12] Source: Standard & Poor's, available at *www.us.spindices.com.*

[13] Source: Barclays Capital Municipal Index Research.

[14] *See* note 9, *supra.*

represented by CUSIPs (*i.e.,* the specific identifying number for a security) into categories according to common characteristics— specifically, rating, purpose, geographical region, and maturity. BFA represented that bonds that share similar characteristics tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective, allowing one CUSIP to be represented by another that shares similar characteristics for purposes of developing an investment strategy.[15] Therefore, while a relatively low percentage of the weight of the applicable index components may be part of an aggregate size offering of $100 million or more, the nature of the municipal bond market makes such components relatively fungible for investment purposes when aggregated into categories such as ratings, purpose, geographical region, and maturity. In addition, BFA represented that, within a single municipal bond issuer, there are often multiple contemporaneous or sequential issuances that have the same rating, structure and maturity, but have different CUSIPs; these separate issues by the same issuer are also likely to trade similarly to one another. Individual CUSIPs within the applicable municipal bond index that share characteristics with other CUSIPs based on rating, purpose, geographical region, and maturity have a high yield to maturity correlation, and frequently have a correlation of one or close to one. Such correlation demonstrates that the CUSIPs within their respective category behave similarly.

Likewise, as noted above, the individual maturity sizes that comprise a municipal bond offering share a number of important features, including credit rating and the purpose and terms of the offering as set forth in the applicable official statement. As with individual CUSIPs in an index that share certain characteristics, as described above, the individual maturity sizes comprising the municipal bond offering can be expected to be relatively fungible for investment purposes. The Exchange believes that the proposed rule change is reasonable and appropriate in that pricing and liquidity of such maturity sizes is predominately based on the common characteristics of the aggregate issue of which the municipal bond is part. Thus, consideration of the aggregate size of the municipal bond offering rather than the individual bond component does not raise concerns regarding pricing or liquidity of the applicable municipal bond index components or of the Units overlying the applicable index.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) [16] of the Act, in general, and furthers the objectives of Section 6(b)(5),[17] 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 mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change applicable to trading pursuant to generic listing and trading criteria, together with the Exchange's surveillance procedures applicable to trading in the securities covered by the proposed rules, serve to foster investor protection. The proposed rule change will also enhance market competition by assisting in bringing issues of Units with an underlying index of municipal securities to market more quickly, consistent with the Commission's adoption of Rule 19b–4(e) under the Act. The Commission has previously approved proposed rule changes relating to listing and trading on the Exchange of Units based on municipal bond indexes and issues of Managed Fund Shares that hold municipal bonds.[18] Major municipal bond indexes, while they include individual bond maturities as index components, include ''deal size'' as a factor in the criteria for index constituents and additions. As noted above, municipal bonds that share similar characteristics tend to trade similarly to one another; therefore, within these categories, the issues may be considered fungible from a portfolio management perspective, allowing one CUSIP to be represented by another that shares similar characteristics for purposes of developing an investment strategy.[19] Therefore, while a relatively low percentage of the weight of the applicable index components may be part of an offering with an aggregate size of $100 million or more, the nature of the municipal bond market makes such components relatively fungible for investment purposes when aggregated into categories such as ratings, purpose, geographical region, and maturity. As with individual CUSIPs in an index that share certain characteristics, as described above, the individual maturity sizes comprising a municipal bond offering can be expected to be relatively fungible for investment purposes. The Exchange believes that the proposed rule change is reasonable and appropriate in that pricing and liquidity of such maturity sizes is predominately based on the common characteristics of the municipal bond offering of which the municipal bond component is part. Thus, consideration of the municipal bond offering rather than the individual bond component does not raise concerns regarding pricing or liquidity of the applicable municipal bond index components or of the Units overlying the applicable index. In addition, financial information vendors provide deal size as well as maturity size information for each municipal bond issue.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that Units based on an index or portfolio that includes municipal bond components will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 5.2(j)(3). The proposed amendment to NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2) will better accommodate listing of Units based on indexes that include municipal bonds, in view of features of such bonds that differ from those of most other Fixed Income Securities. In connection with establishing compliance with NYSE Arca Equities Rule 5.2(j)(3), Commentary .02(a)(2), individual municipal bond components in an index or portfolio would be required to be part of an offering of substantial size (*i.e.,* at least $100 million aggregate size). The Exchange believes that the $100 million minimum threshold will help ensure that a substantial percentage of the applicable index components are liquid.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of exchange-traded funds that hold municipal bonds pursuant to the

[15] *See also* iShares 2018 Notice.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* note 9, *supra.*

[19] *See* iShares 2018 Notice and iShares 2020 Notice.

generic listing criteria of NYSE Arca Equities Rule 5.2(j)(3), Commentary .02, and thus will enhance competition among market participants, to the benefit of investors and the marketplace. The Exchange is proposing to modify the criteria for qualifying Units based on a Fixed Income Securities index or portfolio that includes municipal bond components by applying the same quantitative threshold (*i.e.,* $100 million or more) to the aggregate size of the municipal bond offering as the threshold that applies to component Fixed Income Securities generally, as set forth in Commentary .02(a)(2) of Rule 5.2(j)(3). The Exchange believes that applying the $100 million threshold to the aggregate size of the municipal bond offering rather than to individual maturities of the offering is appropriate in view of differences in the characteristics of municipal bond issuances from issuances of other Fixed Income Securities, as described above, while, at the same time, assuring that any individual municipal bond component is part of an offering of substantial size (*i.e.,* at least $100 million aggregate size).

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 intended to address competition among exchanges. The Exchange believes that the proposed rule change would remove a burden on competition for issuers of municipal bond offerings to provide that the Exchange's rules regarding the listing and trading of Units pursuant to Commentary .02 of Rule 5.2(j)(3) are evaluated on a similar basis to other fixed income offerings. As discussed above, because the ''deal size'' associated with a municipal bond offering is deemed the relevant basis for determining pricing and liquidity of maturity sizes of municipal bond components that comprise an index, the Exchange believes that the proposed rule change addresses the unique characteristics of municipal bond offerings as compared to other fixed income products in a manner consistent with the existing requirements of Commentary .02(a)(2) of Rule 5.2(j)(3).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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–NYSEArca–2015–01 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–NYSEArca–2015–01. 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 Number SR–NYSEArca–2015–01 and should be submitted on or before February 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02109 Filed 2–3–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74171; File No. SR–BOX–2015–05]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Deadline for the VPR Program to January 14, 2015

January 29, 2015.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 16, 2015, BOX Options Exchange LLC (the ''Exchange'') 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 Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[20] 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)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to extend the deadline for the VPR Program to January 14, 2015. There are no proposed changes to any rule text.

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

On January 9, 2015, the Exchange filed a rule change on Form 19b–4 to implement an equity rights program (the ''VPR Program''), to be effective January 12, 2015 (the ''VPR Filing'').[5] As provided on page 13 of 49 in the VPR Filing, applicants to participate in the VPR Program were required to make a nominal cash payment of $85 per VPR by January 12, 2015. Also, as provided on page 15 of 49 in the VPR Filing, applicants to participate in the VPR Program were required to sign the applicable subscription documents by January 12, 2015.

Because all prospective Subscribers to the VPR Program were unable to sign the required documents and make the associated payment by the January 12, 2015 deadline, BOX proposes to make a reasonable accommodation to all prospective Subscribers. Accordingly, BOX proposes to extend the deadline, by which subscription documents and payments must be submitted to BOX, by two days to January 14, 2015 (the ''Extension Period''). This extension would allow all parties desiring to participate in the VPR Program to subscribe. In making such accommodation, no prospective Subscribers to the VPR Program would be impaired in their ability to participate in the VPR Program.

Further, as provided on pages 4, 15 and 17 of 49 in the VPR Filing, BOX expected to begin measuring order flow volume for the VPR Program on January 12, 2015. In connection with the extension of time afforded prospective Subscribers, BOX proposes to begin measuring order flow volume upon effectiveness of this rule filing with respect to any Subscriber that signed the subscription documents and made the cash payment during the Extension Period.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. In particular, the proposed rule change is reasonable, equitable and not unfairly discriminatory because it proposes to make a reasonable accommodation to all prospective Subscribers who wish to participate in the VPR Program. This will ensure that no prospective Subscribers to the VPR Program would be impaired in their ability to participate in the VPR Program.

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 Exchange believes that the proposed rule change will improve competition by allowing all market participants to subscribe to the VPR Program.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

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)(ii) of the Exchange Act[7] and Rule 19b–4(f)(2) thereunder,[8] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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 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–BOX–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 Number SR–BOX–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 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

[5] *See* SR–BOX–2015–03.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2015–05, and should be submitted on or before February 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02106 Filed 2–3–15; 8:45 am]

BILLING CODE 8011–01–P

[9] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9030]

30-Day Notice of Proposed Information Collection: ADVANCE NOTIFICATION FORM: Tourist and Other Non-Governmental Activities in the Antarctic Treaty Area

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to March 6, 2015.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Alfred Schandlbauer, who may be reached at 202–647–0237 or at *Schandlbauerax@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* ADVANCE NOTIFICATION FORM: Tourist and Other Non-Governmental Activities in the Antarctic Treaty Area.
- *OMB Control Number:* 1405–0181.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Oceans and International Environmental and Scientific Affairs, Office of Ocean and Polar Affairs (OES/OPA).
- *Form Number:* DS–4131.
- *Respondents:* Operators of Antarctic expeditions organized in or proceeding from the United States.
- *Estimated Number of Respondents:* 25.
- *Estimated Number of Responses:* 25.
- *Average Time per Response:* 10.5 hours.
- *Total Estimated Burden Time:* Approximately 260 hours.
- *Frequency:* On occasion.
- *Obligation to Respond:* Voluntary.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of proposed collection:

Information solicited on the Advance Notification Form (DS–4131) provides the U.S. Government with information on tourist and other non-governmental expeditions to the Antarctic Treaty area. The U.S. Government needs this information to comply with Article VII(5)(a) of the Antarctic Treaty and associated documents.

Methodology:

Information will be submitted by U.S. organizers of tourist and other non-governmental expeditions to Antarctica. Copies should be submitted via email, although signed originals are also valid.

Dated: January 28, 2015.

Evan T. Bloom,

Director, Office of Ocean and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, U.S. Department of State.

[FR Doc. 2015–02221 Filed 2–3–15; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 9022]

Culturally Significant Objects Imported for Exhibition Determinations: ''Four Allegories by Veronese: A Rediscovery and a Reunion''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Four Allegories by Veronese: A Rediscovery and a Reunion,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Los Angeles County Museum of Art, Los Angeles, California, from on or about March 7, 2015, until on or about September 7, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the imported objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: January 28, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–02240 Filed 2–3–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 9025]

Notice of Public Meeting

The Department of State will conduct an open meeting at 10:00 a.m. on Wednesday, March 11, 2015, at the offices of the Radio Technical Commission for Maritime Services (RTCM), 1611 N. Kent Street, Suite 605, Arlington, VA 22209. The primary purpose of the meeting is to prepare for the second session of the International Maritime Organization's (IMO) Sub-Committee on Ship Systems and Equipment to be held at the IMO Headquarters, United Kingdom, March 23–27, 2015.

Substantive agenda items to be considered include:

—Smoke control and ventilation
—Amendments to SOLAS regulation II–2/20 and associated guidance on air quality management for ventilation of closed vehicle spaces, closed ro-ro and special category spaces
—Development of life safety performance criteria for alternative design and arrangements for fire safety (MSC/Circ.1002)
—New framework of requirements for life-saving appliances
—Safety objectives and functional requirements of the Guidelines on alternative design and arrangements for SOLAS chapters II–1 and III
—Measures for onboard lifting appliances and winches
—Considerations related to the double sheathed low-pressure fuel pipes for fuel injection systems in engines on crude oil tankers
—Amendments to the requirements for foam-type fire extinguishers in SOLAS regulation II–2/10.5
—Unified interpretation of provisions of IMO safety, security, and environment related conventions
—Review the MODU Code, LSA Code and MSC.1/Circ.1206/Rev.1
—Amendments to the Guidelines for vessels with dynamic positioning (DP) systems (MSC/Circ.645)
—Review of flashpoint requirements for oil fuel in SOLAS chapter II–2
—Revision of requirements for automatic sprinkler systems
—Revision of requirements for escape route signs and equipment location markings in SOLAS and related instruments
—Biennial agenda and provisional agenda for SSE 3
—Any other business

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, LT Charles Taylor, by email at *Charles.W.Taylor@uscg.mil,* or by phone at (202) 372–1356, not later than March 4, 2015, 7 days prior to the meeting. Requests made after March 4, 2015, might not be able to be accommodated. RTCM Headquarters is adjacent to the Rosslyn Metro station. For further directions and lodging information, please see: *http://www.rtcm.org/visit.php.* Additional information regarding this and other IMO public meetings may be found at: *www.uscg.mil/imo.*

Dated: January 29, 2015.

Marc Zlomek,

Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2015–02263 Filed 2–3–15; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 9024]

Notice of Public Meeting

The Department of State will conduct an open meeting on Wednesday, March 4, 2015, at the headquarters of the Radio Technical Commission for Maritime Services (RTCM) in Suite 605, 1611 N. Kent Street, Arlington, Virginia 22209. The meeting will start at 9:30 a.m. The primary purpose of the meetings is to prepare for the second Session of the International Maritime Organization's (IMO) Sub-Committee on Navigation, Communication, and Search and Rescue to be held at the IMO Headquarters, United Kingdom, from March 9, 2015 to March 13, 2015.

The primary matters to be considered include:

—Routeing measures and mandatory ship reporting systems
—Recognition of Galileo as a component of the World-wide Radionavigation System (WWRNS)
—Updates to the Long-Range Identification and Tracking (LRIT) system
—E-navigation strategy implementation plan
—Performance standards for multi-system shipborne navigation systems
—Analysis of developments in maritime radiocommunication systems and technology
—First outline of the detailed review of the Global Maritime Distress and Safety System (GMDSS)
—Further development of the GMDSS master plan on shore-based facilities
—Guidelines on MSI (maritime safety information) provisions
—Response to matters related to the Radiocommunication ITU R Study Group
—Response to matters related to ITU World Radiocommunication Conference
—Analysis of information on developments in Inmarsat and Cospas-Sarsat
—Guidelines on harmonized aeronautical and maritime search and rescue procedures, including SAR training matters
—Further development of the Global SAR Plan for the provision of maritime SAR services
—Procedures for routeing distress information in the GMDSS
—Amendments to the IAMSAR Manual
—Unified interpretation of provisions of IMO safety, security, and environment related Conventions
—Biennial agenda and provisional agenda for NCSR 3
—Report to the Maritime Safety Committee

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process and to request reasonable accommodation, those who plan to attend should contact the meeting coordinator, Mr. George Detweiler, not later than 7 days prior to the meeting. Mr. Detweiler may be contacted by email at *George.H.Detweiler@uscg.mil*, or by phone at (202) 372–1566. Requests made after that date might not be able to be accommodated. Additional information regarding these and other IMO public meetings may be found at: *www.uscg.mil/imo.*

Dated: January 29, 2015.

Marc Zlomek,

Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2015–02254 Filed 2–3–15; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 9029]

Notice of Receipt of Kinder Morgan Cochin, LLC, Application for a Presidential Permit To Operate and Maintain Pipeline Facilities on the Border of the United States and Canada

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State (DOS) has received information from Kinder Morgan Cochin, LLC (''KM Cochin'')

that, by way of corporate succession, KM Cochin now owns, operates, and maintains pipeline facilities previously owned by Dome Pipeline Corporation (''Dome Pipeline''), at the U.S.-Canadian border in Detroit, Michigan (the ''Detroit River Crossing''). The Detroit River Crossing is permitted under a 1972 Presidential Permit issued to Dome Pipeline for the transmission of petroleum, petroleum products, and other liquid hydrocarbons. KM Cochin requests a new Presidential Permit be issued to reflect its ownership of the Detroit River Crossing. KM Cochin has stated that it intends to operate and maintain the Detroit River Crossing in a manner that is substantially unchanged from the terms of the existing permit. KM Cochin's application is available at *http://www.state.gov/e/enr/applicant/applicants/index.htm*.

KM Cochin is a Delaware limited liability company with its principal office at 500 Dallas Street, Suite 1000, Houston, TX 77002. It is engaged in the interstate, intrastate and international transportation by pipeline of light liquid hydrocarbons. KM Cochin is an indirectly wholly owned subsidiary of KMP, a Delaware master limited partnership listed on the NYSE as ''KMP'', with its principal office at 500 Dallas Street, Suite 1000, Houston, TX 77002. The general partner of KMP is Kinder Morgan G.P., Inc., (''KMGP'') a Delaware corporation, which is owned by Kinder Morgan, Inc., (''KMI'', as listed on the NYSE), a Delaware corporation. KMP is owned by KMI through common and class B limited partner units, by KMG though its 1% general partner interest, and by public investors as limited partners holding common units purchased on the NYSE.

Under E.O. 13337 the Secretary of State is designated and empowered to receive all applications for Presidential Permits for the construction, connection, operation, or maintenance at the borders of the United States, of facilities for the exportation or importation of liquid petroleum, petroleum products, or other non-gaseous fuels to or from a foreign country. The Department of State is circulating this application to concerned federal agencies for comment. The Department of State has the responsibility to determine whether issuance of a new Presidential Permit reflecting the change in ownership or control of the Detroit River Crossing would serve the U.S. national interest.

Consistent with Public Notice 5092, (*Procedures for Issuance of a Presidential Permit Where There Has Been a Transfer of the Underlying Facility, Bridge or Border Crossing for Land Transportation,* 70 FR 30990, issued on May 31, 2005), the Department typically does not conduct environmental analysis when deciding whether to issue a permit that reflects a change in ownership or control of an existing border facility, where that change in ownership or control is not accompanied by changes to the facilities or their use as authorized by the existing permit unless information is brought to the Department's attention in connection with the application process that the transfer potentially would have a significant impact on the quality of the human environment.

DATES: Interested parties are invited to submit comments within 30 days of the publication date of this notice on *http://www.regulations.gov* with regard to whether issuing a new Presidential Permit reflecting the corporate succession and authorizing KM Cochin to operate and maintain the Detroit River Crossing would be in the national interest. To submit a comment, go to *http://www.regulations.gov*, enter the title of this Notice into the search field and follow the prompts. Or: To submit a comment, go to *http://www.regulations.gov*, enter Docket No. DOS–2015–0005, and follow the prompts. Written comments should be addressed to: Mr. Chris Davy, U.S. Department of State, 2201 C Street NW., Suite 4843, Washington, DC 20520.

Comments are not private. They will be posted on the site. The comments will not be edited to remove identifying or contact information, and the State Department cautions against including any information that one does not want publicly disclosed. The State Department requests that any party soliciting or aggregating comments received from other persons for submission to the State Department inform those persons that the State Department will not edit their comments to remove identifying or contact information, and that they should not include any information in their comments that they do not want publicly disclosed.

FOR FURTHER INFORMATION CONTACT: Office of Energy Diplomacy, Energy Resources Bureau (ENR/EDP/EWA), Department of State, 2201 C St. NW., Ste. 4843, Washington, DC 20520, Attn: Chris Davy, Tel: 202–647–7553.

Dated: January 27, 2015.

Chris Davy,

Office Director, Office of Europe, Western Hemisphere and Africa, Bureau of Energy Resources, U.S. Department of State.

[FR Doc. 2015–02245 Filed 2–3–15; 8:45 am]

BILLING CODE 4710–AE–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Reduced Vertical Separation Minimum

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. **Federal Register** Notices with 60-day and 30-day comment periods soliciting comments on the following collection of information were published on November 6, 2014 (79 FR 66828) and January 12, 2015 (80 FR 1579), respectively. This notice serves as a correction to those prior notices, to clarify that the information collection request has been revised to report an increase in current burden estimates. Aircraft operators seeking operational approval to conduct Reduced Vertical Separation Minimum (RVSM) operations within the 48 contiguous United States (U.S.), Alaska and a portion of the Gulf of Mexico must submit an application to the Certificate Holding District Office.

DATES: Written comments should be submitted by March 6, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized 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.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0679.

Title: Reduced Vertical Separation Minimum.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Revision of a currently-approved information collection.

Background: The authority to collect data from aircraft operators seeking operational approval to conduct RVSM operations is contained in Part 91, Section 91.180. Aircraft operators seeking operational approval to conduct RVSM operations within the 48 contiguous States of the United States (U.S.), Alaska and that portion of the Gulf of Mexico where the FAA provides air traffic services must submit their application to the Certificate Holding District Office (CHDO).

Respondents: Approximately 1,560 operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 30 hours.

Estimated Total Annual Burden: 46,800 hours.

Issued in Washington, DC, on January 29, 2015.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–02171 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Eighteenth Meeting: RTCA Special Committee 222, AMS(R)S

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

ACTION: Meeting Notice of RTCA Special Committee 222, AMS(R)S.

SUMMARY: The FAA is issuing this notice to advise the public of the eighteenth meeting of the RTCA Special Committee 222, Inmarsat AMS(R)S. The purpose of this meeting is threefold. First, we will consider the draft Change 4 to DO–210D. The draft will be submitted to the workspace no later than close of business Eastern time on January 12. Second, we will consider a work plan to progress development of Iridium NEXT material for DO–343, as approved by the PMC on December 16, 2014. Third, we will consider a work plan to progress cooperation with Eurocae WG–82, as approved by the PMC on December 16, 2014.

DATES: The meeting will be held February 27, 2015 from 9:00 a.m.–4:00 p.m.

ADDRESSES: RTCA Headquarters, 1150 18th St. NW., Suite 910, Washington DC 20036. This meeting is expected to be largely virtual, conducted over Webex with a telephone bridge. Dr. LaBerge and Mr. Robinson will be present at RTCA. Those who plan to attend in person at the RTCA offices should notify Jennifer Iversen by February 23, 2015 to assure that appropriate space is reserved. Please contact Jennifer Iversen (*jiversen@rtca.org*) if you intend to attend in person or remotely.

FOR FURTHER INFORMATION CONTACT: Jennifer Iversen may be contacted directly at email: *jiversen@rtca.org* or by The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0662/(202) 833–9339, fax (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 222. The agenda will include the following:

February 27 2015

- Greetings & Attendance
- Review summary of April meeting (17th Plenary)
- Review comments received in FRAC for draft Change 4 to DO–210D and provide resolution.
- Approve draft Change 4 to DO–210D to go to Program Management Committee for consideration and approval for publication.
- Develop work plan for preparation of Iridium NEXT material for DO–343.
- Develop work plan for cooperation with Eurocae WG–82.
- Other items as appropriate and time permitting. Please submit other items to Chuck LaBerge (*laberge.engineering@gmail.com*) by February 23.
- Schedule for 19th Plenary.
- Adjourn
- Consider comments received regarding draft Change 4 to DO–210D. Time permitting, we will consider a work plan to progress development of Iridium NEXT material and a work plan to progress cooperation with Eurocae WG–82.
- Remote instructions:
  - *https://rtca.webex.com/rtca/*
  - Meeting password: February27
  - Audio connection:
  - Dial: 1–877–668–4493
  - Participant Passcode: 685 123 580

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 29th 2015.

Mohannad Dawoud,

Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2015–02172 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Georgetown County Airport, Georgetown, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47151(d), notice is being given that the Federal Aviation Administration (FAA) is considering a request from Georgetown County to waive the requirement that eleven parcels (approximately 18.32 acres) of surplus property, located at the Georgetown County Airport be used for aeronautical purposes.

DATES: Comments must be received on or before March 6, 2015.

ADDRESSES: Documents are available for review by prior appointment at the following location: Atlanta Airports District Office, Attn: Rob Rau, Community Planner, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747, Telephone: (404) 305–7004.

Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Rob Rau, South Carolina Planner, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must

be mailed or delivered to Mr. Ray C. Funnye, Director, Departmnet of Public Services, Georgetown County at the following address: 108 Screven Street, Georgetown, South Carolina 29440.

FOR FURTHER INFORMATION CONTACT: Rob Rau, Community Planner, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747, (404) 305–7004. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by Georgetown County to release eleven parcels (approximately 18.32 acres) of public property at the Georgetown County Airport. On June 4, 1947, the United States government through the War Assets Administration executed a Lease Termination Agreement which returned approximately 675 acres of land to Georgetown County with conditions. This property is to be used for public airport purposes on reasonable terms and without unjust discrimination and without grant of an exclusive right. These parcels are currently being used for places of worship, residential homes, educational and military facilities and industrial purposes.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Georgetown County Airport.

Issued in Atlanta, Georgia, on January 29, 2015.

Larry F. Clark,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 2015–02166 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0325]

Agency Information Collection Activities; New Information Collection Request: The Impact of Driver Compensation on Commercial Motor Vehicle Safety

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval. The FMCSA requests approval of a new ICR titled, ''The Impact of Driver Compensation on Commercial Motor Vehicle Safety,'' to assess the current compensation practices of commercial vehicle drivers and the potential influence this may have on safe commercial vehicle operations.

DATES: Please send your comments by March 6, 2015. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2014–0325. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Hallquist, Analysis, Research and Technology Division, Department of Transportation, FMCSA, West Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–1064; email: *theresa.hallquist@dot.gov.* Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: The Impact of Driver Compensation on Commercial Motor Vehicle Safety.

OMB Control Number: 21XX–00XX.

Type of Request: New information collection.

Respondents: Safety Managers, Operations Managers or Owner Operators of commercial motor carriers companies.

Estimated Number of Respondents: 2184.

Estimated Time per Response: Minimum response = 0.27; Maximum response = 1.02 hours.

Expiration Date: N/A. This is a new information collection.

Frequency of Response: One questionnaire per participant.

Estimated Total Annual Burden: 1343 hours (Group 1 is defined as very small and small carriers and Group 2 is defined as medium and large carriers. (1164 Group 1 respondents × 0.27 hours = 303 hours) + (1020 Group 2 respondents × 1.02 hours = 1,040 hours)).

Background: The study will evaluate the relationship between property carrying motor carriers compensation methods and incidences of unsafe driving. In particular, the research team will determine if there is a potential relationship between method of driver compensation and safe driving behavior. This study will be conducted using an online questionnaire. Randomly selected non-passenger motor carriers will be notified by letter from the FMCSA that explains the study and elicits their participation. Participants will receive an email directing them to a Web site to complete the online questionnaire. This study will assist motor carriers and other stakeholders engaged in commercial vehicle safety by enabling them to make informed decisions regarding driver compensation as it relates to safe driving performance. The form MCSA–5887 will be used in an electronic format on the web to collect responses from study participants. The results of the study will be available to the public in 2015 and will be published on the FMCSA publications and reports Web site, *www.fmcsa.dot.gov.* No physical or psychological risks to individuals are anticipated as a result of the study, nor are risks to personally identifiable information.

Comments From the Public: On August 29, 2014, FMCSA published a **Federal Register** notice (79 FR 51638) allowing for a 60-day comment period on this ICR. The Agency received forty-seven (47) unique public comments which have been reviewed and grouped by common themes. Note that there are 49 comments indicated for the notice. Two of these comments are duplicate postings. Some comments addressed multiple themes but are grouped here only by their primary theme. These themes and the FMCSA responses are included below. Formal comments were received from the following organizations: the American Trucking Associations; Road Safe America; the AFL–CIO Amalgamated Transit Union; the AFL–CIO Transportation Trades Department; and the Owner-Operator Independent Driver Association. The FMCSA has responded in kind to these organizations with formal and direct communication; however, in addition, these comments have been assessed for common themes and are reflected in the

agency's responses below along with the entirety of the public comments. The full analysis of the public comments and their subsequent responses are illustrated in a document titled, FMCSA_Response_To_FRN2014–0325, which can be accessed and viewed in the supplemental section for this notice.

The FMSCA responses to the public comments are as follows:

Theme: Total compensation influences driver safety.

FMCSA Response: There could be many factors that influence safe driving performance. Fatigue, as you point out is most certainly one of them as past research has shown. Although this research will focus on possible relationships between the various methods of compensating truck drivers and unsafe driving practices, data will be collected on total compensation allowing this variable to be assessed for influence on safe driving performance as well.

Theme: Hourly pay is the best method of compensation to influence safe driving behavior.

FMCSA Response: The proposed study will assess any relationship between all of the collected compensation methods and safe driving behavior. The study will address hourly pay as well as others to determine if a relationship between compensation method and unsafe driver behaviors exists.

Theme: Pay by the mile/load compensation methods lead to unsafe driving behavior.

FMCSA Response: The goal of the proposed study is to evaluate all compensation methods including pay by the mile or load, but the study will not focus on or emphasize one method over another and determine if there is any relationship to safe driving behavior.

Theme: Driver experience, integrity, selection and training are factors in safe driving performance.

FMCSA Response: Driver experience may very well be a relevant factor in safe driving performance. The proposed study will solicit driver total driving experience as a variable; however, the goal will be to assess that factor as it relates to method of compensation. The FMCSA may consider specifically studying driver experience, selection and training in future research efforts.

Theme: Drivers should be compensated for ''on-duty not driving time'' to reduce fatigue.

FMCSA Response: This study will solicit information on all of the variations in compensation methods for a commercial driver, including for on-duty not driving time such as standing, waiting, loading and unloading. The goal of this study is to understand all of the elements of compensation and determine if there are any common factors that influence safe driving performance. Fatigue has been shown to be a factor in driver performance and has been linked to crash causation through other studies conducted in recent years.

Theme: Fatigue influences driver safety performance.

FMCSA Response: Public comments make several points about the Hours of Service rules that suggest they enable drivers to drive while fatigued. Past studies have shown that fatigue has played a factor in crashes. The proposed study does not assess the influence of the Hours of Service regulation with regards to safety but will use recent violations related to safe driving such as speeding as a measure of safe driving behavior.

Theme: Drivers of non-commercial vehicles should be trained on safe interaction with commercial vehicles and should have hours of service regulations imposed on their driving behavior.

FMCSA Response: FMCSA acknowledges the influence that the motoring public has on the roadways with regards to integration with commercial motor vehicles. To that end, FMCSA is actively engaged in outreach and education campaigns such as The No-Zone and Ticketing Aggressive Cars and Trucks (TACT) on a national and state level to increase the awareness of the public. Given that FMCSA's authority does not extend to regulation of the general public, the agency cannot regulate their behaviors.

Theme: The FMCSA should focus its efforts on issues directly related to its core mission (to reduce crashes, injuries and fatalities involving large trucks and buses) and not engage its resources with the business relationship between motor carriers and drivers.

FMCSA Response: The FMCSA strives to pursue its mission using a strategic approach that not only includes enhancing and enforcing the Federal Motor Carrier Regulations but also reducing the number and severity of commercial motor vehicle (CMV) crashes and enhancing the efficiency of CMV operations by conducting systematic studies directed toward fuller scientific discovery, knowledge, or understanding (FMCSA Analysis, Research and Technology Mission Statement). Conducting research to understand the nature of an industry or entity and the means by which it conducts its business and operations is at the heart of any safety-conscious work environment including the motor carrier industry. The proposed study is within the FMCSA's mission and is in the best interests of public safety and the motor carrier industry.

Theme: The proposed study implies the FMCSA has a predisposition to eliminating all forms of pay except hourly.

FMCSA Response: This study is designed to capture information on all methods of pay across the motor carrier industry independent of the type of operation and assess its potential relationship to safe driver behavior. This research is being conducted to determine whether there is a statistical relationship between method of driver compensation and safety.

Theme: The proposed ICR needs to consider additional influential variables related to safety performance.

FMCSA Response: The FMCSA acknowledges that many factors may affect safe driving performance such as driver experience, training, type of operation, as well as geographic location and so on. This study will focus on how compensation of any method or combination affects driver safety performance. Future research efforts may focus on other areas of carrier operations or driver performance.

Theme: The FMCSA needs to improve the quality of investigative activities to foster safety through compliance.

FMCSA Response: The proposed study does not address investigative activities and their relationship to safe driving behavior but may be considered for future research. The FMCSA is continuously improving its approach and quality of field activities through policy and training efforts.

Theme: Passenger carrier companies and drivers and the impact of overtime exemptions should be included in the proposed research.

FMCSA Response: The Motorcoach industry is a unique operating environment with a differing set of variables that may influence the research. The FMCSA recognizes the value of understanding the potential effects that compensation may have on safety as well as many other industry issues. The proposed study is focused on non-passenger commercial operations but will address overtime as a component of compensation packages. Future research efforts may be designed to include passenger carrier operations and their unique operational characteristics.

Theme: The proposed research should include driver's insights on how compensation impacts safety performance. Further, the study should be concerned with truthful reporting

and the quality of information from respondents.

FMCSA Response: The proposed study will use current data from the FMCSA safety data systems collected from carrier investigations and roadside activities. This data is driver specific and will be used to compare safety performance to compensation methods. In the case where a motor carrier has only one method of pay, a direct relationship can be considered. However, in the case where multiple methods of pay are used by a single carrier, then the survey questionnaire will expand to solicit individual driver compensation characteristics and safety history. In this way, the research considers drivers and their contribution to the safety. Truthful reporting is always a concern in any research effort. The goal is to remove as much opinion and focus on verifiable, quantitative data. The FMCSA recognizes the need to validate collected information and will use all means available to cross-reference data where possible.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87 on: January 23, 2015.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2015–02136 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0107]

Qualification of Drivers; Application for Exemptions; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces that 10 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant theses requests after reviewing the public comments submitted in response to this notice, the exemptions would enable 10 individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before March 6, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0107 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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 Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA- 21) (Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).[1] Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

The Agency reviews the safety analyses and the public comments and determines whether granting the exemption would likely achieve a level of safety equivalent to or greater than the level that would be achieved without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision

[1] This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].

or provisions from which an exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years) and explain the terms and conditions of the exemption. The exemption may be renewed.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

> First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled ''Hearing Disorders and Commercial Motor Vehicle Drivers'' prepared for the Federal Highway Administration, FMCSA's predecessor, in 1993.[2]

FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption before granting any such requests.

[2] This report is available on the FMCSA Web site at *http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.*

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0107'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0107'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Information on Individual Applicants

Thomas J. Bertling

Mr. Bertling, 58, holds Class A commercial driver's license (CDL) in Oregon.

Molly R. Bergstrom

Ms. Bergstrom, 37, holds an operator's license in Iowa.

John Luegene Huey, Jr.

Mr. Huey, 50, holds a Class A commercial driver's license (CDL) in Texas.

Jesus L. Javier

Mr. Javier, 24, holds an operator's license in New Jersey.

Paul Robert Langlois

Mr. Langlois, 36, holds an operator's license in Ohio.

Samuel E. Lovley

Mr. Lovley, 32, holds an operator's license in Pennsylvania.

Scott M. Putman

Mr. Putman, 35, holds a Class A commercial driver's license (CDL) in Pennsylvania.

Laird Lamont Smith

Mr. Smith, 59, holds a Class A commercial driver's license (CDL) in Utah.

Kirk A. Soneson

Mr. Soneson, 48, holds an operator's license in Ohio.

Christopher King Warner

Mr. Warner, 50, holds a Class A commercial driver's license (CDL) in New York.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business March 6, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: January 28, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–02134 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0301]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions, request for comments.

SUMMARY: FMCSA announces receipt of applications from 23 individuals for exemption from the vision requirement in the Federal Motor Carrier Safety Regulations. They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. If granted, the exemptions would enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce.

DATES: Comments must be received on or before March 6, 2015. All comments will be investigated by FMCSA. The exemptions will be issued the day after the comment period closes.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0301 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
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Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' FMCSA can renew exemptions at the end of each 2-year period. The 23 individuals listed in this notice have each requested such an exemption from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Jason P. Atwater

Mr. Atwater, 42, has had optic nerve damage and neuropathy due to meningitis in his right eye since 1993. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, ''In my medical opinion, I believe that he has sufficient vision to operate a commercial vehicle.'' Mr. Atwater reported that he has driven straight trucks for 4 years, accumulating 160,000 miles, and tractor-trailer combinations for 4 years, accumulating 140,000 miles. He holds a Class A CDL from Utah. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Barry W. Borger

Mr. Borger, 69, has had a retinal detachment and phthisical cornea in his left eye since 2008. The visual acuity in his right eye is 20/20, and in his left eye, light perception. Following an examination in 2014, his optometrist stated, ''I believe that, in my opinion, Barry Borger has sufficient vision to perform the driving tasks required of him.'' Mr. Borger reported that he has driven straight trucks for 40 years, accumulating one million miles. He holds a Class AM CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

William W. Dugger

Mr. Dugger, 49, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/60, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''Therefore in my professional opinion Mr. Dugger has tested and has found to have sufficient vision to perform the tasks to safely operate a commercial vehicle.'' Mr. Dugger reported that he has driven straight trucks for 5 years, accumulating 125,000 miles. He holds a Class DB CDL from Kentucky. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Steven D. Ellsworth

Mr. Ellsworth, 46, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his ophthalmologist stated, ''It is my clinical opinion that his vision is stable from last year and he is fit to continue his position as a fleet technician, as well as his requirement to drive CMV vehicles as previously performed as part of his job duties.'' Mr. Ellsworth reported that he has driven straight trucks for 7 years, accumulating 104,993 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Travis B. Giest

Mr. Giest, 39, has macular and retinal scarring in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''In my opinion, Mr. Giest has sufficient vision to operate a commercial vehicle.'' Mr. Giest reported

that he has driven straight trucks for 3.5 years, accumulating 27,300 miles, and tractor-trailer combinations for 3.5 years, accumulating 27,300 miles. He holds a Class A CDL from Idaho. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Arlan T. Hrubes

Mr. Hrubes, 66, has had central retinal artery obstruction and subsequent laser surgeries resulting in macular scars in his right eye since 1995. The visual acuity in his right eye is 20/400, and in his left eye, 20/15. Following an examination in 2014, his optometrist stated, ''In my professional opinion the loss of Mr. Hrubes central vision of his right eye in no way restricts his ability to operate a commercial vehicle or any other vehicle and this is in agreement with scientific studies posing the question ''what advantage does a two eye person have over a one eyed person.: The answer to that question is, ''very little''. A two eye person has a spare, whereas a one eyed person does not.'' Mr. Hrubes reported that he has driven straight trucks for 34 years, accumulating 170,000 miles, and tractor-trailer combinations for 26 years, accumulating 260,000 miles. He holds a Class A CDL from Wyoming. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Abdalla M. Jalili

Mr. Jalili, 45, has had amblyopia since childhood and a retinal detachment since 2007, both in his left eye. The visual acuity in his right eye is 20/25, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, ''Based on my medical opinion the patient has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Jalili reported that he has driven straight trucks for 11 years, accumulating 82,500 miles. He holds a Class D CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

David M. Krause

Mr. Krause, 57, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''In my medical opinion, Mr. Krause possesses the necessary visual functioning to drive a commercial vehicle.'' Mr. Krause reported that he has driven straight trucks for 3 years, accumulating 10,200 miles. He holds a Class ABCDM CDL from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Stephen C. Martin

Mr. Martin, 39, has had a corneal scar and amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his optometrist stated, ''In my medical opinion I certify that Stephen Martin has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle.'' Mr. Martin reported that he has driven straight trucks for 5 years, accumulating 400,000 miles, and tractor-trailer combinations for 5 years, accumulating 400,000 miles. He holds a Class A CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Troy L. McCord

Mr. McCord, 26, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/80, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''Patient have [*sic*] sufficient vision to operate commercial vehicle.'' Mr. McCord reported that he has driven straight trucks for 2 years, accumulating 60,000 miles. He holds an operator's license from Texas. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ronald M. Metzger

Mr. Metzger, 50, has had a conjunctional cyst and retinal detachment in his left eye since 2011. The visual acuity in his right eye is 20/20, and in his left eye, 20/125. Following an examination in 2014, his ophthalmologist stated, ''Based on todays [*sic*] exam, Pt [*sic*] has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Metzger reported that he has driven straight trucks for 23 years, accumulating 2.3 million miles. He holds a Class A CDL from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Gerald D. Milner, Jr.

Mr. Milner, 47, has corneal scarring in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''Dr [*sic*] Valenti certifies through the examination and my medical opinion that Gerald Milner has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Milner reported that he has driven straight trucks for 28 years, accumulating 121,464 miles. He holds an operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Ali Nimer

Mr. Nimer, 53, has a corneal scar and iris scarring in his right eye due to a traumatic incident during childhood. The visual acuity in his right eye is counting fingers, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''In my opinion Mr. Nimer has sufficient vision to perform driving tasks required to operate a commercial vehicle.'' Mr. Nimer reported that he has driven straight trucks for 9 years, accumulating 37,080 miles. He holds an operator's license from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard A. Pierce

Mr. Pierce, 44, has had strabismic amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''After completion of my examination it is my professional opinion that Mr. Pierce has sufficient vision to perform the tasks needed to operate a commercial vehicle.'' Mr. Pierce reported that he has driven straight trucks for 5 years, accumulating 50,000 miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard D. Pontious

Mr. Pontious, 55, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/60. Following an examination in 2014, his optometrist stated, ''In my opinion, Richard D [*sic*] Pontious has sufficient vision to perform the tasks required to operate a commercial vehicle.'' Mr. Pontious reported that he has driven tractor-trailer combinations for 26 years, accumulating 1.95 million miles. He holds a Class A CDL from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Richard P. Rebel

Mr. Rebel, 75, has had complete loss of vision due to chorioretinal scarring in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2014, his optometrist stated, ''Richard has sufficient vision and driving experience to drive a commercial vehicle with a license restricted to corrective lenses and outside mirrors.'' Mr. Rebel reported that he has driven straight trucks for 35 years, accumulating 577,500 miles. He holds a Class B CDL from North Dakota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Kevin L. Riddle

Mr. Riddle, 49, has had amblyopia with a retinal scar in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2014, his optometrist stated, ''Certifies that in his/her medial opinion, you have sufficient vision to perform the driving tasks required to operate a commercial vehicle. Yes, Patient Has Sufficient Vision to perform Drving [*sic*] tasks.'' Mr. Riddle reported that he has driven straight trucks for 6 years, accumulating 282,000 miles. He holds an operator's license from Florida. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Mustafa Shahadeh

Mr. Shahadeh, 46, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/200. Following an examination in 2014, his ophthalmologist stated, ''He has a lifelong history of amblyopia and his vision was consistent on all of his examinations . . . He easily exceeds the standards for a non CDL driver's license and I see no reason he cannot drive commercial vehicles safely.'' Mr. Shahadeh reported that he has driven straight trucks for 16 years, accumulating 128,000 miles. He holds an operator's license from Ohio. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles P. Smith

Mr. Smith, 66, has a prosthetic left eye due to a traumatic incident in 2010. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2014, his optometrist stated, ''Charles Smith has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Smith reported that he has driven straight trucks for 43 years, accumulating 430,000 miles, and tractor-trailer combinations for 24 years, accumulating 2.4 million miles. He holds a Class A CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Timothy R. Tedford

Mr. Tedford, 42, has corneal scarring in his right eye due to a traumatic incident in 1999. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2014, his optometrist stated, ''I certify that in my professional medical opinion, Mr. Tedford has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Tedford reported that he has driven tractor-trailer combinations for 23 years, accumulating 345,000 miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Sean E. Twohig

Mr. Twohig, 51, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2014, his ophthalmologist stated, ''It is my medical opinion that Sean Twohig has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Twohig reported that he has driven straight trucks for 25 years, accumulating 2.5 million miles. He holds an operator's license from New York. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Melvin L. Vaughn

Mr. Vaughn, 68, has had central retinal vein occlusion in his left eye since 2012. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2014, his optometrist stated, ''It is in my medical opinion that this gentleman has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Vaughn reported that he has driven tractor-trailer combinations for 40 years, accumulating four million miles. He holds an operator's license from Wisconsin. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Rick L. Wood

Mr. Wood, 56, has had a macular scar in his right eye since childhood. The visual acuity in his right eye is 20/400, and in his left eye, 20/20. Following an examination in 2014, his ophthalmologist stated, ''In my medical opinion, due to his stable ocular status and good visual fields, he has sufficient vision to perform in his driving tasks required to operate a commercial vehicle.'' Mr. Wood reported that he has driven straight trucks for 15 years, accumulating 150,000 miles. He holds a Class B CDL from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number FMCSA–2014–0301 in the ''Keyword'' box, and click ''Search. When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. . 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.

FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

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http://www.regulations.gov and insert the docket number FMCSA–2014–0301 in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button and choose the document listed to review. If you do not have access to the Internet, you may view the docket online 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., e.t., Monday through Friday, except Federal holidays.

Issued on: January 28, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–02133 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0381]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the prohibition against persons with a clinical diagnosis of epilepsy or any other condition which is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce. The regulation and the associated advisory criteria published in the Code of Federal Regulations as the ''Instructions for Performing and Recording Physical Examinations'' have resulted in numerous drivers being prohibited from operating CMVs in interstate commerce based on the fact that they have had one or more seizures and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified medical examiner. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs for 2 years in interstate commerce.

DATES: Comments must be received on or before March 6, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2014–0381 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
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Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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 the DOT's complete Privacy Act Statement in the **Federal Register** published on January 17, 2008 (73 FR 3316; January 17, 2008). This information is also available at *http://Docketinfo.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, or via email at *fmcsamedical@dot.gov,* or by letter FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statutes also allow the Agency to renew exemptions at the end of the 2-year period. The 12 individuals listed in this notice have recently requested an exemption from the epilepsy prohibition in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs as defined in 49 CFR 390.5, in interstate commerce. Section 391.41(b)(8) states that a person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

FMCSA provides medical advisory criteria for use by medical examiners in determining whether drivers with certain medical conditions should be certified to operate CMVs in intrastate commerce. The advisory criteria indicate that if an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause which did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the medical examiner in consultation with the treating physician. Before certification is considered, it is suggested that a 6-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (*e.g.,* drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has fully recovered from that condition, has no existing residual complications, and is not taking anti-seizure medication. Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure

may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5-year period or more.

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission. To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0381'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 may change this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0381'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Summary of Applications

Robert Elmer Atkins

Mr. Atkins is a 54 year-old driver in Oregon. He has a history of epilepsy and has remained seizure free since 1980. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Atkins receiving an exemption.

Ronald Boogay

Mr. Boogay is a 57 year-old class C CDL holder in New Jersey. He has a history of a seizure disorder and has remained seizure free since 1989. He takes anti-seizure medication with the dosage and frequency remaining the same since 2004. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Boogay receiving an exemption.

Ronald Francis Bohr

Mr. Bohr is a 59 year-old class A CDL holder in Iowa. He has a history of a seizure disorder and has remained seizure free since 1996. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Bohr receiving an exemption.

Earl Bernard Bomgaars

Mr. Bomgaars is a 66 year-old class A CDL holder in Iowa. He has a history of epilepsy and has remained seizure free since 1963. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Bomgaars receiving an exemption.

Bryant Justin Carter

Mr. Carter is a 25 year-old driver in Virginia. He has a history of seizures and has remained seizure free since 2012. He does not take anti-seizure medication. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Carter receiving an exemption.

Teddy Hugh Dixon

Mr. Dixon is a 54 year-old class A CDL holder in Georgia. He has a history of a seizure disorder and has remained seizure free since 2000. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Dixon receiving an exemption.

Richard A. Frazier, Jr.

Mr. Frazier is a 66 year-old driver in Massachusetts. He has a history of an episode of loss of consciousness in August 2013. He takes anti-seizure medication with the dosage and frequency remaining the same since September 2014. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Frazier receiving an exemption.

John Griffith

Mr. Griffith is a 43 year-old class A CDL holder in North Dakota. He has a history of a seizure disorder and has remained seizure free since 1980. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Griffith receiving an exemption.

William Rainer, III

Mr. Rainer is a 41 year-old driver in Texas. He has a history of epilepsy and has remained seizure free since 2006. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Rainer receiving an exemption.

Emanuel Villegas

Mr. Villegas is a 33 year-old class B CDL holder in California. He has a history of seizures and has remained seizure free since December 2013. He takes anti-seizure medication with the dosage and frequency remaining the same since that time. If granted the exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Villegas receiving an exemption.

Michael R. Weymouth

Mr. Weymouth is a 48 year-old class A CDL holder in New Hampshire. He has a history of a seizure disorder and has remained seizure free since 1986. He takes anti-seizure medication with the dosage and frequency remaining the same since 2010. If granted an exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Weymouth receiving an exemption.

Everet Thomas Wright

Mr. Wright is a 67 year-old driver in Kentucky. He has a history of a seizure disorder and has remained seizure free since 2002. He takes anti-seizure medication with the dosage and frequency remaining the same since 2013. If granted an exemption, he would like to drive a CMV. His physician states that he is supportive of Mr. Wright receiving an exemption.

Request for Comments

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA requests public

comment from all interested persons on the exemption applications described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in the notice.

Issued On: January 28, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–02135 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2004–20000]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated September 17, 2014, Dallas Area Rapid Transit (DART) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 229–Railroad Locomotive Safety Standards and Part 234–Grade Crossing Safety, Including Signal Systems, State Action Plans, and Emergency Notification Systems. FRA assigned the petition Docket Number FRA–2004–20000.

DART, located in Dallas, TX, seeks an extension of its waiver of compliance from certain regulations for continued operation of its rail-fixed guide way public transit lines that share a ''limited connection'' with the general railroad system, specifically with the Dallas Garland and Northeastern Railroad (DGNO). This request is consistent with the requirements set forth in the Statement of Agency Policy Concerning Jurisdiction Over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment, 65 FR 42529 (July 10, 2000); see also Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems, 65 FR 42626 (July 10, 2000).

DART is expanding its light rail operations, and will double in size to 93 miles. To date, the final 2.6 miles of expanded service are scheduled for completion in 2016. Expansion includes various lines that feature some shared corridor operations with DGNO, with up to 50 or more total limited connections at shared highway-rail grade crossings.

Therefore, DART is seeking an extension of the terms and conditions of its current waiver of compliance from the provisions of 49 CFR 229.125–*Headlights and auxiliary lights* and 49 CFR 234.105–*Activation failure.* DART claims that no modifications or changes have occurred since the first waiver was granted on May 2, 2005, and extended for 5 years in April 2010. DART also states in its petition that ''since 2010, there is no record of any accidents or safety-related incidents that occurred in these shared corridor portions covered by the regulations where these waivers are being requested.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (*e.g.,* Waiver Petition Docket Number FRA–2004–20000) and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on January 28, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–02159 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0005]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated November 11, 2014, Big Spring Rail System (BSR), has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal hours of service laws contained at 49 U.S.C. 21103(a)(4). FRA assigned the petition Docket Number FRA–2015–0005.

In its petition, BSR seeks relief from 49 U.S.C. 21103(a)(4), which, in part, requires a train employee to receive 48 hours off duty after initiating on-duty periods for 6 consecutive days. Specifically, BSR seeks a waiver to allow a train employee to initiate an on-duty period, each day, for 6 consecutive days followed by 24 hours off duty. In support of the request, BSR explained that its operations are limited to a 2.4-mile long single track with 1 siding capable of holding 12 cars. The BSR also explained that it only has three operating employees that never work more than 10 hours in a duty tour or exceed 276 hours performing service for the railroad in a calendar month.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at

the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 23, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on January 28, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–02162 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0003]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated January 6, 2015, Union Pacific Railroad (UP) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213, Track Safety Standards. FRA assigned the petition Docket Number FRA–2015–0003.

Pursuant to 49 CFR 213.113(a), UP requests a waiver from the accepted practice of stop/start rail testing to start a pilot test process for nonstop continuous testing. The projected starting date for implementing the test process would be June 1, 2015, and the test process would continue for a period of 2 years. The test process would occur on two separate locations within the UP system: the Marysville Subdivision main tracks between Gibbon Junction, NE., and Marysville, KS, and the Baird Subdivision main tracks between Fort Worth and Sweetwater, TX.

For this pilot test, the process would be similar to the waivers granted to CSX Transportation in Docket Number FRA–2011–0107 and the Illinois Central Railroad as prescribed in Docket Number FRA–2014–0029. UP would not have parallel or redundant stop/start testing on the segments being tested in a nonstop process. UP would produce a progress report on a bimonthly basis for review by FRA's Rail Integrity Office. This report would include the in-service rail failure ratios per 49 CFR part 213, a report on the miles tested, and the frequency of testing.

UP currently tests the Marysville Subdivision every 30 days and the Baird Subdivision approximately every 90–120 days. UP plans to increase the frequency on the Marysville Subdivision to every 15–20 days and the frequency on the Baird Subdivision to approximately every 60 days with this process. The nonstop continuous high-speed rail test vehicle will be a self-propelled ultrasonic/induction rail flaw detection vehicle operating at test speeds of up to 25 mph. Upon completion of each daily run, data will be analyzed offline, at a remote location, by technical experts with experience on another Class I railroad with this process. The offline analysts will categorize and prioritize suspect locations for posttest field verifications and hand tests. Field verification will be conducted within an FRA-prescribed timeframe by UP qualified/certified rail test professionals with recordable field validation equipment based on Global Positioning System locations. All suspect locations will be validated for 30 feet on either side of the suspect GPS locations. Remedial actions will be applied based on the verification results per 49 CFR 213.113, Defective Rails for confirmed rail defect locations.

UP believes nonstop continuous rail testing will provide the capability to test track more quickly and frequently, and minimize the risk of rail service failures.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 23, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if

submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on January 28, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–02161 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2014–0125]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated December 10, 2014, Western New York & Pennsylvania Railroad (WNYP) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA–2014–0125.

Specifically, WNYP requests a waiver from the glazing requirements at 49 CFR 223.9, *Requirements for new or rebuilt equipment,* for a steel bay window caboose, identified as Car Number WNYP 300.

WNYP states that this caboose will be used infrequently for such things as special occasions, historical events, and Santa trains. This caboose would not be used in regular freight operations or in interchange service. Although many of the original side windows have been blanked over with steel sheeting, the bay and end windows remain. These windows are equipped with tempered glass, which is not of FRA Type II standards.

WNYP further states that this caboose will be serviced, inspected, and maintained in compliance with other applicable regulations. The caboose was upgraded sometime during its life with modern 70-ton roller bearing trucks. The caboose is currently housed in Olean, NY.

In addition, WNYP states that the Caboose WNYP 300 was built in 1960 and is more than 50 years of age from its original construction date and, therefore, is restricted per 49 CFR 215.203(a). WNYP's petition also includes a request for Special Approval in accordance with 49 CFR 215.203(c).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 23, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on January 28, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–02160 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2015–0002]

Emergency Relief Program: Proposed Guidance

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Availability of Guidance for FTA's Emergency Relief Program and Request for Comments.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site proposed guidance on FTA's Emergency Relief (ER) Program for states and transit agencies that may be affected by a declared emergency or disaster and that may seek funding under FTA's ER Program. The proposed guidance is contained in the newly revised *Reference Manual for States & Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program,* which replaces ''Response and Recovery from Declared Emergencies and Disasters: A Reference for Transit Agencies,'' last updated in June 2013. In addition to proposed guidance on the ER Program, this document provides information on other disaster relief resources available through FTA and from the Federal Emergency Management Agency (FEMA). By this notice, FTA seeks public comment on the proposed ER Program guidance.

DATES: Comments must be submitted by April 6, 2015. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by docket number FTA–2015–0002. All electronic submissions must be made to the U.S. Government electronic site at *http://www.regulations.gov.*

(1) *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow

the online instructions for submitting comments.

(2) *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

(3) *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

(4) *Fax:* 202–493–2251. Instructions: You must include the agency name (Federal Transit Administration) and Docket number (FTA–2015–0002) for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA received your comments, include a self-addressed stamped postcard. All comments received will be posted without change to *www.regulations.gov* including any personal information provided and will be available to internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477) or *http://DocketsInfo.dot.gov.*

Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Ave SE., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For questions about the ER Program, contact Adam Schildge, Office of Program Management, 1200 New Jersey Ave SE., Washington, DC 20590, phone: (202) 366–0778, or email, *adam.schildge@dot.gov.* For legal questions regarding the final program regulations, contact Bonnie Graves, Office of Chief Counsel, same address, phone: (202) 366–0944, or email, *Bonnie.Graves@dot.gov.*

SUPPLEMENTARY INFORMATION: The Federal Transit Administration (FTA) has published proposed guidance on FTA's Emergency Relief (ER) Program for states and transit agencies that may be affected by a declared emergency or disaster and that may seek Federal disaster assistance for emergency related expenses. This guidance document, *Reference Manual for States & Transit Agencies on Response and Recovery from Declared Disasters and FTA's Emergency Relief Program,* includes information on disaster relief resources available for transit systems from both FTA and FEMA, in addition to detailed program guidance and application instructions for FTA's Emergency Relief Program. This manual has been produced in coordination with FEMA, and incorporates current guidance on FEMA disaster relief programs. This includes guidance for transit agencies on the appropriate circumstances under which to apply to FTA or FEMA for disaster relief assistance.

This reference manual includes background information on other sources of Federal disaster relief assistance, in addition to recommended practices for states and transit agencies for disaster preparation and response, that was previously included in ''Response and Recovery from Declared Emergencies and Disasters: A Reference for Transit Agencies.'' This information has been updated and is contained in Chapters 1, 2 and 3 of this reference manual.

Guidance specific to FTA's ER Program is contained in Chapter 4 of this reference manual. This includes an overview of eligible recipients, eligible projects, application procedures, and other key program policies and requirements. The guidance in this manual is based on final program regulations published on October 7, 2014 at 49 CFR part 602 (79 FR 60349), which were developed through a public notice and comment process. In addition, the guidance document includes previously issued policy statements and information from **Federal Register** notices that FTA published subsequent to Hurricane Sandy. The document has been placed in the docket and has been posted on FTA's Web site at *www.fta.dot.gov/emergencyrelief.* With this notice, FTA invites public comment on this proposed guidance.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–02137 Filed 2–3–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0113; Notice 2]

Harley-Davidson Motor Company, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Harley-Davidson Motor Company, Inc. (Harley-Davidson) has determined that certain MY 2015 Harley-Davidson model XG500 and model XG750 motorcycles do not fully comply with speedometer markings as specified in table 3, footnote 4, of Federal Motor Vehicle Safety Standard (FMVSS) No. 123, *Motorcycle Controls and Displays.* Harley-Davidson has filed an appropriate report dated September 3, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Stuart Seigel, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5287, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. *Harley-Davidson's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Harley-Davidson submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on November 21, 2014 in the **Federal Register** (79 FR 69553). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2014–0113.''

II. *Motorcycles Involved:* Affected are approximately 3,929 MY 2015 Harley-Davidson model XG500 and model XG750 motorcycles manufactured from March 6, 2014 through August 12, 2014.

III. *Noncompliance:* Harley-Davidson explains that the numerals on the speedometers of the affected motorcycles are labeled at 20 mph intervals instead of 10 mph intervals as required by table 3, footnote 4, of FMVSS No. 123.

Rule Text: Footnote 4 of FMVSS No. 123 table 3 requires in pertinent part:

> . . . Major graduations and numerals appear at 10 mph intervals, minor graduations at 5 mph intervals. . .

V. *Summary of HARLEY-DAVIDSON's Analyses:* Harley-Davidson stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) Harley-Davidson stated that FMVSS No. 123 does not require that motorcycles be

equipped with speedometers. Specifically, the standard only requires that if motorcycles are in fact equipped with a speedometer, that the speedometer be marked in 10 mph intervals. This has led Harley-Davidson to believe that NHTSA has implicitly acknowledged that a speedometer is not, itself, necessary for the safe operation of motorcycles, which is consistent with NHTSA's decision in 1982 to rescind FMVSS No. 127 which had required installation of speedometers on all vehicles.

(B) Harley-Davidson also stated that while the labeling error constitutes a technical noncompliance with table 3, footnote 4, of FMVSS No. 123, the noncompliance does not affect any aspect of vehicle performance—braking, steering, acceleration, visibility, etc. The speedometer remains fully visible to the operator and Harley-Davidson believes that the 20 mph numeral intervals adequately provide indication of speed to the rider.

(C) Harley-Davidson believes that the lack of 10 mph numerical labels will not present confusion for riders, as evidenced by the lack of complaints, claims or incidents. Furthermore, they believe that motorcycle owners typically also own and operate other vehicles, such as passenger cars and light trucks, which are not subject to any speedometer graduation requirements and which, in many cases, are equipped with speedometers with 20 mph numeral intervals.

Harley-Davidson has additionally informed NHTSA that beginning on August 12, 2014 it corrected the noncompliance so that the subject motorcycles produced on or after that date fully comply with FMVSS No. 123.

In summation, Harley-Davidson believes that the described noncompliance of the subject motorcycles is inconsequential to motor vehicle safety, and that its petition, to exempt Harley-Davidson from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA Decision

NHTSA Analysis: The purpose of FMVSS No. 123 is to minimize accidents caused by operator error in responding to the motoring environment by standardizing certain motorcycle controls and displays. In the case of the subject vehicles, the agency believes that the incomplete labeling of the analog speedometers at 20 mph intervals instead of the 10 mph intervals as required by FMVSS No. 123 does not conflict with motorcycle speedometer standardization. Although numerals do not appear at 10 mph intervals, the fundamental components for motorcycle speedometer standardization are still present—MPH increase in a clockwise direction, major graduations appear at 10 mph interval, minor graduations appear at 5 mph intervals, and numerical labeling is provided at 20, 40, 60, 80 and 100 mph. In addition, a top speed of 110 mph is delineated on the gauge at the required 10 mph major graduation which reinforces to the operator, that the major graduations are in fact at 10 mph intervals further reducing the likelihood of any speedometer confusion.

Harley-Davidson correctly notes that UN ECE Regulation 39, a commonly-used international speedometer standard, states that for vehicles manufactured for sale in any country where imperial units are used, the speed shall be indicated on the dial at intervals not exceeding 20 mph, and commencing at 10 to 20 mph. This is consistent with the speedometer markings on the subject noncompliant motorcycles.

As noted by Harley-Davidson, most motorcyclists typically own and operate other vehicles such as passenger vehicles and light trucks which must comply with FMVSS NO. 101, *Controls and Displays.* However, that standard does not specify requirements for speedometer graduations, numerical intervals or markings. Many of these vehicles have speedometer markings at 20 mph intervals. The agency believes that motorcyclists, accustomed to seeing speedometers with 20 mph intervals, will not be confused due to the omission of numerals at every 10 mph delineation on the subject motorcycle speedometers.

The XG 500 and 750 models are Harley-Davidson's low-displacement entry-level motorcycles which tend to be operated, in part, by less experienced riders with limited familiarity with motorcycle controls and displays. With marking at 20 mph intervals versus 10, the speedometer face is less cluttered allowing these beginning riders to more easily determine vehicle speed and recognize other information displayed on the speedometer face such as turn signal activation, neutral gear position, and fuel and oil level indicators.

The 20 mph increments on the speedometers mounted on the subject motorcycles, adequately provide vehicle speed indication to the vehicle operators. Although numerals marking some of the major 10 mph graduations are not present, there is no ambiguity as to the meaning of the graduations, and speedometer standardization between motorcycles is effectively maintained.

Lastly, the Agency agrees with Harley-Davidson that the noncompliance does not affect any aspect of vehicle performance related to braking, steering, acceleration or visibility.

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that Harley-Davidson has met its burden of persuasion that the FMVSS No. 123 noncompliance is inconsequential to motor vehicle safety. Accordingly, Harley-Davidson's petition is hereby granted and Harley-Davidson is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject motorcycles that Harley-Davidson no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant motorcycles under their control after Harley-Davidson notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8).

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–02176 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2015–0004]

Pipeline Safety: Information Collection Activities

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, PHMSA invites comments on an information collection identified under Office of Management and Budget (OMB) Control No. 2137–0047, titled

''Transportation of Hazardous Liquids by Pipeline: Recordkeeping and Accident Reporting.'' PHMSA is preparing to request a three year renewal extension for this information collection that includes a minor revision to the instructions for the form, PHMSA F 7000–1 ACCIDENT REPORT—HAZARDOUS LIQUID PIPELINE SYSTEMS.

DATES: Interested persons are invited to submit comments on or before April 6, 2015.

ADDRESSES: Comments may be submitted in the following ways:

E-Gov Web site: http://www.regulations.gov. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.

Fax: 1–202–493–2251.

Mail: Docket Management Facility; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590–0001.

Hand Delivery: Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: When you submit a comment on this notice to the docket, identify the docket number, PHMSA–2015–0004 at the beginning of your comments.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. If you wish to receive confirmation of receipt of your written comments, please include a self-addressed, stamped postcard with the following statement: ''Comments on PHMSA–2015–0004.'' The Docket Clerk will date stamp the postcard prior to returning it to you via the U.S. mail. Please note that due to delays in the delivery of U.S. mail to Federal offices in Washington, DC, we recommend that persons consider an alternative method (internet, fax, or professional delivery service) of submitting comments to the docket and ensuring their timely receipt at DOT.

Privacy Act Statement: In accordance with the Paperwork Reduction Act of 1995, PHMSA solicits comments from the public to better inform its information collection process. PHMSA posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Cameron Satterthwaite by telephone at 202–366–1319, by email at *cameron.satterthwaite@dot.gov,* by fax at 202–366–4566, or by mail at DOT, PHMSA, 1200 New Jersey Avenue SE, PHP–30, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

A. Background

Section 1320.8(d), Title 5, Code of Federal Regulations, requires PHMSA to provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This notice identifies an information collection request that PHMSA will be submitting to OMB for minor revision and extension approval. The information collection expires July 31, 2015, and is identified under OMB Control No. 2137–0047, titled: ''Transportation of Hazardous Liquids by Pipeline: Recordkeeping and Accident Reporting.'' This information collection address general recordkeeping and and accident reporting requirements for hazardous liquid pipeline operators under 49 CFR part 195.

B. Hazardous Liquid Accident Report Instructions

PHMSA intends to revise only the instructions for the form PHMSA F 7000–1 ACCIDENT REPORT—HAZARDOUS LIQUID PIPELINE SYSTEMS (Hazardous Liquid Accident Report, report) to clarify two areas addressed under the ''Part A General Report Information'' area of the instructions. Background for these topics is as follows:

Part A, Question 9,''volume of commodity released unintentionally'' clarification:

The instructions for Part A, Question 9 detail how to report the amount of material unintentionally released from the pipeline as a result of the accident. PHMSA is proposing to simplify the instructions relating to the removal of material from the pipeline and clarify the reporting of product consumed by fire.

One of the proposed revisions simplifies the instructions by removing discussion of product removed from the pipeline system at locations remote from the failure site. During accident response, pipeline operators often remove product at locations remote from the failure site. These controlled product movements are from within the pipeline system and irrelevant to the category. The ''volume of commodity released unintentionally'' only applies to the product released from the pipeline system at the failure site.

PHMSA also proposes to revise the instructions for including product consumed by fire in the spill volume. PHMSA proposes to revise this provision to specify that the product consumed by fire inside a tank should not be included in the category of ''volume released unintentionally.'' If product is consumed under any other circumstances, the volume consumed by fire is included in volume released.

PHMSA is proposing these revisions to ensure that volumes appropriate for analysis of safety performance trends are reported by pipeline operators. These proposed revisions to the instructions will not increase the hourly burden estimate for this information collection.

Part A, Question 11, ''volume of commodity recovered'' clarification:

The instructions for Part A, Question 11 detail how to report the amount of product recovered after the accident. PHMSA is proposing to simplify the instructions relating to the recovery of product by removing the discussion of product removed from the pipeline system at locations remote from the failure site. These controlled product movements are from within the pipeline system and irrelevant to the ''volume of commodity recovered'' category for the same reasons given in the above discussion on Question 9. This proposed revision to the instructions will not increase the hourly burden estimate for this information collection.

C. General Information

In addition to the Hazardous Liquid Accident Reporting form, this information collection renewal applies to many existing general recordkeeping requirements in 49 CFR part 195 that remain unchanged. Part 195 applies to the safe operation of hazardous liquid pipelines. Some of the general recordkeeping requirements covered are specified in § 195.404 and include maps and locations of the operators pipeline facilities, certain crossings (*i.e.,* public roads, railroads, rivers, etc.), maximum allowable operating pressure of the pipeline, repairs and inspections. This information collection also includes the estimated burden for operators that install new computational pipeline monitoring leak detection systems as required to comply with the American Petroleum Institute's recommended

practice API 1130 ''Computational Pipeline Monitoring for Liquid Pipelines'' (API 1130). PHMSA is not proposing any revisions to these areas of the information collection.

D. Summary of Impacted Collection

The following information is provided for this information collection: (1) Title of the information collection; (2) OMB control number; (3) Type of request; (4) Abstract of the information collection activity; (5) Description of affected public; (6) Estimate of total annual reporting and recordkeeping burden; and (7) Frequency of collection. PHMSA will request a three-year term of approval for this information collection activity. PHMSA requests comments on the following information collection:

Title: Transportation of Hazardous Liquids by Pipeline: Recordkeeping and Accident Reporting.

OMB Control Number: 2137–0047.

Current Expiration Date: 7/31/2015.

Type of Request: Revision.

Abstract: This information collection covers recordkeeping and accident reporting by hazardous liquid pipeline operators who are subject to 49 CFR part 195. Section 195.50 specifies the definition of an ''accident'' and the reporting criteria for submitting a Hazardous Liquid Accident Report (form PHMSA F7000–1) is detailed in § 195.54. PHMSA is proposing to revise the form PHMSA F7000–1 instructions for editorial and clarification purposes.

Affected Public: Hazardous liquid pipeline operators.

Annual Reporting and Recordkeeping Burden:

Annual Responses: 897.

Annual Burden Hours: 52,429.

Frequency of collection: On Occasion.

Comments are invited on:

(a) The need for the proposed collection of information 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 proposed collection of information, including 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC on January 30, 2015.

Alan K. Mayberry,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2015–02148 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety: Renewal requests for Special Permit

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: This Notice pertains to the renewal requests for Special Permits with the following Docket Numbers:

PHMSA–2008–0213 Empire Pipeline Inc.
PHMSA–2005–20323 Northern Natural Gas Company
PHMSA–2006–26614 Northern Natural Gas Company
PHMSA–2008–0141 Northern Natural Gas Company

SUMMARY: Pursuant to the Federal pipeline safety laws, PHMSA is publishing this notice of multiple special permit renewal requests that we have received from two natural gas transmission pipeline operators, seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. This notice seeks public comments on these requests, including comments on any safety or environmental impacts the renewal of these special permits would have. For each listed Special Permit renewal request, an Environmental Assessment is available for review and comment in the respective dockets. At the conclusion of the 30-day comment period, PHMSA will evaluate the comments received and the technical analysis of the renewal requests to determine whether to grant or deny the renewal requests.

DATES: Submit any comments regarding these special permit requests by March 6, 2015.

ADDRESSES: Comments should reference the specific docket number for which the comment applies. Comments may be submitted in the following ways:

- *At the E-Gov Web site: http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *By Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *By Hand Delivery:* DOT Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: At the beginning of your comments, please identify the docket number for the special permit renewal request you are commenting on. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: Please read the privacy statement published on *http://www.Regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov.*

Contacts for general or technical information:

General: Kay McIver by telephone at (202) 366–0113; or by email at *kay.mciver@dot.gov.*

Technical: Steve Nanney by telephone at (713) 272–2855; or by email at *steve.nanney@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA has received the following special permit renewal requests from two pipeline operators who seek relief from compliance with certain federal pipeline safety regulations. Each request includes a technical analysis provided by the respective operators, and filed under the original issued special permit number in the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.* PHMSA invites interested persons to participate by reviewing these special permit renewal requests and submitting written comments, data or other views in the FDMS. Please include comments on any potential environmental impacts that may result if these special permit renewals are granted.

Details of Special Permit renewals received:

Docket No.	Requesters	Regulations affected	Nature of special permit
PHMSA–2008–0213.	Empire Pipeline Inc	49 CFR 192.611	To reauthorize Empire Pipeline Inc., (Empire) to continue its operation as defined in the original Special Permit issued on May 20, 2010, for the operation of five pipeline segments located in Genesee, Niagara and Monroe Counties in western and central New York, where the class location has changed from a Class 1 or Class 2 to Class 3 location. The Special Permit renewal request seeks to waive compliance from certain Federal regulations found in 49 CFR 192.611. The segments operate at an MAOP of 1,440 psig. In addition, Empire is requesting that it be allowed to extend the Special permit area of Section 5 by approximately 840 feet.
PHMSA–2005–20323.	Northern Natural Gas Company.	49 CFR 192.625(b)(1).	To reauthorize Northern Natural Gas Company to continue its operation as defined in the original Special Permit issued on April 10, 2010, for the non-odorization of a pipeline lateral. The Special Permit renewal request seeks to waive compliance from certain Federal regulations found in 49 CFR 192.625(b)(1) for the exclusion from installing odorization equipment on Special Permit Segment 1: the 2⅜-inch diameter Rippey branch line (500 psig) located near Highway 44 in Greene County, Iowa and; Special Permit Segment 2: the 4½-inch diameter (1,885 feet length, 800 psig) La Crescent branch line located in Houston County, Minnesota.
PHMSA–2006–26614.	Northern Natural Gas Company.	49 CFR 192.625(b)(1).	To reauthorize Northern Natural Gas Company to continue its operation as defined in the original Special Permit issued on April 10, 2010, for the non-odorization of a pipeline lateral. The Special Permit renewal request seeks to waive compliance from certain Federal regulations found in 49 CFR 192.625(b)(1) for the exclusion from installing odorization equipment on one segment of the Northern Natural Gas Company's 3½-inch diameter St. Joseph transmission pipeline system located in Benton and Stearns Counties, Minnesota. The Special Permit segment is approximately 8 miles long and operates at an MAOP of 1,050 psig.
PHMSA–2006–0141.	Northern Natural Gas Company.	49 CFR 192.625(b)(1).	To reauthorize Northern Natural Gas Company to continue its operation as defined in the original Special Permit issued on April 10, 2010, for the non-odorization of a pipeline lateral. The Special Permit renewal request seeks to waive compliance from certain Federal regulations found in 49 CFR 192.625(b)(1) for the exclusion from installing odorization equipment on one segment of the Northern Natural Gas Company transmission pipeline system located on the Sioux Falls 14-inch diameter (Nebraska to South Dakota Mainline) pipeline in Lincoln County, South Dakota. This segment operates at an MAOP of 446 psig.

Before acting on the special permit renewal requests, PHMSA will evaluate all comments received on or before the comments closing date. PHMSA will consider each relevant comment received in its decision to grant or deny the renewal requests. Comments will be evaluated after this date only if it is possible to do so without incurring additional expense or delay.

Authority: 49 U.S.C. 60118(c)(1) and 49 CFR 1.53.

Issued in Washington, DC, on January 30, 2015.

Alan K. Mayberry,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2015–02146 Filed 2–3–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub–No. 355X)]

The Cincinnati, New Orleans and Texas Pacific Railway Company—Abandonment Exemption—in Scott County, Tenn.

The Cincinnati, New Orleans and Texas Pacific Railway Company (CNOTP), a wholly owned subsidiary of Norfolk Southern Railway Company, has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon approximately 12.63 miles of rail line from milepost NR 0.0 at New River to milepost NR 12.63 at Sterling, in Scott County, Tenn. (the Line).[1] The Line traverses United States Postal Service Zip Codes 37755 and 37852.

CNOTP has certified that: (1) No local traffic has moved over the Line for at least two years; (2) no overhead traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected

[1] CNOTP states that, following abandonment, CNOTP intends to convey the Line, its legal rights to the right-of-way, in addition to six bridges that are located on the Line, to KT Group, L.L.C. (the Group). CNOTP also states that the Group will be required, by contract, to abide by all of the Board's environmental conditions when performing salvage activities on the Line.

employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 6, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by February 17, 2015. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28[4] must be filed by February 24, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CNOTP's representative: William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW., Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CNOTP has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by February 9, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CNOTP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CNOTP's filing of a notice of consummation by February 4, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: January 30, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–02145 Filed 2–3–15; 8:45 am]

BILLING CODE 4915–01–P

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[4] According to CNOTP, it may not have the legal right to convey the corridor for re-deployment for possible alternative public use because CNOTP does not have fee title to the entire right-of-way underlining the Line proposed for abandonment. CNOTP states that it is unaware of any restrictions on the title to the right-of-way that would affect the transfer of title or the use of property for other than rail purposes. CNOTP also states that because of the title uncertainty, CNOTP has no opinion whether the right-of-way would be suitable for other public purposes.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

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)). The IRS is soliciting comments concerning Performance & Quality for Small Wind Energy Property.

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 regulations should be directed to Kerry Dennis, at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov* .

SUPPLEMENTARY INFORMATION:

Title: Notice 2015–4 Property Qualifying for the Energy Credit under Section 48 (Specifically, Performance & Quality for Small Wind Energy Property).

OMB Number: 1545–2259.

Abstract: Section 48(a)(3)(D) of the Internal Revenue Code allows a credit for energy property which meets, among other requirements, the performance and quality standards (if any) which have been prescribed by the Secretary by regulations (after consultation with the Secretary of Energy), and are in effect at the time of the acquisition of the property. Energy property includes small wind energy property. This notice provides the performance and quality standards that small wind energy property must meet to qualify for the energy credit under section 48.

Current Actions: There are no changes being made to these regulations at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Responses: 160.

Estimated Time per Respondent: 2 hours, 30 minutes.

Estimated Total Annual Burden Hours: 400.

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.

Approved: January 29, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–02154 Filed 2–3–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for a Notice

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)). The IRS is soliciting comments concerning information collection requirements related to interest rates and appropriate foreign loss payment patterns for determining the qualified insurance income of certain controlled corporations.

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 regulations should be directed to LaNita Van Dyke at Internal Revenue Service, room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Interest Rates and Appropriate Foreign Loss Payment Patterns for Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(i).

OMB Number: 1545–1799.

Notice Number: Notice 2002–69.

Abstract: Notice 2002–69 allows U.S. shareholders of a foreign insurance company to use the foreign insurance company's historical loss payment patterns in computing the company's insurance reserves provided the company has a certain number of years of data and makes an election to use that data. A domestic insurance company can elect to use its own historical data in computing its reserves provided certain requirements are satisfied and an election is made. This notice allows a foreign insurance company to elect to calculate its insurance reserves in a manner similar to a domestic insurance company. Also, this notice provides guidance on how to determine a foreign insurance company's foreign loss payment patterns.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 300.

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.

Approved: January 28, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–02153 Filed 2–3–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8952

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 8952, Application for Voluntary Classification Settlement Program.

DATES: Written comments should be received on or before April 6, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Prestion, 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 LaNita Van Dyke, at Internal Revenue Service, room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application for Voluntary Classification Settlement Program.

OMB Number: 1545–2215.

Form Number: 8952.

Abstract: Form 8952 was created by the IRS in conjunction with the development of a new program to permit taxpayers to voluntarily reclassify workers as employees for federal employment tax purposes and obtain similar relief to that obtained in the current Classification Settlement Program. To participate in the program, taxpayers must meet certain eligibility requirements, apply to participate in VCSP, and enter into closing agreements with the IRS.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 1700.

Estimated Time per Respondent: 8 Hours, 03 minutes.

Estimated Total Annual Burden Hours: 13,430.

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

Approved: January 26, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–02152 Filed 2–3–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4029

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 4029, Application for Exemption from Social Security and Medicare Taxes and Waiver of Benefits.

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 Kerry Dennis at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Application for Exemption from Social Security and Medicare Taxes and Waiver of Benefits.

OMB Number: 1545–0064.

Form Number: 4029.

Abstract: Form 4029 is used by members of recognized religious groups to apply for exemption from social security and Medicare taxes under Internal Revenue Code sections 1402(g) and 3127. The information is used to approve or deny exemption from social security and Medicare taxes.

Current Actions: There are no changes being made to the Form 4029 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,754.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 3,792.

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.

Approved: January 29, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–02151 Filed 2–3–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Annual Determination of Staffing Shortages

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Section 7412 of title 38, United States Code (U.S.C.) requires the Department of Veterans Affairs (VA) Inspector General (IG) to determine and report on the five occupations of personnel of title 38 of the Department covered under 38 U.S.C. 7401 for which there are the largest staffing shortages throughout the Department as calculated over the five-year period preceding the determination. The Secretary is required to publish these findings in the **Federal Register**. Based on its review, the IG identified the following five occupations as having the largest staffing shortages in the identified time period: Medical Officer, Nurse, Physician Assistant, Physician Therapist, and Psychologist. Additional information and analysis can be found at: *www.va.gov/OIG.*

FOR FURTHER INFORMATION CONTACT: Karen Rasmussen, Management Review Service (10AR), Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420 Telephone:

(202) 461–6643. (This is not a toll-free number.)

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 30, 2015, for publication.

Dated: January 30, 2015.

Michael P. Shores,

Chief Impact Analyst, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2015–02229 Filed 2–3–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Publication of Wait-Times for the Department for the Veterans Choice Program

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In keeping with its commitment to improve transparency, the Department of Veterans Affairs' (VA) publishes wait-times for the scheduling of appointments in each VA facility for primary care, specialty care, and mental health services every two weeks. The Department also publishes a **Federal Register** Notice every 90 days with the address of the Web site where this wait-time data can be accessed. This **Federal Register** Notice announces the availability of the data on that Web site.

ADDRESSES: The wait-time data for all Veterans Health Administration (VHA) medical centers and clinics is available on the following Web site: *http://www.va.gov/health/access-audit.asp.*

FOR FURTHER INFORMATION CONTACT: Ms. Kristin J. Cunningham, Director, Business Policy (10NB6), Chief Business Office, Veterans Health Administration, 810 Vermont Avenue NW., Washington, DC 20420 Telephone: (202) 382–2508. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 206 of the Veterans Access, Choice, and Accountability Act of 2014 (Pub. L. 113–146, ''the Act'') directs the Department of Veterans Affairs (VA), not later than 90 days after the date of the enactment of the Act, to publish in the **Federal Register**, and on a publicly-accessible Internet Web site of each VA Medical Center, the wait-times for the scheduling of an appointment in each VA facility by a veteran for the receipt of primary care, specialty care, and hospital care and medical services based on the general severity of the condition of the veteran. Whenever the wait-times for the scheduling of such an appointment change, the Secretary is also required to publish the revised wait-times on a publicly-accessible Internet Web site of each VA Medical Center not later than 30 days after such change, and in the **Federal Register** not later than 90 days after such change.

The Department publishes wait-times for the scheduling of appointments in each VA facility for primary care, specialty care, and mental health services every two weeks. VA also publishes a **Federal Register** Notice every 90 days to notify the public of the availability of this wait-time data. This wait-time data uses the Veteran's preferred date or the clinically appropriate date for scheduling an appointment.

This **Federal Register** Notice announces the publication of the most recent wait-times of VHA for primary care and specialty care as required by section 206 of the Act, and well as mental health care wait-times. The wait-time data report, which also includes data at the Community-Based Outpatient Clinic level for all VA facilities, can be found using the following link: *http://www.va.gov/health/access-audit.asp.*

VA continues working to develop an accurate method for tracking and reporting wait times for hospital care and medical services and will begin reporting that data as soon as it is available.

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 30, 2015, for publication.

Dated: January 30, 2015

Michael P. Shores,

Chief Impact Analyst, Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2015–02205 Filed 2–3–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Wednesday,

No. 23 February 4, 2015

Part II

Department of Energy

10 CFR Part 431

Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards for Commercial Warm Air Furnaces; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 431

[Docket Number EERE–2013–BT–STD–0021]

RIN 1904–AD11

Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards for Commercial Warm Air Furnaces

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and public meeting.

SUMMARY: The Energy Policy and Conservation Act of 1975 (EPCA), as amended, prescribes energy conservation standards for various consumer products and certain commercial and industrial equipment, including commercial warm air furnaces (CWAF). EPCA also requires that every six years, the U.S. Department of Energy (DOE) must consider amending its standards for specified types of commercial heating, air-conditioning, and water-heating equipment in order to determine whether more-stringent, amended standards would be technologically feasible and economically justified, and would save a significant additional amount of energy. DOE has tentatively concluded that there is sufficient record evidence to support more-stringent standards, so DOE is proposing to amend the current energy conservation standards for CWAF. DOE also announces a public meeting to receive comment on these proposed standards and associated analyses and results.

DATES: *Comments:* DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) before and after the public meeting, but no later than April 6, 2015. See section VII, ''Public Participation,'' for details.

Meeting: DOE will hold a public meeting on Monday, March 2, 2015, from 9:00 a.m. to 4:00 p.m., in Washington, DC. The meeting will also be broadcast as a webinar. See section VII, ''Public Participation,'' for webinar registration information, participant instructions, and information about the capabilities available to webinar participants.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089, 1000 Independence Avenue SW., Washington, DC 20585. To attend, please notify Ms. Brenda Edwards at (202) 586–2945. For more information, refer to section VII, ''Public Participation,'' near the end of this notice.

Instructions: Any comments submitted must identify the NOPR for Energy Conservation Standards for Commercial Warm Air Furnaces, and provide docket number EE–2013–BT–STD–00021 and/or regulatory information number (RIN) number 1904–AD11. Comments may be submitted using any of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: CommWarmAirFurn2013STD0021@ee.doe.gov.* Include the docket number and/or RIN in the subject line of the message. Submit electronic comments in WordPerfect, Microsoft Word, PDF, or ASCII file format, and avoid the use of special characters or any form of encryption.

3. *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC, 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW., Suite 600, Washington, DC, 20024. Telephone: (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to Office of Energy Efficiency and Renewable Energy through the methods listed above and by email to *Chad_S_Whiteman@omb.eop.gov.*

No telefacsimiles (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section VII of this document (Public Participation).

Docket: The docket is available for review at *www.regulations.gov.* All documents in the docket are listed in the *www.regulations.gov* index. A link to the docket Web page can be found at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=70.* This Web page contains a link to the docket for this notice on the *http://www.regulations.gov* site. The *www.regulations.gov* Web page contains simple instructions on how to access all documents, including public comments, in the docket.

For further information on how to submit a comment, review other public comments and the docket, or participate in the public meeting, contact Ms. Brenda Edwards at (202) 586–2945 or by email: *Brenda.Edwards@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 286–1692. Email: *John.Cymbalsky@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9507. Email: *Eric.Stas@hq.doe.gov.*

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I. Summary of the Proposed Rule

Title III, Part C [1] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6311–6317, as codified), added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which includes the commercial warm air furnaces that are the subject of this rulemaking. CWAF are a type of equipment also covered under the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1 (ASHRAE Standard 90.1), ''Energy Standard for Buildings Except Low-Rise Residential Buildings.'' [2] Pursuant to recent statutory amendments to EPCA, DOE must conduct an evaluation of its standards for CWAF every six years and publish either a notice of determination that such standards do not need to be amended or a notice of proposed rulemaking including proposed amended standards. (42 U.S.C. 6313(a)(6)(C)(i)) EPCA further requires that any new or amended energy conservation standard that DOE prescribes for covered equipment, such as CWAF, shall be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)(II)) Furthermore, the new or amended standard must result in a significant additional conservation of energy. *Id.* Under the applicable statutory provisions, DOE must determine that there is clear and convincing evidence supporting the adoption of more-stringent energy conservation standards than the ASHRAE level. *Id.* Once complete, this rulemaking will satisfy DOE's statutory obligation under 42 U.S.C. 6313(a)(6)(C).

In accordance with these and other statutory provisions discussed in this notice, DOE has examined all of the CWAF equipment classes and has tentatively concluded that there is clear and convincing evidence to support more-stringent standards for both gas-fired and oil-fired CWAF. Accordingly, DOE is proposing amended energy conservation standards for both gas-fired and oil-fired CWAF. The proposed standards, which prescribe the minimum allowable thermal efficiency (TE), are shown in Table I.1. These proposed standards, if adopted, would apply to all equipment listed in Table I.1 and manufactured in, or imported into, the United States on and after the date three years after the publication of the final rule for this rulemaking.

TABLE I.1—PROPOSED ENERGY CONSERVATION STANDARDS FOR COMMERCIAL WARM AIR FURNACES

Equipment class	Input capacity * (Btu/h)	Thermal efficiency **
Gas-Fired Furnaces	≥225,000 Btu/h	82%
Oil-Fired Furnaces	≥225,000 Btu/h	82%

* In addition to being defined by input capacity, a CWAF is ''a self-contained oil- or gas-fired furnace designed to supply heated air through ducts to spaces that require it and includes combination warm air furnace/electric air conditioning units but does not include unit heaters and duct furnaces.'' CWAF coverage is further discussed in section IV.A.2, ''Scope of Coverage and Equipment Classes.''

** Thermal efficiency is at the maximum rated capacity (rated maximum input), and is determined using the DOE test procedure specified at 10 CFR 431.76.

[1] For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

[2] ASHRAE Standard 90.1–2013 (*i.e.,* the most recent version of ASHRAE Standard 90.1) did not amend the efficiency levels for CWAF. Thus, DOE was not triggered by the statutory provision for ASHRAE equipment. For more information on DOE's review of ASHRAE Standard 90.1–2013, see: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx?ruleid=108.*

A. Benefits and Costs to Commercial Consumers

Table I.2 presents DOE's evaluation of the economic impacts of the proposed energy conservation standards on commercial consumers of CWAF, as measured by the average life-cycle cost (LCC) savings and the median payback period (PBP). The average LCC savings are positive for both equipment classes, and the PBP is less than the average lifetime of the equipment, which is estimated to be 19 years for gas-fired CWAF and 26 years for oil-fired CWAF.

TABLE I.2—IMPACTS OF PROPOSED ENERGY CONSERVATION STANDARDS ON COMMERCIAL CONSUMERS OF COMMERCIAL WARM AIR FURNACES

Equipment class	Average LCC savings (2013$)	Median payback period (years)
Gas-Fired Furnaces	426	0.7
Oil-Fired Furnaces	164	2.8

DOE's analysis of the impacts of the proposed standards on consumers is described in section IV.F of this notice and in chapter 8 of the NOPR TSD.

B. Impact on Manufacturers

The industry net present value (INPV) is the sum of the discounted cash flows to the industry from the base year through the end of the analysis period (2014 to 2047). Using a real discount rate of 8.9 percent, DOE estimates that the INPV for manufacturers of CWAF is $74.7 million in 2013$. Under the proposed standards, DOE expects that INPV may be reduced by approximately $43.3 to $11.1 million, which is −58.0 percent to −14.9 percent.

DOE's analysis of the impacts of the proposed standards on manufacturers is described in section IV.J of this notice.

C. National Benefits [3]

DOE's analyses indicate that the proposed energy conservation standards for CWAF would save a significant amount of energy. The energy savings over the entire lifetime of CWAF equipment installed during the 30-year period that begins in the year of compliance with amended standards (2018–2047), relative to the base case without amended standards, amount to 0.52 quadrillion Btus (quads) of full-fuel-cycle energy.[4] This represents a savings of 1.0 percent relative to the energy use of this equipment in the base case.

The cumulative net present value (NPV) of total consumer costs and savings of the proposed standards for CWAF ranges from $1.0 billion to $2.7 billion at 7-percent and 3-percent discount rates, respectively. This NPV expresses the estimated total value of future operating-cost savings minus the estimated increased product costs for CWAF purchased in 2018–2047.

In addition, the proposed standards would have significant environmental benefits.[5] The energy savings would result in cumulative emission reductions of 27.9 million metric tons (Mt) [6] of carbon dioxide (CO_2), 319.8 thousand tons of methane (CH_4), 0.1 thousand tons of nitrous oxide (N_2O), 2.2 thousand tons of sulfur dioxide (SO_2), 66.84 thousand tons of nitrogen oxides (NO_X) and 0.003 tons of mercury (Hg). The cumulative reduction in CO_2 emissions through 2030 amounts to 4.4 Mt.

The value of the CO_2 reductions is calculated using a range of values per metric ton of CO_2 (otherwise known as the Social Cost of Carbon, or SCC) developed by an interagency process.[7] The derivation of the SCC values is discussed in section IV.L. Using discount rates appropriate for each set of SCC values, DOE estimates the present monetary value of the CO_2 emissions reduction to be between $0.2 billion and $2.6 billion, with a value of $0.8 billion using the central SCC case represented by $40.5/t in 2015.[8] Additionally, DOE estimates the present monetary value of the NO_X emissions reduction to be $34.2 million to $82.0 million at 7-percent and 3-percent discount rates, respectively.[9]

Table I.3 summarizes the national economic costs and benefits expected to result from the proposed standards for CWAF.

TABLE I.3—SUMMARY OF NATIONAL ECONOMIC BENEFITS AND COSTS OF PROPOSED ENERGY CONSERVATION STANDARDS FOR COMMERCIAL WARM AIR FURNACES

Category	Present value *Billion 2013$*	Discount rate
Benefits		
Operating Cost Savings	1.052	7%
	2.721	3
CO_2 Reduction Monetized Value ($12.0/t case) **	0.175	5
CO_2 Reduction Monetized Value ($40.5/t case) **	0.841	3
CO_2 Reduction Monetized Value ($62.4/t case) **	1.347	2.5

[3] All monetary values in this NOPR are expressed in 2013 dollars and are discounted to 2014.

[4] These results include impacts on commercial consumers which accrue after 2048 from the products purchased in 2018–2047.

[5] DOE calculated emissions reductions relative to the *Annual Energy Outlook 2013* (*AEO 2013*) Reference case, which generally represents current legislation and environmental regulations for which implementing regulations were available as of December 31, 2012.

[6] A metric ton is equivalent to 1.1 short tons. Results for emissions other than CO_2 are presented in short tons.

[7] *Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866,* Interagency Working Group on Social Cost of Carbon, United States Government (May 2013; revised November 2013) (Available at: *http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/technical-update-social-cost-of-carbon-for-regulator-impact-analysis.pdf).*

[8] The values only include CO_2 emissions; CO_2 equivalent emissions from other greenhouse gases are not included.

[9] DOE is investigating monetization of reductions in SO_2 and Hg emissions.

TABLE I.3—SUMMARY OF NATIONAL ECONOMIC BENEFITS AND COSTS OF PROPOSED ENERGY CONSERVATION STANDARDS FOR COMMERCIAL WARM AIR FURNACES—Continued

Category	Present value *Billion 2013$*	Discount rate
CO_2 Reduction Monetized Value $119/t case) **	2.606	3
NO_X Reduction Monetized Value (at $2,684/ton) **	0.034	7
	0.082	3
Total Benefits †	1.928	7
	3.645	3
Costs		
Incremental Installed Costs	0.036	7
	0.062	3
Total Net Benefits		
Including Emissions Reduction Monetized Value †	1.892	7
	3.582	3

* This table presents the costs and benefits associated with CWAF shipped in 2018–2047. These results include impacts on commercial consumers which accrue after 2048 from the products purchased in 2018–2047. The results account for the incremental variable and fixed costs incurred by manufacturers due to the standard, some of which may be incurred in preparation for the rule.

** The interagency group selected four sets of SCC values for use in regulatory analyses. Three sets of values (represented by 2015 values of $12.0/t, $40.5/t, and $62.4/t, in 2013$) are based on the average SCC from the integrated assessment models, at discount rates of 2.5, 3, and 5 percent. The fourth set (represented by 2015 value of $119/t in 2013$), which represents the 95th percentile SCC estimate across all three models at a 3-percent discount rate, is included to represent higher-than-expected impacts from temperature change further out in the tails of the SCC distribution. The values in parentheses represent the SCC in 2015. The SCC time series incorporate an escalation factor. The value for NO_X represents the average of the low and high NO_X values considered in DOE's analysis.

† Total Benefits for both the 3% and 7% cases are derived using the series corresponding to average SCC with 3-percent discount rate.

The benefits and costs of these proposed standards, for products sold in 2018–2047, can also be expressed in terms of annualized values. The annualized monetary values are the sum of: (1) The annualized national economic value of the benefits from consumer operation of equipment that meets the proposed standards (consisting primarily of operating cost savings from using less energy, minus increases in equipment purchase price and installation costs, which is another way of representing commercial consumer NPV), and (2) the annualized monetary value of the benefits of CO_2 and NO_X emission reductions.[10]

Although combining the values of operating savings and CO_2 emission reductions provides a useful perspective, two issues should be considered. First, the national operating savings are domestic U.S. consumer monetary savings that occur as a result of market transactions, whereas the value of CO_2 reductions is based on a global value. Second, the assessments of operating cost savings and CO_2 savings are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of CWAF shipped in 2018–2047. The SCC values, on the other hand, reflect the present value of some future climate-related impacts resulting from the emission of one ton of carbon dioxide in each year. Because CO_2 emissions have a very long residence time in the atmosphere,[11] the SCC values after 2050 reflect future climate-related impacts resulting from the emission of CO_2 that continue beyond 2100.

Estimates of annualized benefits and costs of the proposed standards are shown in Table I.4. The results under the primary estimate are as follows. Using a 7-percent discount rate for benefits and costs other than CO_2 reduction, for which DOE used a 3-percent discount rate along with the average SCC series that uses a 3-percent discount rate, the estimated cost of the proposed CWAF standards is $3.51 million per year in increased equipment costs, while the estimated benefits are $104 million per year in reduced equipment operating costs, $47 million in CO_2 reductions, and $3.38 million in reduced NO_X emissions. In this case, the net benefit would amount to $151 million per year. Using a 3-percent discount rate for all benefits and costs and the average SCC series, the estimated cost of the proposed CWAF standards is $3.48 million per year in increased equipment costs, while the estimated benefits are $152 million per year in reduced equipment operating costs, $47 million in CO_2 reductions, and $4.57 million in reduced NO_X emissions. In this case, the net benefit would amount to $200 million per year.

[10] DOE used a two-step calculation process to convert the time-series of costs and benefits into annualized values. First, DOE calculated a present value in 2013, the year used for discounting the NPV of total consumer costs and savings, for the time-series of costs and benefits using discount rates of three and seven percent for all costs and benefits except for the value of CO_2 reductions. For the latter, DOE used a range of discount rates, as shown in Table I.4. From the present value, DOE then calculated the fixed annual payment over a 30-year period (2018 through 2047) that yields the same present value. The fixed annual payment is the annualized value. Although DOE calculated annualized values, this does not imply that the time-series of cost and benefits from which the annualized values were determined is a steady stream of payments.

[11] The atmospheric lifetime of CO_2 is estimated of the order of 30–95 years. Jacobson, MZ (2005). ''Correction to ''Control of fossil-fuel particulate black carbon and organic matter, possibly the most effective method of slowing global warming.'' '' *J. Geophys. Res.* 110. pp. D14105.

TABLE I.4—ANNUALIZED BENEFITS AND COSTS OF PROPOSED ENERGY CONSERVATION STANDARDS FOR COMMERCIAL WARM AIR FURNACES *

	Discount rate	Million 2013$/year		
		Primary estimate	Low estimate	High estimate
Benefits				
Operating Cost Savings	7%	104	98	111
	3%	152	143	163
CO_2 Reduction Monetized Value ($12.0/t case) **	5%	13	13	14
CO_2 Reduction Monetized Value ($40.5/t case) **	3%	47	45	48
CO_2 Reduction Monetized Value ($62.4/t case) **	2.5%	69	67	72
CO_2 Reduction Monetized Value ($119/t case) **	3%	145	140	150
NO_X Reduction Monetized Value (at $2,684/ton) **	7%	3.38	3.28	3.49
	3%	4.57	4.41	4.72
Total Benefits †	7% plus CO_2 range	120 to 253	114 to 242	128 to 264
	7%	154	147	163
	3% plus CO_2 range	169 to 302	160 to 287	181 to 318
	3%	203	192	216
Costs				
Incremental Equipment Costs	7%	3.51	3.48	3.67
	3%	3.48	3.41	3.68
Net Benefits				
Total †	7% plus CO_2 range	117 to 249	111 to 238	124 to 261
	7%	151	143	159
	3% plus CO_2 range	166 to 298	156 to 283	177 to 314
	3%	200	189	212

* This table presents the annualized costs and benefits associated with CWAF shipped in 2018–2047. These results include benefits to commercial consumers which accrue after 2048 from the products purchased in 2018–2047. The results account for the incremental variable and fixed costs incurred by manufacturers due to the standard, some of which may be incurred in preparation for the rule. The Primary, Low Benefits, and High Benefits Estimates utilize projections of energy prices from the *AEO 2013* Reference case, Low Economic Growth case, and High Economic Growth case, respectively. Incremental equipment costs account for equipment price trends and include, beyond the reference scenario, a low price decline scenario used in the Low Benefits Estimate and a high price decline scenario used in the High Benefits Estimates.

** The interagency group selected four sets of SCC values for use in regulatory analyses. Three sets of values (represented by 2015 values of $12.0/t, $40.5/t, and $62.4/t, in 2013$) are based on the average SCC from the integrated assessment models, at discount rates of 2.5, 3, and 5 percent. The fourth set (represented by 2015 value of $119/t, in 2013$), which represents the 95th percentile SCC estimate across all three models at a 3-percent discount rate, is included to represent higher-than-expected impacts from temperature change further out in the tails of the SCC distribution. The values in parentheses represent the SCC in 2015. The SCC time series incorporate an escalation factor. The value for NO_X represents the average of the low and high values considered in DOE's analysis.

† Total Benefits for both the 3-percent and 7-percent cases are derived using the series corresponding to average SCC with a 3-percent discount rate. In the rows labeled "7% plus CO_2 range" and "3% plus CO_2 range," the operating cost and NO_X benefits are calculated using the labeled discount rate, and those values are added to the full range of CO_2 values.

DOE's analysis of the national impacts of the proposed standards is described in sections IV.H, IV.K and IV.L of this notice.

D. Conclusion

DOE has tentatively concluded that, based upon clear and convincing evidence, the proposed standards represent the maximum improvement in energy efficiency that is technologically feasible and economically justified, and would result in the significant conservation of energy. DOE further notes that equipment achieving these standard levels is already commercially available for the equipment classes covered by this proposal. Based on the analyses described above, DOE has tentatively concluded that the benefits of the proposed standards to the Nation (energy savings, positive NPV of commercial consumer benefits, commercial consumer LCC savings, and emission reductions) would outweigh the burdens (loss of INPV for manufacturers and LCC increases for some commercial consumers).

DOE also considered more-stringent energy efficiency levels as trial standard levels, and is still considering them in this rulemaking. However, DOE has tentatively concluded that the potential burdens of the more-stringent energy efficiency levels would outweigh the projected benefits. Based on consideration of the public comments DOE receives in response to this notice and related information collected and analyzed during the course of this rulemaking effort, DOE may adopt energy efficiency levels presented in this notice that are either higher or lower than the proposed standards, or some combination of level(s) that incorporate the proposed standards in part.

II. Introduction

The following section briefly discusses the statutory authority underlying this proposal, as well as some of the relevant historical background related to the energy conservation standards for CWAF.

A. Authority

Title III, Part C [12] of the Energy Policy and Conservation Act of 1975 (EPCA or the Act), Public Law 94–163 (42 U.S.C. 6311–6317, as codified), added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which includes provisions covering the CWAF equipment that is

[12] For editorial reasons, upon codification in the U.S. Code, Part C was re-designated Part A–1.

the subject of this notice.[13] In general, this program addresses the energy efficiency of certain types of commercial and industrial equipment. Relevant provisions of the Act specifically include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

The initial Federal energy conservation standards for CWAF were added to EPCA by the Energy Policy Act of 1992 (EPACT 1992), Public Law 102–486. (42 U.S.C. 6313(a)(4)) These types of covered equipment have a rated capacity (rated maximum input[14]) greater than or equal to 225,000 Btu/h, can be gas-fired or oil-fired, and are designed to heat commercial buildings. *Id.* Under the Act, DOE is obligated to review its energy conservation standards for certain commercial and industrial equipment (*i.e.,* specified heating, air-conditioning, and water-heating equipment) whenever the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) updates the efficiency levels in ASHRAE Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings.* DOE must either adopt the levels contained in ASHRAE Standard 90.1 or adopt levels more stringent than the ASHRAE levels if there is clear and convincing evidence in support of doing so. (42 U.S.C. 6313(a)(6)(A)) Such review is to be conducted in accordance with the procedures established for ASHRAE equipment under 42 U.S.C. 6313(a)(6). In addition, DOE must periodically review and consider amending the energy conservation standards for these specified types of covered commercial and industrial equipment and publish either a notice of proposed rulemaking with amended standards or a determination that the standards do not need to be amended. (42 U.S.C. 6313(a)(6)(C)(i))

In amending EPCA, the American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210 (Dec. 18, 2012), in relevant part, modified the manner in which DOE must amend the energy efficiency standards for certain types of commercial and industrial equipment, adding a review requirement that is triggered when ASHRAE adopts a design requirement, even if the standard level remains unchanged. *Id.* AEMTCA also clarified that DOE's periodic review of ASHRAE equipment must occur ''[e]very six years.'' *Id.* AEMTCA further added to this process a requirement that DOE must initiate a rulemaking to consider amending the energy conservation standards for any covered equipment for which more than 6 years has elapsed since the issuance of the most recent final rule establishing or amending a standard for the product as of the date of AEMTCA's enactment (*i.e.,* December 18, 2012), in which case DOE must publish either: (1) A notice of determination that the current standards do not need to be amended, or (2) a notice of proposed rulemaking containing proposed standards by December 31, 2013. (42 U.S.C. 6313(a)(6)(C)(vi)) Because DOE has not issued a standard for commercial warm air furnaces in the past six years, the December 31, 2013 deadline for publication of the applicable rulemaking document applies.

Pursuant to EPCA, DOE's energy conservation program for covered equipment consists essentially of four parts: (1) Testing; (2) labeling; (3) the establishment of Federal energy conservation standards; and (4) certification and enforcement procedures. Subject to certain criteria and conditions, DOE is required to develop test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of covered equipment. (42 U.S.C. 6314) Manufacturers of covered equipment must use the prescribed DOE test procedure as the basis for certifying to DOE that their equipment comply with the applicable energy conservation standards adopted under EPCA and when making representations to the public regarding the energy use or efficiency of such equipment. (42 U.S.C. 6314(d)) Similarly, DOE must use these test procedures to determine whether the equipment comply with standards adopted pursuant to EPCA. The DOE test procedures for CWAF currently appear at title 10 of the Code of Federal Regulations (CFR) part 431.76.

When setting standards for the equipment addressed by the proposed rule, EPCA, as amended by AEMTCA, prescribes specific statutory criteria for DOE to consider. See generally 42 U.S.C. 6313(a)(6)(A)–(C). As indicated above, any amended standard for covered equipment more stringent than the level contained in ASHRAE Standard 90.1 must be designed to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)(II)) Furthermore, DOE may not adopt any standard that would not result in the significant additional conservation of energy. *Id.* In deciding whether a proposed standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. DOE must make this determination after receiving comments on the proposed standard, and by considering, to the maximum extent practicable, the following seven statutory factors:

1. The economic impact of the standard on manufacturers and consumers of products subject to the standard;
2. The savings in operating costs throughout the estimated average life of the covered products in the type (or class) compared to any increase in the price, initial charges, or maintenance expenses for the covered products which are likely to result from the standard;
3. The total projected amount of energy savings likely to result directly from the standard;
4. Any lessening of the utility or the performance of the covered products likely to result from the standard;
5. The impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the standard;
6. The need for national energy conservation; and
7. Other factors the Secretary of Energy considers relevant.

(42 U.S.C. 6313(a)(6)(B)(ii))

EPCA, as codified, also contains what is known as an ''anti-backsliding'' provision, which prevents the Secretary from prescribing any amended standard that either increases the maximum allowable energy use or decreases the minimum required energy efficiency of a covered product. (42 U.S.C. 6313(a)(6)(B)(iii)(I)) Also, the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6313(a)(6)(B)(iii)(II))

Further, under EPCA's provisions for consumer products, there is a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the customer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy (and, as

[13] All references to EPCA in this document refer to the statute as amended through the American Energy Manufacturing Technical Corrections Act of 2012, Pub. L. 112–210 (enacted Dec. 18, 2012).

[14] Rated maximum input means the maximum gas-burning capacity of a commercial warm-air furnace in Btu per hour, as specified by the manufacturer.

applicable, water) savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure. (42 U.S.C. 6295(o)(2)(B)(iii)) For this rulemaking, DOE considered the criteria for rebuttable presumption as part of its analysis.

Additionally, when a type or class of covered equipment has two or more subcategories, DOE often specifies more than one standard level. DOE generally will adopt a different standard level than that which applies generally to such type or class of products for any group of covered products that have the same function or intended use if DOE determines that products within such group: (A) Consume a different kind of energy from that consumed by other covered products within such type (or class); or (B) have a capacity or other performance-related feature which other products within such type (or class) do not have and which justifies a higher or lower standard. In determining whether a performance-related feature justifies a different standard for a group of products, DOE generally considers such factors as the utility to the customer of the feature and other factors DOE deems appropriate. In a rule prescribing such a standard, DOE includes an explanation of the basis on which such higher or lower level was established. DOE considered these criteria for this rulemaking.

Because ASHRAE did not update its efficiency levels for CWAF in any of its most recent updates to ASHRAE Standard 90.1 (*e.g.,* ASHRAE Standard 90.1–2007, ASHRAE Standard 90.1–2010, ASHRAE Standard 90.1–2013), DOE is analyzing amended standards consistent with the procedures defined under 42 U.S.C. 6313(a)(6)(C). Specifically, pursuant to 42 U.S.C. 6313(a)(6)(C)(i)(II), DOE must use the procedures established under subparagraph (B) when issuing a NOPR. As noted above, the statutory provision at 42 U.S.C. 6313(a)(6)(B)(ii), recently amended by AEMTCA, states that in deciding whether a standard is economically justified, DOE must determine, after receiving comments on the proposed standard, whether the benefits of the standard exceed its burdens by considering, to the maximum extent practicable, the seven factors, as stated above.

After carefully reviewing all CWAF equipment classes, DOE has tentatively concluded that following this rulemaking process will provide ''clear and convincing evidence'' that the proposed standards for gas-fired and oil-fired CWAF which are more stringent than those set forth in ASHRAE Standard 90.1–2013, would result in significant additional conservation of energy and would be technologically feasible and economically justified, as mandated by 42 U.S.C. 6313(a)(6).

B. Background

1. Current Standards

As noted above, EPACT 1992 amended EPCA to set the current minimum energy conservation standards for CWAF. (42 U.S.C. 6313(a)(4)(A) and (B)) These standards apply to all CWAF manufactured on or after January 1, 1994. The current standards are set forth in Table II.1.

TABLE II.1—CURRENT FEDERAL ENERGY CONSERVATION STANDARDS FOR CWAF

Equipment type	Input capacity	Thermal efficiency *	Compliance date
Gas-Fired Furnaces	≥225,000 Btu/h	80%	1/1/1994
Oil-Fired Furnaces	≥225,000 Btu/h	81%	1/1/1994

* At the maximum rated capacity (rated maximum input).

2. History of Standards Rulemaking for CWAF

On October 21, 2004, DOE published a final rule in the **Federal Register** which adopted definitions for ''commercial warm air furnace'' and ''thermal efficiency,'' promulgated test procedures for this equipment, and recodified the energy conservation standards so that the standards are located contiguous with the test procedures in the Code of Federal Regulations (CFR). 69 FR 61916, 61917, 61939–41. In the same final rule, DOE incorporated by reference (see 10 CFR 431.75) a number of industry test standards relevant to commercial warm air furnaces, including: (1) American National Standards Institute (ANSI) Standard Z21.47–1998, ''Gas-Fired Central Furnaces,'' for gas-fired CWAF; (2) Underwriters Laboratories (UL) Standard 727–1994, ''Standard for Safety Oil-Fired Central Furnaces,'' for oil-fired CWAF; (3) provisions from Hydronics Institute (HI) Standard BTS–2000, ''Method to Determine Efficiency of Commercial Space Heating Boilers,'' to calculate flue loss for oil-fired CWAF, and (4) provisions from the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE) Standard 103–1993, ''Method of Testing for Annual Fuel Utilization Efficiency of Residential Central Furnaces and Boilers,'' to determine the incremental efficiency of condensing furnaces under steady-state conditions. *Id.* at 61940. Then in a final rule published in the **Federal Register** on May 16, 2012, DOE updated the test procedures for commercial warm air furnaces to match the procedures specified in ASHRAE Standard 90.1–2010, which referenced ANSI Z21.47–2006, ''Gas-Fired Central Furnaces,'' for gas-fired CWAF, and UL 727–2006, ''Standard for Safety for Oil-Fired Central Furnaces,'' for oil-fired furnaces. 77 FR 28928, 28987–88.

As noted previously, in accordance with the requirements of EPCA, as amended by AEMTCA, DOE must publish either: (1) A notice of determination that the current standards do not need to be amended, or (2) a notice of proposed rulemaking containing proposed standards for CWAF by December 31, 2013. (42 U.S.C. 6313(a)(6)(C)(i) and (vi)) Consequently, DOE initiated this rulemaking to determine whether to amend the current standards for CWAF.

On May 2, 2013, DOE published a request for information (RFI) and notice of document availability for CWAF. 78 FR 25627. The notice solicited information from the public to help DOE determine whether more-stringent energy conservation standards for CWAF would result in a significant additional amount of energy savings and whether those standards would be technologically feasible and economically justified.

DOE received a number of comments from interested parties in response to the RFI. These commenters are identified in Table II.2. DOE considered these comments in the preparation of the NOPR. Relevant comments, and DOE's responses, are provided in the appropriate sections of this notice.

TABLE II.2—INTERESTED PARTIES PROVIDING WRITTEN COMMENTS ON THE CWAF RFI

Name	Abbreviation	Commenter type *
Air-Conditioning, Heating and Refrigeration Institute	AHRI	IR.
Appliance Standards Awareness Project, American Council for an Energy-Efficient Economy, Natural Resources Defense Council.	ASAP, ACEEE, NRDC (Joint Efficiency Advocates).	EA.
Lennox International Inc.	Lennox	M.
UTC Climate, Controls & Security	Carrier	M.
Goodman Manufacturing Inc.	Goodman	M.
American Society of Heating, Refrigeration, and Air-Conditioning Engineers	ASHRAE	IR.

* "IR": Industry Representative; "M": Manufacturer; "EA": Efficiency/Environmental Advocate.

III. General Discussion

A. Compliance Date

As discussed in section II.A, DOE is analyzing amended standards pursuant to 42 U.S.C. 6313(a)(6)(C)(vi), which requires DOE to publish by December 31, 2013, either a notice of determination that standards for this type of equipment do not need to be amended or a notice of proposed rulemaking for any equipment for which more than 6 years has elapsed since the issuance of the most recent final rule. EPCA requires that an amended standard prescribed under 42 U.S.C. 6313(a)(6)(C) must apply to products manufactured after the date that is the later of: (1) The date 3 years after publication of the final rule establishing a new standard or (2) the date 6 years after the effective date of the current standard for a covered product. (42 U.S.C. 6313(a)(6)(C)(iv)) For CWAF, the date 3 years after the publication of the final rule would be later than the date 6 years after the effective date of the current standard. As a result, compliance with any amended energy conservation standards promulgated in the final rule would be required beginning on the date 3 years after the publication of the final rule.

B. Technological Feasibility

1. General

In each energy conservation standards rulemaking, DOE conducts a screening analysis based on information gathered on all current technology options and prototype designs that could improve the efficiency of the products or equipment that are the subject of the rulemaking. As the first step in such an analysis, DOE develops a list of technology options for consideration in consultation with manufacturers, design engineers, and other interested parties. See chapter 3 of the NOPR TSD for a discussion of the list of technology options that were identified. DOE then determines which of those means for improving efficiency are technologically feasible. DOE considers technologies incorporated in commercially-available equipment or in working prototypes to be technologically feasible. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(i).

After DOE has determined that particular technology options are technologically feasible, it further evaluates each technology option in light of the following additional screening criteria: (1) Practicability to manufacture, install, and service; (2) adverse impacts on equipment utility or availability; and (3) adverse impacts on health or safety. 10 CFR part 430, subpart C, appendix A, section 4(a)(4)(ii)–(iv). Section IV.B of this notice discusses the results of the screening analysis for CWAF, particularly the designs DOE considered, those it screened out, and those that are the basis for the trial standard levels (TSLs) in this rulemaking. For further details on the screening analysis for this rulemaking, see chapter 4 of the NOPR Technical Support Document (TSD).

Additionally, DOE notes that these screening criteria do not directly address the proprietary status of design options. DOE only considers efficiency levels achieved through the use of proprietary designs in the engineering analysis if they are not part of a unique path to achieve that efficiency level (*i.e.,* if there are other non-proprietary technologies capable of achieving the same efficiency). DOE believes the proposed standards for the equipment covered in this rulemaking would not mandate the use of any proprietary technologies, and that all manufacturers would be able to achieve the proposed levels through the use of non-proprietary designs. DOE seeks comment on this tentative conclusion and requests additional information regarding proprietary designs and patented technologies.

2. Maximum Technologically Feasible Levels

When DOE proposes to adopt an amended standard for a type or class of covered equipment, it must determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for such equipment. Accordingly, in the engineering analysis, DOE determined the maximum technologically feasible ("max-tech") improvements in energy efficiency for CWAF, using the design parameters for the most efficient equipment available on the market or in working prototypes. (See chapter 5 of the NOPR TSD.) The max-tech levels that DOE determined for this rulemaking are described in section IV.C.2.b of this proposed rule.

C. Energy Savings

1. Determination of Savings

For each TSL, DOE projected energy savings from the equipment that is the subject of this rulemaking purchased in the 30-year period that begins in the year of compliance with potential amended standards (2018–2047). The savings are measured over the entire lifetime of equipment purchased in the 30-year analysis period.[15] DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case. The base case represents a projection of energy consumption in the absence of amended mandatory efficiency standards, and it considers market forces and policies that affect demand for more-efficient products.

DOE used its national impact analysis (NIA) spreadsheet model to estimate energy savings from amended standards for the products that are the subject of this rulemaking. The NIA spreadsheet model (described in section IV.H of this notice) calculates energy savings in site energy, which is the energy directly

[15] In the past DOE presented energy savings results for only the 30-year period that begins in the year of compliance. In the calculation of economic impacts, however, DOE considered operating cost savings measured over the entire lifetime of products purchased in the 30-year period. DOE has chosen to modify its presentation of national energy savings to be consistent with the approach used for its national economic analysis.

consumed by products at the locations where they are used. For CWAF, the energy savings are primarily in the form of natural gas, which is considered to be primary energy.[16]

DOE has begun to also estimate full-fuel-cycle energy savings, as discussed in DOE's statement of policy and notice of policy amendment. 76 FR 51281 (August 18, 2011), as amended at 77 FR 49701 (August 17, 2012). The full-fuel-cycle (FFC) metric includes the energy consumed in extracting, processing, and transporting primary fuels (*i.e.,* coal, natural gas, petroleum fuels), which collectively presents a more complete picture of the impacts of energy efficiency standards. DOE's approach is based on calculation of an FFC multiplier for each of the energy types used by covered products and equipment. For more information on FFC energy savings, see section IV.H.

DOE reports both primary energy and FFC energy savings in section V.B.3.a of this NOPR.

2. Significance of Savings

To adopt more-stringent standards for CWAF, DOE must determine that such action would result in significant additional conservation of energy. (42 U.S.C. 6313(a)(6)(A)(ii)(II)) Although the term ''significant'' is not defined in the Act, the U.S. Court of Appeals, in *Natural Resources Defense Council* v. *Herrington,* 768 F.2d 1355, 1373 (D.C. Cir. 1985), indicated that Congress intended ''significant'' energy savings in the context of EPCA to be savings that were not ''genuinely trivial.'' DOE has tentatively concluded that the energy savings associated with the proposed standards—0.52 quads due to CWAFs shipped in 2018–2047—are significant.

D. Economic Justification

1. Specific Criteria

As discussed above, EPCA provides seven factors to be evaluated in determining whether a potential more-stringent energy conservation standard for CWAF is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)(I)–(VII)) The following sections discuss how DOE has addressed each of those seven factors in this rulemaking.

a. Economic Impact on Manufacturers and Consumers

In determining the impacts of a potential amended standard on manufacturers, DOE conducts a manufacturer impact analysis (MIA), as discussed in section IV.J. (42 U.S.C. 6313(a)(6)(B)(ii)(I)) DOE first uses an annual cash-flow approach to determine the quantitative impacts. This step includes both a short-term assessment—based on the cost and capital requirements during the period between when a regulation is issued and when entities must comply with the regulation—and a long-term assessment over a 30-year period. The industry-wide impacts analyzed include: (1) Industry net present value (INPV), which values the industry on the basis of expected future cash flows; (2) cash flows by year; (3) changes in revenue and income; and (4) other measures of impact, as appropriate. Second, DOE analyzes and reports the impacts on different subgroups of manufacturers, including impacts on small manufacturers. Third, DOE considers the impact of standards on domestic manufacturer employment and manufacturing capacity, as well as the potential for standards to result in plant closures and loss of capital investment. Finally, DOE takes into account cumulative impacts of various DOE regulations and other regulatory requirements on manufacturers.

For individual consumers, measures of economic impact include the changes in life-cycle cost (LCC) and payback period (PBP) associated with new or amended standards. The LCC is discussed further in the following section. For consumers in the aggregate, DOE also calculates the national net present value of the economic impacts applicable to a particular rulemaking. DOE also evaluates the LCC impacts of potential standards on identifiable subgroups of consumers that may be affected disproportionately by a national standard.

b. Life-Cycle Costs

EPCA requires DOE to consider the savings in operating costs throughout the estimated average life of the covered product compared to any increase in the price of the covered product that are likely to result from the imposition of the standard. (42 U.S.C. 6313(a)(6)(B)(ii)(II)) DOE conducts this comparison in its LCC and PBP analysis. The LCC is the sum of the purchase price of a product (including its installation) and the operating expense (including energy, maintenance, and repair expenditures) discounted over the lifetime of the product. The LCC analysis requires a variety of inputs, such as product prices, product energy consumption, energy prices, maintenance and repair costs, product lifetime, and consumer discount rates. To account for uncertainty and variability in specific inputs, such as product lifetime and discount rate, DOE uses a distribution of values, with probabilities attached to each value. For the LCC analysis, DOE assumes that consumers will purchase the covered products in the first year of compliance with amended standards.

The LCC savings and the PBP for the considered efficiency levels are calculated relative to a base case that reflects projected market trends in the absence of amended standards. DOE identifies the percentage of consumers estimated to receive LCC savings or experience an LCC increase, in addition to the average LCC savings associated with a particular standard level. DOE's LCC and PBP analysis is discussed in further detail in section IV.F.

c. Energy Savings

Although significant conservation of energy is a separate statutory requirement for adopting an energy conservation standard, EPCA requires DOE, in determining the economic justification of a standard, to consider the total projected energy savings that are expected to result directly from the standard. (42 U.S.C. 6313(a)(6)(B)(ii)(III)) As discussed in section IV.H, DOE uses the NIA spreadsheet to project national energy savings.

d. Lessening of Utility or Performance of Equipment

In establishing classes of equipment, and in evaluating design options and the impact of potential standard levels, DOE must consider any lessening of the utility or performance of the considered products likely to result from the standard. (42 U.S.C. 6313(a)(6)(B)(ii)(IV)) Based on data available to DOE, the proposed standards would not reduce the utility or performance of the products under consideration in this rulemaking.

e. Impact of Any Lessening of Competition

EPCA directs DOE to consider the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from a proposed standard. (42 U.S.C. 6313(a)(6)(B)(ii)(V)) DOE will transmit a copy of the proposed rule to the Attorney General with a request that the Department of Justice (DOJ) provide its determination on this issue. DOE will publish and respond to the Attorney General's determination in the final rule.

[16] Primary energy consumption refers to the direct use at the source, or supply to users without transformation, of crude energy; that is, energy that has not been subjected to any conversion or transformation process.

f. Need for National Energy Conservation

In evaluating the need for national energy conservation, DOE expects that the energy savings from the proposed standards are likely to provide improvements to the security and reliability of the nation's energy system. (42 U.S.C. 6313(a)(6)(B)(ii)(VI)) Reductions in the demand for electricity also may result in reduced costs for maintaining the reliability of the nation's electricity system. DOE conducts a utility impact analysis to estimate how standards may affect the nation's needed power generation capacity, as discussed in section IV.M.

The proposed standards also are likely to result in environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with energy production. DOE reports the emissions impacts from the proposed standards, and from each TSL it considered, in section IV.K of this notice. DOE also reports estimates of the economic value of some of the emissions reductions resulting from the considered TSLs, as discussed in section IV.L.

g. Other Factors

EPCA allows the Secretary of Energy, in determining whether a standard is economically justified, to consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6313(a)(6)(B)(ii)(VII)) DOE did not consider other factors for this notice.

2. Rebuttable Presumption

EPCA creates a rebuttable presumption that an energy conservation standard is economically justified if the additional cost to the consumer of a product that meets the standard is less than three times the value of the first year's energy savings resulting from the standard, as calculated under the applicable DOE test procedure. DOE's LCC and PBP analyses generate values used to calculate the effects that proposed energy conservation standards would have on the payback period for consumers. These analyses include, but are not limited to, the 3-year payback period contemplated under the rebuttable-presumption test. In addition, DOE routinely conducts an economic analysis that considers the full range of impacts to consumers, manufacturers, the Nation, and the environment. The results of this analysis serve as the basis for DOE's evaluation of the economic justification for a potential standard level (thereby supporting or rebutting the results of any preliminary determination of economic justification). The rebuttable presumption payback calculation is discussed in section IV.F of this proposed rule.

IV. Methodology and Discussion of Related Comments

DOE used four analytical tools to estimate the impact of the proposed standards for CWAF. The first tool is the LCC spreadsheet, a spreadsheet that calculates LCCs and PBPs of potential new energy conservation standards, and the second tool, the LCC inputs spreadsheet, is a spreadsheet that provides detailed inputs to the LCC spreadsheet. The third tool, the NIA spreadsheet, is a spreadsheet that calculates national energy savings and net present value resulting from potential amended energy conservation standards. The fourth spreadsheet tool, the Government Regulatory Impact Model (GRIM), helped DOE to assess manufacturer impacts.

Additionally, DOE used a variant of EIA's National Energy Modeling System (NEMS) for the utility and emissions analyses. NEMS is a public domain, multi-sectored, partial equilibrium model of the U.S. energy sector that EIA uses NEMS to prepare its *Annual Energy Outlook* (*AEO*), a widely known energy forecast for the United States.[17]

A. Market and Technology Assessment

1. General

For the market and technology assessment for CWAF, DOE developed information that provided an overall picture of the market for the equipment concerned, including the purpose of the equipment, the industry structure, market characteristics, and the technologies used in the equipment. This activity included both quantitative and qualitative assessments, based primarily on publicly-available information. The subjects addressed in the market and technology assessment for this rulemaking include scope of coverage, equipment classes, types of equipment sold and offered for sale, manufacturers, and technology options that could improve the energy efficiency of the equipment under examination. The key findings of DOE's market and technology assessment are summarized below. For additional detail, see chapter 3 of the NOPR TSD.

[17] For more information on NEMS, refer to the U.S. Department of Energy, Energy Information Administration documentation. A useful summary is *National Energy Modeling System: An Overview 2003,* DOE/EIA–0581(2003) (March, 2003).

2. Scope of Coverage and Equipment Classes

The proposed energy conservation standards in the NOPR cover commercial warm air furnaces, as defined by EPCA and DOE. EPCA defines ''warm air furnace'' as meaning ''a self-contained oil- or gas-fired furnace designed to supply heated air through ducts to spaces that require it and includes combination warm air furnace/electric air conditioning units but does not include unit heaters and duct furnaces.'' (42 U.S.C. 6311(11)(A)) DOE defines ''commercial warm air furnace'' as meaning ''a warm air furnace that is industrial equipment, and that has a capacity (rated maximum input) of 225,000 Btu per hour or more.'' 10 CFR 431.72. Accordingly, this rulemaking covers equipment in these categories having a rated capacity of 225,000 Btu/h or higher and that are designed to supply heated air in commercial buildings via ducts (excluding unit heaters and duct furnaces).

When evaluating and establishing energy conservation standards, DOE divides covered equipment into equipment classes based on the type of energy used or by capacity or other performance-related features that would justify having a higher or lower standard from that which applies to other equipment classes. In determining whether a performance-related feature would justify a different standard, DOE considers such factors as the utility to the consumer of the feature and other factors DOE determines are appropriate.

The current equipment classes for CWAF were defined in the EPACT 1992 amendments to EPCA, and divide this equipment into two classes based on fuel type (*i.e.,* one for gas-fired units, and one for oil-fired units). Table IV.1 shows the current equipment class structure for CWAF.

TABLE IV.1—CURRENT CWAF EQUIPMENT CLASSES

Fuel type	Heating capacity (Btu/h)	Thermal efficiency (%)
Gas-fired	≥225,000	80
Oil-fired	≥225,000	81

In the May 2, 2013 RFI, DOE stated that it planned to use the existing CWAF equipment classes for its analysis of amended energy conservation standards. DOE requested feedback on the current equipment classes and sought information regarding other equipment classes it should consider for

inclusion in its analysis. 78 FR 25627, 25629–31.

One particular issue on which DOE sought comment was the need for separate equipment classes for units designed to be installed indoors (*i.e.,* ''non-weatherized'' units) and units designed to be installed outdoors (*i.e.,* ''weatherized'' units). High efficiency, condensing CWAF produce acidic condensate during operation due to the cooling of flue gasses below their dew point. Condensate is more difficult to manage in weatherized CWAF than in non-weatherized CWAF, due to the risk of the condensate freezing after exiting the furnace. For gas-fired models, which represent the large majority of CWAF on the market, most of the models on the market are weatherized units, and a small number are non-weatherized. For oil-fired units, which make up a very small percentage of the CWAF models on the market, all models that DOE identified during the market assessment are non-weatherized.

In response to the RFI, Carrier supported the idea of separate product classes for weatherized and non-weatherized commercial warm air furnaces and stated that unit heaters and duct heaters could potentially fall into these two classifications. (Carrier, No. 2 at p. 1) AHRI asserted that it believes that separate classes are needed for non-weatherized and weatherized CWAF due to issues related to condensate management, but noted that creating separate equipment classes would not lead to any significant energy savings because a majority of the commercial warm air furnace market consists of non-condensing weatherized equipment. (AHRI, No. 7 at p. 4) Similarly, Goodman commented that there is a very small segment of the commercial warm air furnace market that consists of units installed indoors, which would indicate that the costs would far outweigh the benefits of having separate equipment classes (indoor/outdoor). (Goodman, No. 6 at p. 2)

DOE considered these comments and has tentatively decided to continue the use of the existing equipment classes. DOE agrees with AHRI that differentiating between weatherized and non-weatherized CWAF for establishing product classes would provide little opportunity for additional energy savings or benefits as compared to the current equipment class structure. Therefore, DOE is not proposing to adopt separate equipment classes for weatherized and non-weatherized equipment. As to Carrier's assertion that unit heaters and duct heaters could fall into the classification of commercial warm air furnaces, DOE notes that the definition of ''warm air furnace'' in EPCA explicitly excludes such equipment as it defines a warm air furnace as: ''a self-contained oil- or gas-fired furnace designed to supply heated air through ducts to spaces that require it and includes combination warm air furnace/electric air conditioning units but does not include unit heaters and duct furnaces.'' (42 U.S.C. 6311(11)(A))

Another specific issue identified in the May 2, 2013 RFI was the potential gap in coverage of DOE's regulations for three-phase commercial furnaces with an input rating below 225,000 Btu/h. 78 FR 25627, 25630–31. Current Federal energy conservation standards for CWAF only cover equipment with an input rating at or above 225,000 Btu/h, and Federal energy conservation standards for residential furnaces cover products with input ratings below 225,000 Btu/h, but only for single-phase products. Thus, there are no Federal standards for furnaces with an input rating below 225,000 Btu/h that use 3-phase electric power.

Carrier stated that weatherized and non-weatherized product classes should be created to cover three-phase commercial warm air furnaces with input ratings below 225,000 Btu/h, and that DOE should adopt the current levels in ASHRAE Standard 90.1 for these products. However, Carrier stated that there would be limited energy savings for new 3-phase, less than 225,000 Btu/h product classes because many of those products share designs with current covered products that already meet efficiency levels set forth in ASHRAE Standard 90.1. (Carrier, No. 2 at p. 2) Lennox supported regulation of three-phase commercial warm air furnaces with input ratings below 225,000 Btu/h, stating that closing this gap would prevent a manufacturer from entering the market with a cost advantage. (Lennox, No. 3 at p. 2) Conversely, AHRI stated that creating an equipment class for three-phase commercial warm air furnaces with an input rating below 225,000 Btu/h would not lead to any additional energy savings since they share the same design as their single-phase counterparts, and consequently have similar thermal efficiencies. (AHRI, No. 7 at p. 4) Goodman reiterated this point, stating that most manufacturers have the same basic design for single- and three-phase products and added that the efficiency of three-phase equipment with an input rating below 225,000 Btu/h generally meet the requirements of single-phase products. Therefore, Goodman argued that any additional regulations would be duplicative and burdensome. (Goodman, No. 6 at p. 3)

Upon considering the comments in response to the RFI on the potential for a new equipment class for three-phase commercial warm air furnaces with an input capacity less than 225,000 Btu/h, DOE has tentatively decided not to extend coverage to this equipment at this time. DOE agrees with commenters who pointed out the limited potential for energy savings due to the fact that equipment with these characteristics already meets efficiency levels specified by ASHRAE Standard 90.1. In its review of the market, DOE did not identify any equipment not meeting or exceeding the ASHRAE Standard 90.1 levels, and thus, has tentatively concluded that a separate equipment class and standard for this equipment may be unnecessarily duplicative and provide little opportunity for energy savings. Further, three-phase commercial warm air furnaces with input ratings below 225,000 Btu/h typically achieve the same efficiency as their single-phase residential counterparts. Thus, the efficiency of this equipment could be expected to be consistent with residential furnace energy conservation standards.

Lastly, in response to the RFI, several commenters suggested that DOE should adopt an upper limit to the input capacity of covered commercial warm air furnaces. Carrier recommended that DOE should consider an upper limit for weatherized furnaces corresponding to DOE's upper limit of 760,000 Btu/h of cooling capacity for commercial air conditioners, and noted that for 760,000 Btu/h air conditioners, the maximum heat input of equipment in their product offering is 1.2 million Btu/h. (Carrier, No. 2 at p. 2) AHRI also recommended an upper limit on input capacity and suggested that the limit be 2,000,000 Btu/h. According to AHRI, this is the maximum input capacity associated with a commercial warm air furnace that is paired with an air conditioner having a cooling capacity of 760,000 Btu/h. (AHRI, No. 7 at p. 5)

DOE notes that neither the statute nor DOE's existing regulations for CWAF specify an upper limit to the input rating of covered equipment. Establishing an upper limit as suggested by interested parties would potentially remove coverage of models that would have otherwise been covered by DOE regulations. As such, DOE sees advantage to leaving the upper end of the range open, such that the standard can accommodate any very large CWAF which may come on the market in the future. Therefore, DOE has tentatively

decided not to establish an upper limit on the input capacity of covered CWAF.

DOE requests comment on the proposed scope of coverage and equipment classes for this rulemaking.

3. Technology Options

As part of the market and technology assessment, DOE uses information about existing and past technology options and prototype designs to help identify technologies that manufacturers could use to improve CWAF energy efficiency. Initially, these technologies encompass all those that DOE believes are technologically feasible. Chapter 3 of the NOPR TSD includes the detailed list and descriptions of all technology options identified for this equipment.

In the May 2, 2013 RFI, DOE requested comment on technology options that could be used to improve the thermal efficiency of CWAF. 78 FR 25627, 25631. The comments generally centered on how to improve the efficiency of non-condensing CWAF while still achieving efficiencies in the non-condensing range (*i.e.,* less than 90 percent thermal efficiency), and on how to improve the efficiency of non-condensing CWAF by utilizing condensing operation (which would achieve a thermal efficiency greater than 90 percent).

Carrier stated that raising the thermal efficiency from 80 to 82 percent requires more heat transfer surface. (Carrier, No. 2 at p. 3) Lennox commented that all their warm air furnaces are rated at 80 percent thermal efficiency and are constructed with induced draft combustion system with multiple burners firing into aluminized steel tubes. Lennox explained that these tubes are enhanced on the flue portion to improve heat transfer and balance flow between the parallel flow paths. Further, Lennox expounded that heat exchanger tubes are arranged below or beside the supply blower for optimal coverage of the tube surface area, and the tubes are sloped from the flue outlet back to the burner area to allow any condensate produced by the heat exchanger to drain out in order to prevent heat exchanger corrosion. Lennox stated that 82-percent thermal efficiency furnaces are similar to 80-percent furnaces except that more heat transfer surface is needed, and the amount of excess air required to support complete combustion has to be reduced, and the commenter asserted that the additional flue side pressure drop requires a more powerful combustion inducer (which would draw more electricity). Lennox stated that the lower excess air would reduce the ability for the furnace to operate without derating at high-altitude conditions, and expressed its belief that there would be a risk of corrosion and heat exchanger failure at 82 percent for a very small benefit. (Lennox, No. 3 at p. 4)

To reach 90 percent thermal efficiency, Carrier stated that a secondary heat exchanger is required along with a reliable condensate management system. Carrier described the challenges for achieving thermal efficiencies of greater than 82 percent, including dealing with condensate freezing and disposal of acidic condensate. (Carrier, No. 2 at p. 2) AHRI stated that in order to increase the efficiency of a commercial gas warm air furnace to a condensing level, the heat exchanger surface area must be increased. AHRI further explained that handling acidic condensate would require condensate disposal lines, which cannot be drained on ground or on the roof. (AHRI, No. 7 at p. 3) Lennox commented that condensing furnaces would necessitate a secondary heat exchanger, which would require a much more expensive corrosion-resistant material. Further, Lennox explained that combustion blowers with upgraded housing and stainless steel impellers to protect against corrosion would be required. Lennox reported that it participated in a 1988 Gas Research Institute study on the feasibility of a 90+ percent gas furnace, where condensate was managed by draining it into the building; Lennox explained that incremental product costs were high due to use of a stainless steel secondary heat exchanger, a larger combustion inducer, piping, and thermostatically-controlled heat tape, and that the additional energy used to overcome the pressure drop offset the gas savings. Lennox added that a 90-percent-efficiency gas furnace would have even more barriers in horizontal applications (which make up approximately 15 to 20 percent of the market) because the condensate would have to be pumped into the building. (Lennox, No. 3 at p. 5) Goodman stated that while technology exists that allows condensing operation of commercial warm air furnaces, the application requirements are very onerous, costly, and potentially dangerous. Goodman further stated that many condensate lines today are exposed to extreme weather conditions and are apt to crack or fail at joints, and such a failure would then leak acidic condensate directly onto the building rooftop with a high risk of causing holes in the roof surface. (Goodman, No. 6 at p. 3)

After considering the comments, discussing approaches for improving efficiency with manufacturers during interviews, and reviewing the market for CWAF, DOE primarily considered the following technology options for improving the rated thermal efficiency of CWAF in the development of this NOPR:

- Increased heat exchanger (HX) surface area [18]
- Improved flue side HX enhancements (*e.g.,* dimples, turbulators)
- Secondary HX (stainless steel) [19]

DOE notes that many commenters acknowledged that a secondary heat exchanger for condensing operation is a possible technology option for CWAF, but also that that technology has considerable issues to overcome when used in weatherized equipment. These issues relate specifically to the handling of acidic condensate produced by a condensing furnace in the secondary heat exchanger. Condensate must be drained from the furnace to prevent build-up in the secondary heat exchanger, and properly disposed of after exiting into the external environment. Some building codes limit the disposal of condensate into the municipal sewage system, so the condensate must be passed through a neutralizer to reduce its acidity to appropriate levels prior to disposal. In weatherized installations, it is more difficult to access the municipal sewage system than in non-weatherized installations. Condensate produced by a weatherized condensing furnace must flow naturally or be pumped through pipes to the nearest disposal drain, which may not be in close proximity to the furnace. In cold environments, there is a risk of the condensate freezing as it flows through these pipes, which can cause an eventual back-up of condensate into the heat exchanger, resulting in significant damage to the furnace.

Despite these issues, DOE found in its review of the market that multiple manufacturers offer weatherized HVAC equipment with a condensing furnace heating section. DOE believes that this indicates that many of the issues explained by the commenters can be

[18] This design option includes a larger combustion inducer (to overcome the pressure drop of the increased HX area). The larger combustion inducer does not directly lead to a higher thermal efficiency, but would allow the implementation of other technologies (*i.e.,* HX improvements) that would cause the furnace to operate more efficiently.

[19] This design option includes a larger combustion inducer fan, upgraded housing for combustion blowers, stainless steel impellers, condensate heater, and condensate drainage system that would be required for condensing operation. Although these design changes do not directly lead to a higher thermal efficiency, they allow the implementation of condensing operation, which causes the furnace to operate more efficiently.

overcome, and thus, DOE considered a secondary condensing heat exchanger as a technology option. As discussed in section IV.B and IV.C.2.b, this technology was ultimately passed through the screening analysis and considered in the engineering analysis. Regarding condensate disposal, DOE included the cost of a condensate disposal lines for all condensing installations. For more details, see section IV.F.1.

DOE also identified the following technology options for improving the efficiency of CWAF, which were either removed from the analysis because they were screened out (see section IV.B) or because they did not improve the rated thermal efficiency as measured by the DOE test procedure.

- Pulse combustion
- Low NO_X premix burners
- Low pressure, air-atomized burners
- Burner derating
- Two-stage or modulating burners

DOE requests comment on the technologies identified in this rulemaking, as well as the technologies which were primarily considered as the methods for increasing thermal efficiency of commercial warm air furnaces.

B. Screening Analysis

After DOE identified the technologies that might improve the energy efficiency of CWAF, DOE conducted a screening analysis. The purpose of the screening analysis is to determine which options to consider further and which to screen out. DOE consulted with industry, technical experts, and other interested parties in developing a list of design options. DOE then applied the following set of screening criteria to determine which design options are unsuitable for further consideration in the rulemaking:

- *Technological Feasibility:* DOE will consider only those technologies incorporated in commercial equipment or in working prototypes to be technologically feasible.
- *Practicability to Manufacture, Install, and Service:* If mass production of a technology in commercial equipment and reliable installation and servicing of the technology could be achieved on the scale necessary to serve the relevant market at the time of the effective date of the standard, then DOE will consider that technology practicable to manufacture, install, and service.
- *Adverse Impacts on Equipment Utility or Equipment Availability:* DOE will not further consider a technology if DOE determines it will have a significant adverse impact on the utility of the equipment to significant subgroups of customers. DOE will also not further consider a technology that will result in the unavailability of any covered equipment type with performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as equipment generally available in the United States at the time.
- *Adverse Impacts on Health or Safety:* DOE will not further consider a technology if DOE determines that the technology will have significant adverse impacts on health or safety.

(10 CFR part 430, subpart C, appendix A, 4(a)(4) and 5(b))

Additionally, DOE notes that these screening criteria do not directly address the propriety status of design options. DOE only considers efficiency levels achieved through the use of proprietary designs in the engineering analysis if they are not part of a unique path to achieve that efficiency level (*i.e.,* if there are other non-proprietary technologies capable of achieving the same efficiency). DOE believes the proposed standards for the CWAF equipment covered in this rulemaking would not mandate the use of any proprietary technologies, and that all manufacturers would be able to achieve the proposed levels through the use of non-proprietary designs. DOE seeks comment on this tentative conclusion and requests additional information regarding proprietary designs and patented technologies.

Technologies that pass through the screening analysis are referred to as ''design options'' and are subsequently examined in the engineering analysis for consideration in DOE's downstream cost-benefit analysis. In view of the above factors, DOE screened out the following design options listed below in Table IV.2.

TABLE IV.2—SCREENED TECHNOLOGY OPTIONS

Technology option	Reason for screening out
Pulse Combustion	Adverse impact on utility; potential for adverse impact on safety.
Low NO_X Premix Burner	Technological feasibility.
Burner Derating	Adverse impact on utility.
Low Pressure, Air-Atomized Burner	Technological Feasibility.

Based on the screening analysis, DOE identified the following seven design options for further consideration in the engineering analysis:

- Condensing secondary heat exchanger
- Increased heat exchanger surface area
- Incorporation of heat exchanger surface features (*e.g.,* dimples)
- Use of heat exchanger baffles and turbulators
- Use of concentric venting of flue gases
- Improved combustion air flow (oil-fired)
- High-static oil burner

A full description of each technology option is included in chapter 3 of the TSD, and additional discussion of the screening analysis is included in chapter 4 of the TSD.

C. Engineering Analysis

The engineering analysis establishes the relationship between an increase in energy efficiency of the equipment and the increase in manufacturer selling price (MSP) associated with that efficiency level. This relationship serves as the basis for the cost-benefit calculations for commercial consumers, manufacturers, and the Nation. In determining the cost-efficiency relationship, DOE estimates the increase in manufacturer cost associated with increasing the efficiency of equipment above the baseline up to the maximum technologically feasible (''max-tech'') efficiency level for each equipment class.

1. Methodology

DOE typically structures its engineering analysis using one or more of three identified basic methods for generating manufacturing costs: (1) The design-option approach, which provides the incremental costs of adding individual technology options (from the market and technology assessment) that can be added alone or in combination to a baseline model in order to improve its efficiency (*i.e.,* lower its energy use); (2) the efficiency-level approach, which provides the incremental costs of moving to higher energy efficiency levels, without regard to the particular design option(s) used to achieve such increases; and (3) the reverse-

engineering (or cost-assessment) approach, which provides ''bottom-up'' manufacturing cost assessments for achieving various levels of increased efficiency, based on teardown analyses (or physical teardowns) providing detailed data on costs for parts and material, labor, shipping/packaging, and investment for models that operate at particular efficiency levels. A supplementary method called a catalog teardown uses published manufacturer catalogs and supplementary component data to estimate the major physical differences between a piece of equipment that has been physically disassembled and another piece of similar equipment for which catalog data are available to determine the cost of the latter equipment.

In the RFI, DOE stated that in order to create the cost-efficiency relationship for CWAF, it anticipated having to structure its engineering analysis using the reverse-engineering approach, potentially including physical and catalog teardowns. DOE requested comments on the approach outlined in the RFI and on the appropriate representative capacities for each equipment class. 78 FR 25627, 25631 (May 2, 2013).

In response to the RFI, Carrier stated that equipment is available for teardown analysis to develop a cost-efficiency relationship between 80 percent and 82 percent, but noted that it may be difficult to draw clear conclusions from the data. However, Carrier added that it was unclear how to analyze a 90-percent efficiency level through a teardown analysis.

For this NOPR, DOE conducted the engineering analysis using the reverse-engineering approach to estimate the costs of achieving various efficiency levels. DOE selected two gas-fired CWAF in the non-condensing efficiency range for physical teardowns at an input rating of 250,000 Btu/h, which was considered to be the representative input rating for analysis. DOE also performed a physical teardown of an oil-fired CWAF at 81-percent thermal efficiency at an input rating of 400,000 Btu/h, which was subsequently scaled down via cost modeling techniques to represent a unit of the representative 250,000 Btu/h input rating. DOE seeks comment regarding the applicability of these teardown units to represent the range of potential input capacities on the market. Additional detail on the teardowns performed is provided in chapter 5, section 5.6.2, of the proposed rule TSD. In addition, DOE used catalog data and information from physical teardowns to virtually model a gas-fired unit at the max-tech 92-percent thermal efficiency level, as well as two oil-fired furances (at 82 percent and the max-tech 92 percent thermal efficiency).

2. Efficiency Levels

a. Baseline Efficiency Levels

The baseline model is used as a reference point for each equipment class in the engineering analysis and the life-cycle cost and payback-period analyses, which provides a starting point for analyzing potential technologies that provide energy efficiency improvements. Generally, DOE considers ''baseline'' equipment to refer to a model or models having features and technologies that just meet, but do not exceed, the minimum energy conservation standard. In establishing the baseline efficiency level for this analysis, DOE used the existing minimum energy conservation standards for CWAF to identify baseline units. The baseline thermal efficiency levels for each equipment class are presented below in Table IV.3.

TABLE IV.3—BASELINE THERMAL EFFICIENCY LEVELS FOR CWAF

Equipment class	Baseline efficiency level (%)
Gas-fired Commercial Warm Air Furnace	80
Oil-fired Commercial Warm Air Furnace	81

b. Incremental and Max-Tech Efficiency Levels

For each equipment class, DOE analyzes several efficiency levels and determines the incremental cost at each of these levels. For this NOPR, DOE developed efficiency levels based on a review of available equipment. DOE compiled a database of the CWAF market to determine what types of equipment are currently available to commercial consumers. At each representative capacity, DOE surveyed various manufacturers' equipment offerings to identify the commonly-available efficiency levels. By identifying the most prevalent energy efficiencies in the range of available equipment, DOE can establish a technology path that manufacturers would typically use to increase the thermal efficiency of a CWAF and corresponding efficiency levels along that technology path.

DOE established incremental thermal efficiency levels for each equipment class. The incremental thermal efficiency levels are representative of efficiency levels along the technology paths that manufacturers of CWAF commonly use to maintain cost-effective designs while increasing the thermal efficiency. DOE reviewed AHRI's Directory of Certified Product Performance,[20] manufacturer catalogs, and other publicly-available literature to determine which thermal efficiency levels are the most prevalent for each representative equipment class. For gas-fired CWAF, DOE chose two efficiency levels between the baseline and max-tech for analysis (see Table IV.4). For oil-fired CWAF, DOE chose one thermal efficiency level between the baseline and max-tech for analysis (see Table IV.5).

Carrier stated that in the current market, the max-tech efficiency level for gas-fired weatherized furnaces is 81-percent to 82-percent thermal efficiency, pointing out that no AHRI member makes a more efficient gas-fired furnace, and asserting that 90 percent is not currently feasible. (Carrier, No. 2 at p. 2) Lennox described how an 82-percent gas-fired commercial furnace could be designed, but then expressed significant concerns about trying to develop furnaces at 82-percent thermal efficiency. The commenter asserted that there would be an undue risk of corrosion and heat exchanger failure for a very small benefit in gas consumption at this efficiency level. Lennox also commented that the two gas-fired 90-percent thermal efficiency model lines available on the market currently are for makeup air applications,[21] which is a niche market. (Lennox, No. 3 at pp. 4–5) AHRI stated that since January 1, 1994, the efficiency trends for gas-fired commercial warm air furnaces have stayed near a thermal efficiency of 80 percent. As discussed previously in section IV.A.3, many of the commenters also noted concerns regarding issues with condensate management in weatherized furnaces with thermal efficiencies at or above 90 percent.

DOE considered these comments in conjunction with its review of the market. DOE found several manufacturers that offer gas-fired equipment at 81-percent thermal efficiency. In addition, although only one manufacturer has gas-fired equipment rated at 82-percent thermal efficiency, there is equipment available across a wide range of input capacities indicating that the entire product family would be capable of meeting 82-percent

[20] For more information see: *http://cafs.ahrinet.org/gama_cafs/sdpsearch/search.jsp?table=CFurnace.*

[21] Makeup air applications require fresh outdoor air that is brought into a building through the ventilation system, and do not allow air to be recirculated through the building.

thermal efficiency. DOE acknowledges the concerns raised regarding the near-condensing operation at 82-percent thermal efficiency, but believes that the presence of models across a broad range of input ratings demonstrates the feasibility of this efficiency level. Thus, DOE considered 81-percent and 82-percent as incrementally higher thermal efficiency levels for the gas-fired commercial furnace analysis. DOE also considered the max-tech level, which was identified as 92-percent thermal efficiency. The max-tech level is based on a dedicated outdoor air system with a condensing furnace section, which proves the technical feasibility of a weatherized condensing furnace. For oil-fired furnaces, which are typically installed indoors, DOE surveyed the market and found non-condensing equipment with thermal efficiencies in the range of 81 to 82 percent, as well as a condensing model with a thermal efficiency of 92 percent. Therefore, DOE analyzed those three levels in this NOPR analysis. The efficiency levels DOE considered for each equipment class during the NOPR analyses (including the baseline levels) are presented in Table IV.4 and Table IV.5.

TABLE IV.4—EFFICIENCY LEVELS FOR GAS-FIRED CWAF

Efficiency level	Gas-fired CWAF (%)
EL0 (Baseline)	80
EL1	81
EL2	82
Max-Tech	92

TABLE IV.5—EFFICIENCY LEVELS FOR OIL-FIRED CWAF

Efficiency level	Oil-fired CWAF (%)
EL0 (Baseline)	81
EL1	82
Max-Tech	92

DOE requests comment on the efficiency levels analyzed for gas-fired and oil-fired commercial warm air furnaces. In particular, DOE is interested in the feasibility of the max-tech efficiency levels, as well as the 82-percent thermal efficiency level for gas-fired commercial warm air furnaces.

3. Equipment Testing and Reverse Engineering

As discussed above, for the engineering analysis, DOE analyzed a representative input capacity of 250,000 Btu/h for the gas-fired and oil-fired CWAF equipment classes to develop incremental cost-efficiency relationships. The models were selected to represent the efficiency levels available on the market, ranging from the baseline 80-percent thermal efficiency for gas-fired units, and baseline 81-percent thermal efficiency for oil-fired units, up to the max-tech 92-percent thermal efficiency for gas-fired units, and 92-percent thermal efficiency for oil-fired units. DOE based the selection of units for testing and reverse engineering on the efficiency data available in the AHRI certification database [22] and the CEC equipment database.[23] Details of the key features of the tested units are presented in chapter 5 of the NOPR TSD.

DOE conducted physical or virtual teardowns on each test unit to develop a manufacturing cost model and to evaluate key design features (*e.g.,* heat exchangers, blower and inducer fans/fan motors, control strategies).

For gas-fired commercial warm air furnaces, DOE performed two teardowns on weatherized furnaces at non-condensing efficiency levels. Prior to teardown, the units were tested by a third-party test lab and achieved a thermal efficiency of 82 percent. The units were from the same manufacturer and had nearly identical furnace sections with different air conditioner sections. DOE assumed that the repeatability of the test result on both units indicated that the furnace design that was torn down is representative of equipment that would achieve 82-percent thermal efficiency. Using the cost-assessment methodology, DOE determined the cost of the furnace components through reverse-engineering of the furnace section of the weatherized packaged units. Based on discussions with manufacturers, a review of product literature, and experience obtained from examining residential weatherized furnaces, DOE made assumptions regarding how the heat exchanger size would vary between units with 82-percent thermal efficiency and at the baseline (80-percent thermal efficiency) and the 81-percent thermal efficiency intermediate level. At the 80-percent and 81-percent thermal efficiency levels, DOE scaled down the size of the heat exchanger and related components (*e.g.,* inducer fan, cabinet panels, insulation), as applicable, to generate an estimate of the cost to manufacture equipment at those levels. Thus, DOE obtained an estimate of the differential cost of manufacturing a commercial gas furnace section at the baseline (80-percent), 81-percent, and 82-percent thermal efficiency. To develop an estimate of the cost of a max-tech unit at 92-percent thermal efficiency, DOE obtained a sample of commercial HVAC equipment that utilizes a condensing furnace section for analysis, and also used information gathered from a teardown of a condensing weatherized residential furnace. DOE examined the heat exchanger, inducer fan, condensate management system, and other aspects of the furnace section in the commercial equipment sample to develop a cost estimate to manufacture a condensing commercial furnace. DOE then used information from the residential condensing weatherized furnace teardown to refine estimates of the costs of the exhaust assembly, inducer fan assembly, and condensate management system to model the cost of a 92-percent efficient CWAF that is designed for implementation on a broad scale.

For oil-fired commercial furnaces, DOE performed a teardown of a non-weatherized furnace at 81-percent thermal efficiency. DOE used this teardown, along with product literature, prior industry experience, manufacturer feedback, and analysis previously performed on residential furnaces to develop cost estimates at the 82-percent and 92-percent thermal efficiency levels.

In a previous analysis of residential non-weatherized oil-fired furnaces, DOE developed an estimate of the cost-efficiency relationship across a range of efficiency levels. In examining product literature for commercial oil-fired furnaces, DOE found that commercial units are very similar to residential units, except with higher input ratings and overall larger size. Based on information obtained from the physical teardown of the 81-percent thermal efficiency oil furnace, in addition to the information gained from the residential furnace analysis and product literature, DOE was able to conduct a virtual teardown at the 82-percent thermal efficiency level. Key to this model was the growth in heat exchanger size necessary for a 1-percent increase in thermal efficiency, which necessitates a larger cabinet to accommodate it. Sheet metal and other components sensitive to size changes were scaled in order to match the larger size of the unit, while components that are not sensitive to heat exchanger size changes remained unchanged.

Similarly, DOE relied on the physical teardown at the 81-percent thermal efficiency level, as well as prior

[22] Available at: *https://www.ahridirectory.org/ahridirectory/pages/home.aspx.*

[23] Available at: *http://www.appliances.energy.ca.gov/Default.aspx.*

comparisons of residential oil-fired furnaces at condensing and non-condensing efficiency levels, to conduct a virtual teardown at the 92-percent thermal efficiency level. At 92-percent thermal efficiency, a secondary condensing heat exchanger made from a high-grade stainless steel was added in order to withstand the formation of condensate from the flue gases coupled with increased heat extraction into the building airstream (and, thus, higher thermal efficiency). This additional heat exchanger was appropriately sized based on information gathered from the residential furnaces teardowns. To accommodate the secondary heat exchanger, the cabinet was increased in size, and all associated sheet metal, wiring, and other components sensitive to cabinet size changes were also scaled as a result. In addition, the size of the blower fan blade was increased appropriately to account for the additional airflow needed over the secondary heat exchanger (however, based on observations in product literature, the rated fan power was unchanged). The manufacturing costs obtained from these physical and virtual teardowns served as the basis for the cost-efficiency relationship for this equipment class. The teardown analyses are described in further detail in section 5.6 of the proposed rule TSD.

4. Cost Model

DOE developed a manufacturing cost model to estimate the manufacturing production cost of CWAF. The cost model is a spreadsheet model that converts the materials and components in the bills of materials (BOMs) into dollar values based on the price of materials, average labor rates associated with fabrication and assembling, and the cost of overhead and depreciation, as determined based on manufacturer interviews and DOE expertise. To convert the information in the BOMs into dollar values, DOE collected information on labor rates, tooling costs, raw material prices, and other factors. For purchased parts, the cost model estimates the purchase price based on volume-variable price quotations and detailed discussions with manufacturers and component suppliers. For fabricated parts, the prices of raw metal materials (*e.g.,* tube, sheet metal) are estimated on the basis of five-year averages. The cost of transforming the intermediate materials into finished parts is estimated based on current industry pricing. Additional details on the cost model are contained in chapter 5 of the NOPR TSD.

5. Manufacturing Production Costs

Once the cost estimates for all the components in each teardown unit were finalized, DOE totaled the cost of materials, labor, and direct overhead used to manufacture each type of equipment in order to calculate the manufacturing production cost. The total cost of the equipment was broken down into two main costs: (1) The full manufacturing production cost, referred to as MPC; and (2) the non-production cost, which includes selling, general, and administration (SG&A) costs; the cost of research and development; and interest from borrowing for operations or capital expenditures. DOE estimated the MPC at each efficiency level considered for each equipment class, from the baseline through the max-tech level. After incorporating all of the assumptions into the cost model, DOE calculated the percentages attributable to each element of total production costs (*i.e.,* materials, labor, depreciation, and overhead). These percentages are used to validate the assumptions by comparing them to manufacturers' actual financial data published in annual reports, along with feedback obtained from manufacturers during interviews. DOE uses these production cost percentages in the MIA.

Based on the analytical methodology discussed in the sections above, DOE developed the cost-efficiency results shown in Table IV.6 for each thermal efficiency level analyzed. The results shown in Table IV.6 represent the incremental increase in manufacturing cost, relative to the baseline manufacturing cost, needed to produce equipment at each efficiency level above baseline. Details of the cost-efficiency analysis, including descriptions of the technologies DOE analyzed for each thermal efficiency level to develop incremental manufacturing costs, are presented in chapter 5 of the NOPR TSD. DOE seeks comment on the results of the engineering analysis at each efficiency level considered.

TABLE IV.6—INCREMENTAL MANUFACTURING COST INCREASES *

Equipment type	EL0 (baseline)	EL1	EL2 (oil-fired max-tech)	EL3 (gas-fired max-tech)
Gas-fired CWAF	.....	$5	$10	$613
Oil-fired CWAF	.....	24	660	.....

* DOE structures proposed standards in terms of TSLs and analyzed five TSLs for this NOPR. TSL 1 includes EL1 for gas-fired CWAF and EL0 for oil-fired CWAF, TSL 2 includes EL1 for both equipment classes, TSL 3 includes EL2 for gas-fired CWAF and EL0 for oil-fired CWAF, TSL 4 includes EL2 for gas-fired CWAF and EL1 for oil-fired CWAF, and TSL 5 includes EL3 for gas-fired CWAF and EL2 for oil-fired CWAF. For more information on the TSL structure, see section V.A of this NOPR.

6. Manufacturer Markup

To account for manufacturers' non-production costs and profit margin, DOE applies a non-production cost multiplier (the manufacturer markup) to the full MPC. The resulting manufacturer selling price (MSP) is the price at which the manufacturer can recover all production and non-production costs and earn a profit. To meet new or amended energy conservation standards, manufacturers often introduce design changes to their equipment lines that result in increased MPCs. Depending on the competitive pressures, some or all of the increased production costs may be passed from manufacturers to retailers and eventually to customers in the form of higher purchase prices. As production costs increase, manufacturers typically incur additional overhead. The MSP should be high enough to recover the full cost of the equipment (*i.e.,* full production and non-production costs) and yield a profit. The manufacturer markup has an important bearing on profitability. A high markup under a standards scenario suggests manufacturers can readily pass along the increased variable costs and some of the capital and product conversion costs (the one-time expenditure) to customers. A low markup suggests that manufacturers will not be able to recover as much of the necessary investment in plant and equipment. DOE developed the manufacturer markup through an examination of corporate annual reports and Securities and Exchange Commission (SEC) 10–K

reports.[24] Additional information is contained in chapter 5 of the TSD.

7. Shipping Costs

Manufacturers of heating, ventilation, and air-conditioning (HVAC) equipment typically pay for shipping to the first step in the distribution chain. Freight is not a manufacturing cost, but because it is a substantial cost incurred by the manufacturer, DOE is accounting for shipping costs of CWAF separately from other non-production costs that comprise the manufacturer markup. To calculate the MSP for CWAF, DOE multiplied the MPC at each efficiency level by the manufacturer markup and added shipping costs for equipment at the given efficiency level. More specifically, DOE calculated shipping costs at each efficiency level based on the average outer dimensions of equipment at the given efficiency and assuming the use of a typical 53-foot straight-frame trailer with a storage volume of 4,240 cubic feet. Gas-fired CWAF equipment is almost exclusively enclosed within a cabinet that also contains a commercial unitary air conditioner (CUAC). Thus, the CUAC components are significant factor in driving the overall cabinet dimensions. DOE found that the changes in CWAF component sizes necessary to achieve the 81 percent and 82 percent thermal efficiency levels are not large enough to add any size to the cabinet, which is driven primarily by the size of the CUAC components. The shipping costs calculated for each efficiency level are shown in Table IV.7. Due to the noted dependence on CUAC components of the overall shipping cost for gas-fired CWAF, DOE presents only the incremental cost change due to increased CWAF efficiency for that equipment. For oil-fired CWAF, DOE presents the full cost of shipping, since this equipment is not packaged with CUAC components, and thus, the shipping cost represents only the oil-fired CWAF. Chapter 5 of the NOPR TSD contains additional details about DOE's shipping cost assumptions and DOE's shipping cost estimates.

TABLE IV.7—CWAF SHIPPING COST ESTIMATES

CWAF equipment class	Thermal efficiency (%)	Shipping costs * (2013$)
Gas-Fired CWAF	80	$0
	81	0
	82	0
	92	39.64
Oil-Fired CWAF	81	63.78
	82	69.60
	92	76.53

* Because gas-fired CWAF are weatherized and are typically included in a cabinet with a commercial unitary air conditioner which affects the shipping cost, the shipping costs for gas-fired CWAF are shown in terms of the incremental increase from the baseline level. Since oil-fired CWAF are normally self-contained non-weatherized units, the shipping costs for oil-fired CWAF are representative of the entire cost to ship the unit.

D. Markups Analysis

The markups analysis develops appropriate markups in the distribution chain to convert the estimates of manufacturer selling price derived in the engineering analysis to commercial consumer prices. (''Commercial consumer'' refers to purchasers of the equipment being regulated.) DOE develops baseline and incremental markups based on the equipment markups at each step in the distribution chain. The markups are multipliers that represent increases above equipment purchase costs for CWAF equipment. The incremental markup relates the change in the manufacturer sales price of higher-efficiency models (the incremental cost increase) to the change in the customer price.

In the RFI, DOE characterized two distribution channels to describe how CWAF equipment passes from the manufacturer to the commercial consumer. 78 FR 25627, 25632 (May 2, 2013). The first distribution channel is characterized as follows:

Manufacturer → Wholesaler → Mechanical Contractor → General Contractor → Consumer

In the second distribution channel, the manufacturer sells the equipment directly to the customer through a national account:

Manufacturer → Consumer (National Account)

Carrier stated that the distribution channels outlined in the RFI are relevant for commercial warm air furnaces. Carrier added that in addition to the two channels described, for very large air-cooled equipment, there is an additional channel that consists of factory employees selling direct to end customers/mechanical contractors. (Carrier, No. 2 at p. 3) Lennox stated that the first example of distribution channels provided by DOE (manufacturer to wholesaler to mechanical contractor to general contractor to customer) is a typical distribution approach. Lennox stated that the second example (where a manufacturer would sell directly to a customer) is not a typical distribution approach, but rather the distribution channel should include the contractor, who must set up and install the system at the building site. (Lennox, No. 3 at p. 6) Goodman stated that the distribution channels should not be significantly different from the analysis performed for the same products being considered for the cooling mode. (Goodman, No. 6 at p. 3)

In response to these comments, DOE modified the second distribution channel to include a wholesaler who purchases the equipment and sells it to the customer. DOE's understanding of this channel is that the contractor who installs the system generally does not purchase and mark up the equipment. Rather, the building owner purchases the equipment and hires the contractor. Thus, for the purposes of DOE's analysis, it would not be appropriate to include the contractor in the distribution channel.

DOE also sought input on the percentage of equipment being distributed through the various types of distribution channels. Carrier stated that approximately 70 percent of equipment flows through the first distribution

[24] U.S. Securities and Exchange Commission, Annual 10–K Reports (Various Years) (Available at: *http://www.sec.gov/edgar/searchedgar/companysearch.html*) (Last Accessed Dec. 13, 2013).

channel described in the RFI, with the remainder split among the other channels. (Carrier, No. 2 at p. 4) Lennox stated that the first distribution approach discussed is the typical approach to equipment sales, accounting for approximately 90–95 percent of sales. (Lennox, No. 3 at p. 6)

DOE assumes that the above responses reflect each company's experience, rather than a characterization of the industry overall. For this NOPR, DOE estimated that the first distribution channel accounts for 83 percent of shipments, and the second distribution channel accounts for 17 percent.

To develop markups for the parties involved in the distribution of the equipment, DOE utilized several sources, including: (1) The Heating, Air-Conditioning & Refrigeration Distributors International (HARDI) 2012 Profit Report [25] to develop wholesaler markups; (2) the 2005 Air Conditioning Contractors of America's (ACCA) financial analysis for the heating, ventilation, air-conditioning, and refrigeration (HVACR) contracting industry [26] to develop mechanical contractor markups, and (3) U.S. Census Bureau's 2007 Economic Census data [27] for the commercial and institutional building construction industry to develop general contractor markups. For mechanical contractors, DOE derived separate markups for small and large contractors.

In addition to the markups, DOE derived State and local taxes from data provided by the Sales Tax Clearinghouse.[28] These data represent weighted average taxes that include county and city rates. DOE derived shipment-weighted average tax values for each CBECS region considered in the analysis.

Chapter 6 of the NOPR TSD provides further detail on the estimation of markups.

E. Energy Use Analysis

The purpose of the energy use analysis is to assess the energy requirements of equipment at different efficiencies in several building types that utilize the equipment and to assess the energy savings potential of increased commercial warm air furnace efficiency. The annual energy consumption includes the natural gas and oil fuel types used for heating and the auxiliary electrical use associated with the furnace electrical components.

DOE based the energy use analysis on Energy Information Administration's 2003 Commercial Building Energy Consumption Survey (CBECS) [29] for the subset that uses the type of equipment covered by the standards. DOE utilized the building types defined in CBECS 2003.[30] Each building was assigned to a specific location, and the approach captured variability in heating loads due to factors such as building activity, schedule, occupancy, local weather, and shell characteristics. Energy use estimates from 2003 CBECS were adjusted for average weather conditions and for projected improvements to the building shell efficiency. DOE also accounted for the energy use of a small fraction of commercial warm air furnaces that are installed in residential housing using data from the 2009 Residential Energy Consumption Survey (RECS 2009).[31]

To determine the energy consumption of commercial warm air furnaces, DOE is using a Thermal Efficiency (TE) rating, along with relevant characteristics for each sample building. DOE assumed that TE is proportional to annual heating energy consumption for any given set of operating conditions. To calculate commercial warm air furnace energy consumption at each considered efficiency level, DOE determined the equipment capacity and the heating load in each CBECS building.

In the RFI, DOE requested comment on its planned method to determine the equipment load profiles. 78 FR 25627, 25632 (May 2, 2013). Carrier stated that DOE should develop equipment load profiles using the 16 benchmark buildings from Pacific Northwest National Laboratories (PNNL) building models.[32] (Carrier, No. 2 at p. 4)

In response, rather than developing detailed load profiles for various building types, DOE decided to use CBECS-reported heating energy use for each sample building. DOE assumed that the CBECS data are representative of the energy use measured in the field for the U.S. commercial building types. CBECS provides information about buildings with a wide range of energy use representing both high-energy-use and low-energy-use buildings. DOE has concluded that the selected approach better reflects the heating energy use of the commercial buildings stock in the U.S. in comparison to using a set of benchmark buildings.

DOE's RFI also sought input from stakeholders on the current distribution of equipment efficiencies in the building population. 78 FR 25627, 25632 (May 2, 2013). Carrier stated that the vast majority of equipment should be in the 80-percent to 82-percent efficiency range based on the ASHRAE 90.1 standard. (Carrier, No. 2 at p. 4) DOE's approach is consistent with Carrier's comment. It utilizes model efficiency information from the 2013 AHRI Certification Directory for Commercial Furnaces.[33]

In the RFI, DOE requested comment on how equipment energy use for a given heating load shape scales as a function of capacity (*i.e.,* whether two commercial furnace units of a certain capacity use the same total heating energy as one commercial furnace unit of twice the capacity). 78 FR 25627, 25632 (May 2, 2013). Carrier stated that it would expect to see no measurable difference in energy use for a given load shape as a function of capacity. (Carrier, No. 2 at p. 4) DOE's approach reflects the statement made by Carrier.

Lennox stated that in its experience, furnaces with higher thermal efficiency ratings may use less gas, but they may use more electricity, offsetting the potential benefits. (Lennox, No. 3 at p. 7) For condensing CWAF, DOE's analysis accounts for the increased blower fan electricity use in the field in both heating and cooling mode due to the presense of the secondary heat exchanger. The increased electricity use of condensing furnaces is expected to be small compared to the potential savings in fuel use. DOE also accounts for

[25] *Heating, Air Conditioning & Refrigeration Distributors International 2012 Profit Report* (Available at: *http://www.hardinet.org/Profit-Report*) (Last accessed April 10, 2013).

[26] Air Conditioning Contractors of America (ACCA), *Financial Analysis for the HVACR Contracting Industry: 2005* (Available at: *https://http://www.acca.org/store/product.php?pid=142*) (Last accessed April 10, 2013).

[27] U.S. Census Bureau, *2007 Economic Census Data* (2007) (Available at: *http://www.census.gov/econ/*) (Last accessed April 10, 2013).

[28] Sales Tax Clearinghouse Inc., State Sales Tax Rates Along with Combined Average City and County Rates, 2013 (Available at: *http://thestc.com/STrates.stm*) (Last accessed Sept. 11, 2013).

[29] Energy Information Administration (EIA), 2003 Commercial Building Energy Consumption Survey (Available at: *http://www.eia.gov/consumption/commercial/*) (Last accessed April 10, 2013). Note: CBECS 2012 is currently in development but was not available in time for this rulemaking.

[30] Definitions of CBECS building types can be found at: *http://www.eia.gov/emeu/cbecs/building_types.html.*

[31] EIA, 2009 Residential Energy Consumption Survey (Available at: *http://www.eia.gov/consumption/residential/*) (Last accessed April 10, 2013).

[32] Deru, M., K. Field, D. Studer, K. Benne, B. Griffith, P. Torcellini, B. Liu, M. Halverson, D. Winiarski, M. Rosenberg, M. Yazdanian, J. Huang, and D. Crawley, *U.S. Department of Energy Commercial Reference Building Models of the National Building Stock,* 2011 (Available at *http://www.nrel.gov/docs/fy11osti/46861.pdf*) (Last accessed December 6, 2013).

[33] AHRI, 2013 AHRI Certification Directory for Commercial Furnaces (Available at: *http://www.ahridirectory.org/ahridirectory/pages/home.aspx*).

condensate line freeze protection or a condensate pump for a fraction of installations. Condensing CWAF installed outdoors that are located in regions with an outdoor design temperature of ≤32 °F were assumed to require condensate freeze protection. This applies to roughly 90 percent of gas-fired CWAF. All oil-fired CWAFs are assumed to be installed indoors so condensate line freeze protection was assumed to not be needed.

Carrier stated that increasing plug loads (*e.g.,* computers and related equipment) and tighter buildings with higher insulation values will most likely continue to lower the change-over temperature from cooling to heating in commercial buildings. (Carrier, No. 2 at p. 6) Lennox stated that commercial buildings are being required to have higher insulation levels by ASHRAE Standard 90.1 in the future, which will reduce the building load and further reduce the potential energy savings for higher-efficiency furnaces. (Lennox, No. 3 at p. 7) DOE's analysis accounts for improvements in the building shell. The analysis uses the *AEO 2013* building shell efficiency index for commercial buildings to account for these impacts. Although plug loads may increase, decreasing the heating load, the efficiency of the equipment is also likely to improve, which would increase the heating load, so the net effect is uncertain.

In the RFI, DOE requested comment on the fraction of commercial warm air furnaces which are used in residential applications such as multi-family buildings. 78 FR 25627, 25632 (May 2, 2013). Carrier stated that the fraction of commercial furnaces applied in residential applications is negligible. (Carrier, No. 2 at p. 5) Based on RECS 2009 data, DOE estimates that about two percent of commercial furnaces are used in residential applications.[34]

F. Life-Cycle Cost and Payback Period Analysis

The purpose of the LCC and PBP analysis is to analyze the effects of potential amended energy conservation standards on commercial consumers of commercial furnace equipment by determining how a potential amended standard would affect their operating expenses (usually decreased) and their total installed costs (usually increased).

The LCC is the total consumer expense over the life of the equipment, consisting of equipment and installation costs plus operating costs over the lifetime of the equipment (expenses for energy use, maintenance, and repair). DOE discounts future operating costs to the time of purchase using commercial consumer discount rates. The PBP is the estimated amount of time (in years) it takes commercial consumers to recover the increased total installed cost (including equipment and installation costs) of a more-efficient type of equipment through lower operating costs. DOE calculates the PBP by dividing the change in total installed cost (normally higher) due to a new or amended energy conservation standard by the change in annual operating cost (normally lower) that results from that standard.

For any given efficiency level, DOE measures the PBP and the change in LCC relative to an estimate of the base-case efficiency level. The base-case estimate reflects the market in the absence of amended energy conservation standards, including market trends for equipment that exceeds the current energy conservation standards.

DOE analyzed the potential for variability and uncertainty by performing the LCC and PBP calculations on a nationally-representative sample of individual commercial buildings. More specifically, DOE utilized the sample of buildings developed for the energy use analysis. Within a given building, one or more commercial warm air furnace units may serve the building's space-conditioning needs, depending on the heating load requirements of the building. As a result, the Department also expressed the LCC and PBP results as the percentage of commercial warm air furnace customers experiencing economic impacts of different magnitudes. DOE modeled both the uncertainty and the variability in the inputs to the LCC and PBP analysis using Monte Carlo simulation and probability distributions. As a result, the LCC and PBP results are displayed as distributions of impacts compared to the base-case conditions.

EPCA establishes a rebuttable presumption that a standard is economically justified if the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy (and, as applicable, water) savings during the first year that the consumer will receive as a result of the standard, as calculated under the test procedure in place for that standard. For each considered efficiency level, DOE typically determines the value of the first year's energy savings by calculating the quantity of those savings in accordance with the applicable DOE test procedure,[35] and multiplying that amount by the average energy price forecast for the year in which compliance with the amended standards would be required.

DOE calculated the LCC and PBP for all commercial consumers of CWAF as if each were to purchase new equipment in the year that compliance with amended standards is required. EPCA directs DOE to publish a final rule amending the standard for the products covered by this NOPR not later than 2 years after a notice of proposed rulemaking is issued. (42 U.S.C. 6313(a)(6)(C)(iii)) At the time of preparation of the NOPR analysis, the expected issuance date was early 2015, leading to an anticipated final rule publication in 2015. EPCA also states that amended standards prescribed under this subsection shall apply to products manufactured after a date that is the later of—(I) the date that is 3 years after publication of the final rule establishing a new standard; or (II) the date that is 6 years after the effective date of the current standard for a covered product. (42 U.S.C. 6313(a)(6)(C)(iv)) The date under clause (I), currently projected to be 2018, is later than the date under clause (II). Therefore, for purposes of its analysis, DOE used January 1, 2018 as the beginning of compliance with potential amended standards for CWAF.

In the RFI, DOE requested comment from stakeholders on the overall method that it intended to use in conducting the LCC and PBP analysis for commercial warm air furnaces. 78 FR 25627, 25632 (May 2, 2013). Carrier stated that DOE should use the procedures as developed by the ASHRAE 90.1 committee and PNNL for evaluating changes to ASHRAE Standard 90.1, because this procedure has defined buildings that can be used for these products. Carrier added that ASHRAE also has a standard work procedure for economic analysis that is similar to the LCC analysis but uses the Scalar Ratio as defined by the ASHRAE 90.1 committee with national average electric and gas rates. (Carrier, No. 2 at p. 5)

DOE reviewed the approach suggested by Carrier. It did not use this approach because, for the reasons explained in section IV.E, DOE is not estimating

[34] EIA, 2009 Residential Energy Consumption Survey (Available at: *http://www.eia.gov/consumption/residential/*) (Last accessed April 10, 2013).

[35] The DOE test procedure for commercial warm air furnaces a 10 CFR 431.76 does not specify a calculation method for determining energy use. For the rebuttable presumption PBP calculation, DOE used average energy use reported from CBECS 2003 for this equipment.

energy use using whole building simulation, as do the procedures as developed by the ASHRAE 90.1 committee. Furthermore, DOE's methodology allows a better evaluation of variability and uncertainty in key variables, such as equipment lifetime and discount rates, that affect the LCC analysis. The method advocated by Carrier typically uses average values, which do not capture the range of equipment operation and user characteristics found in the field.

Inputs to the LCC and PBP analysis are categorized as: (1) inputs for establishing the purchase expense, otherwise known as the total installed cost, and (2) inputs for calculating the operating expense. These key inputs are discussed in further detail immediately below.

1. Inputs to Installed Cost

The primary inputs for establishing the total installed cost are the baseline commercial consumer equipment price, standard-level customer price increases, and installation costs. Baseline customer prices and standard-level customer price increases were determined by applying markups to manufacturer price estimates. The installation cost is added to the customer price to arrive at a total installed cost.

DOE used the historic trend in the Producer Price Index (PPI) for ''Warm air furnaces'' [36] to estimate the change in price for commercial warm air furnaces between the present and 2018. The PPI for ''Warm air furnaces'' shows a small rate of annual price decline. The price trend in this PPI series shows a small rate of annual price decline.

In the RFI, DOE sought input on its planned approach and the data sources it intended to use to develop installation costs. 78 FR 25627, 25633 (May 2, 2013). Carrier recommended that if RS Means Mechanical Cost Data are to be used to estimate installed cost, it should be based on unit rated cooling capacity for combined air conditioning and commercial furnace equipment.

DOE developed installation costs for commercial warm air furnaces using the most recent RS Means Mechanical Cost Data.[37] In estimating costs, DOE considered the heating and cooling capacity of the combined equipment.

Carrier stated that DOE must factor in additional cost for condensate drainage and treatment if the analysis includes furnaces at condensing efficiencies. (Carrier, No. 2 at p. 5) Goodman expects that application costs would be very significant for the application of condensing technologies, and, therefore, must be thoroughly and completely considered. (Goodman, No. 6 at p. 4)

DOE accounted for additional installation costs for condensate removal, which includes condensate drainage, freeze protection, and treatment for furnaces with condensing designs. On average, the installation cost for condensate removal is $389 for gas-fired CWAF and $180 for oil-fired CWAF. The details about the condensate removal costs are provided in appendix 8–D of DOE's proposed rule TSD. DOE also accounted for meeting the venting requirements for oil-fired commercial warm air furnaces, as well as for the small fraction of gas commercial warm air furnaces installed indoors.

2. Inputs to Operating Costs

The primary inputs for calculating the operating costs are equipment energy consumption, equipment efficiency, energy prices and forecasts, maintenance and repair costs, equipment lifetime, and discount rates.

a. Energy Consumption

The equipment energy consumption is the site energy use associated with providing space-heating to the building. DOE utilized the methodology described in section IV.E to establish equipment energy use.

Lennox cautioned DOE that, as it develops estimates for the operating costs of these systems, DOE should keep in mind that the systems are being applied in a commercial application where the overwhelming majority of the time the system is operating in cooling—not heating—mode. Lennox gave the example that when the outside ambient temperature is 30 °F, the system could be calling for cooling, based on the internal heat gains. (Lennox, No. 3 at p. 7) DOE's analysis accounts for the range of CWAF operating conditions with respect to heating and cooling mode.

b. Energy Prices

In the RFI, DOE sought comment on its approach for developing energy prices. 78 FR 25627, 25633 (May 2, 2013). Carrier stated that DOE's tariff-based approach makes sense, and that the most recent price data available should be used. (Carrier, No. 2 at p. 5)

For the NOPR, DOE determined gas, oil, and electricity prices based on recent or current tariffs from a representative sample of utilities, as well as historical State commercial energy price data from the Energy Information Administration (EIA). This approach calculates energy expenses based on actual energy prices that commercial consumers are paying in different geographical areas of the country. In addition to using tariffs, DOE used data provided in EIA's Form 861 data [38] to calculate commercial electricity prices, EIA's Natural Gas Navigator [39] to calculate commercial natural gas prices, and EIA's State Energy Data System (SEDS) [40] to calculate LPG and fuel oil prices. Future energy prices were projected using trends from the EIA's 2013 *Annual Energy Outlook* (*AEO 2013*).[41]

c. Maintenance and Repair Costs

Maintenance costs are expenses associated with ensuring continued operation of the covered equipment over time. In the RFI, DOE sought input on the approach and data sources it intended to use to develop maintenance costs. 78 FR 25627, 25633 (May 2, 2013). Carrier stated that RS Means might serve as a reasonable guide to assist in developing maintenance costs; however, assuming the issues associated with condensing furnace technology are overcome, it is reasonable to expect increased maintenance costs for these higher-efficiency furnaces. Carrier added that, based on experience with residential 80-percent versus 90-percent AFUE furnaces, it expects the maintenance costs for condensing furnace sections to be at least two to three times the maintenance costs for current non-condensing commercial warm air furnaces. (Carrier, No. 2 at p. 5)

DOE developed maintenance costs for its analysis using the most recent RS Means Facilities Maintenance & Repair Cost Data.[42] DOE included increased maintenance costs for condensing

[36] PCU333415333415C: Warm air furnaces including duct furnaces, humidifiers and electric comfort heating (Available at: *http://www.bls.gov/ppi/*).

[37] RS Means, 2013 Mechanical Cost Data (Available at: *http://rsmeans.reedconstructiondata.com/60023.aspx*) (Last accessed April 10, 2013).

[38] Energy Information Administration (EIA), Survey form EIA–861—Annual Electric Power Industry Report (Available at: *http://www.eia.gov/electricity/data/eia861/index.html*) (Last accessed April 15, 2013).

[39] Energy Information Administration (EIA), Natural Gas Navigator (Available at: *http://tonto.eia.doe.gov/dnav/ng/ng_pri_sum_dcu_nus_m.htm*) (Last accessed April 15, 2013).

[40] Energy Information Administration (EIA), State Energy Data System (SEDS) (Available at: *http://www.eia.gov/state/seds/*) (Last accessed April 15, 2013).

[41] Energy Information Administration (EIA), 2013 *Annual Energy Outlook* (*AEO*) Full Version (Available at: *http://www.eia.gov/forecasts/aeo/*) (Last accessed April 15, 2013).

[42] RS Means, 2013 Facilities Maintenance & Repair Cost Data (Available at: *http://rsmeans.reedconstructiondata.com/60303.aspx*) (Last accessed April 10, 2013).

equipment. For condensing gas-fired commercial warm air furnaces, DOE added labor and material costs to account for checking the condensate withdrawal system, including inspecting, cleaning, and flushing the condensate trap and drain tubes; inspecting the grounding and power connection of heat tape; checking condensate neutralizer; and checking condensate pump for corrosion and proper operation. For gas-fired CWAF, the annualized maintenance cost is $157 for 81- and 82-percent TE units, and $169 for 92 percent TE units. For oil-fired CWAF, the annualized maintenance cost is $289 for 82-percent TE units, and $317 for 92 percent TE units.

For condensing oil-fired commercial warm air furnaces, DOE added additional maintenance for installations in non-low-sulfur regions to account for extra cleaning of the heat exchanger for condensing designs, as well as checking of the condensate withdrawal system. DOE also considered the cases when the equipment is covered by service and/or maintenance agreements.

Repair costs are expenses associated with repairing or replacing components of the covered equipment that have failed. In the RFI, DOE sought comment as to whether repair costs vary as a function of equipment efficiency. 78 FR 25627, 25633 (May 2, 2013). Carrier stated that condensing furnace repair costs will be higher due to a number of factors including: (1) The presence of acidic condensate; (2) potential damage due to condensate expansion during freezing; (3) the presence of a secondary heat exchanger; and (4) the need to add a condensate pump for some applications. (Carrier, No. 2 at p. 6) Goodman stated that as a general rule, due to additional components and additional materials required to achieve higher efficiencies, as well as additional service time for analysis and actual repair time, repair costs will always be higher for higher-efficiency products. (Goodman, No. 6 at p. 4)

DOE developed repair costs for its analysis using the most recent RS Means Facilities Maintenance & Repair Cost Data.[43] It agrees with the comments and, therefore, included additional repair costs for higher efficiency levels (*i.e.,* condensing furnaces). For gas-fired CWAF, the annualized repair cost is $0.57 for 81- and 82-percent TE units, and $1.31 for 92 percent TE units. For gas-fired CWAF, the annualized repair cost is $1.94 for 82-percent TE units, and $2.58 for 92 percent TE units.

See chapter 8 of the NOPR TSD for more details on maintenance and repair costs.

d. Other Inputs

Equipment lifetime is the age at which a unit of covered equipment is retired from service. The average equipment lifetime for commercial warm air furnaces is estimated by ASHRAE to be between 15 and 20 years.[44]

In the RFI, DOE requested any equipment lifetime data and sought comment on its approach of using a Weibull probability distribution to characterize equipment lifetime. 78 FR 25627, 25633 (May 2, 2013). Carrier stated that a 15 to 20 year life expectancy for commercial warm air furnaces is reasonable. (Carrier, No. 2 at p. 6) Lennox stated that the Weibull analysis is the preferred method when evaluating product or component life. (Lennox, No. 3 at p. 7)

For gas-fired commercial warm air furnaces, DOE used the lifetime Weibull probability distribution developed in the NOPR analysis for small, large, and very large air-cooled commercial package air conditioning and heating equipment,[45] which results in a 19-year average lifetime. For oil-fired commercial warm air furnaces, DOE used a lifetime Weibull probability distribution based on a method described in an article in *HVAC&R Research,*[46] which results in a 26-year average lifetime. DOE expects the lifetime of the equipment to not change due to any new energy efficiency standards.

The discount rate is the rate at which future expenditures are discounted to establish their present value. DOE did not receive comments on discount rates. It derived a distribution of discount rates by estimating the cost of capital of companies that purchase commercial warm air furnace equipment.

DOE measures LCC and PBP impacts of potential standard levels relative to a base case that reflects the likely distribution of efficiencies in the market in the absence of amended standards. In the RFI, DOE requested data on current efficiency market shares (of shipments) by equipment class, and also similar historic data. 78 FR 25627, 25633 (May 2, 2013). Carrier stated that these data are not readily available for the industry as a whole. Carrier added that the vast majority of equipment should be in the 80-percent to 82-percent efficiency range based on the standard in place since 1989. (Carrier, No. 2 at p. 6)

Since shipment-weighted efficiency data are not available, DOE developed current market-share efficiency (*i.e.,* the current distribution of equipment shipments by efficiency) for the CWAF equipment classes for 2013 based on the number of models at different efficiency levels from AHRI's Certification Directory for Commercial Furnaces.[47] These data show no market share for condensing CWAF.

In the RFI, DOE also requested information on expected trends in efficiency for commercial warm air furnaces over the next five years. 78 FR 25627, 25633 (May 2, 2013). Carrier added that while there will be continuing pressure on cooling efficiency, it expects that the resultant efficiency trend will be flat for commercial warm air furnaces combined in air conditioning equipment. (Carrier, No. 2 at p. 6) Lennox stated that its weatherized commercial furnaces are at the 80-percent thermal efficiency level and would be expected to remain there for the foreseeable future, as there is little market demand for higher-efficiency furnaces in the commercial sector. (Lennox, No. 3 at p. 7) DOE agrees with the comments with respect to non-condensing CWAF, and it assumed no change from the current distribution of equipment shipments by efficiency. For condensing gas-fired CWAF, however, DOE found that models are just now becoming available, so DOE estimated a market share of one percent by 2018.

A rebound effect occurs when a piece of equipment that is made more efficient is used more intensively, such that the expected energy savings from the efficiency improvement may not fully materialize. In the RFI, DOE sought comments and data on any rebound effect that may be associated with more-efficient commercial warm air furnaces. 78 FR 25627, 25633 (May 2, 2013). Carrier opined that any rebound effect associated with higher-efficiency

[43] RS Means, 2013 Mechanical Cost Data (Available at: *http://rsmeans.reedconstructiondata.com/60023.aspx*) (Last accessed April 10, 2013).

[44] American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE), ASHRAE Handbook of HVAC Systems and Equipment (2008) p. 32.8.

[45] Technical Support Document for Small, Large, and Very Large Commercial Package Air Conditioners and Heat Pumps Notice of Proposed Rulemaking (Available at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/59*).

[46] Lutz, J., A. Hopkins, V. Letschert, V. Franco, and A. Sturges, Using national survey data to estimate lifetimes of residential appliances. *HVAC&R Research* (2011) 17(5): pp. 28 (Available at: *http://www.tandfonline.com/doi/abs/10.1080/10789669.2011.558166*).

[47] AHRI, 2013 AHRI Certification Directory for Commercial Furnaces (Available at: *http://www.ahridirectory.org/ahridirectory/pages/home.aspx*) (Last accessed Oct. 15, 2013).

commercial equipment would be negligible for commercial buildings. (Carrier, No. 2 at p. 7)

DOE found no evidence for a rebound effect associated with higher-efficiency commercial furnaces. HVAC operation adjustment in commercial buildings is not driven by the occupants but primarily by building managers or owners. In such cases, the comfort conditions are already established in order to satisfy the occupants, and they are unlikely to change due to replacement with higher-efficiency equipment. CWAF installed in residential buildings are mainly in situations similar to commercial buildings, so DOE expects there would be negligible rebound effect.

G. Shipments Analysis

DOE uses projections of product shipments for CWAF to calculate equipment stock over the course of the analysis period, which in turn is used to determine the impacts of amended standards on national energy savings, net present value, and future manufacturer cash flows. DOE develops shipment projections based on historical data and an analysis of key market drivers for each product. Historical shipments data are used to build up an equipment stock and also to calibrate the shipments model.

Historical shipments data for commercial warm air furnace equipment are very limited. DOE used 1994 shipments data from AHRI (previously GAMA) that were presented in a report from PNNL,[48] and the historical shipments of non-heat pump commercial unitary air conditioners (CUAC),[49] which are usually packaged together with CWAF. The ratio of the shipments of non-heat pump CUAC equipment and the shipments of gas-fired commercial warm air furnaces in 1994 was calculated.[50] DOE believes that this ratio should be reasonably stable over time. Therefore, DOE determined the historical shipments of gas-fired CWAF by multiplying this ratio with the historical shipments of non-heat pump CUAC.

Shipments data for oil-fired CWAF is not publically available. DOE used the ratio of oil-fired versus gas-fired residential furnace shipments from AHRI[51] and the historical shipments of gas-fired commercial furnaces to calculate the historical shipment of oil-fired commercial furnaces. DOE estimated that oil-fired CWAF account for about 1 percent of total CWAF shipments.

The CWAF shipments model considers two market segments: (1) new commercial buildings acquiring equipment; (2) existing buildings replacing old equipment.

For new commercial buildings, DOE estimated shipments using forecasts of commercial building and residential housing construction and estimates of the saturation of CWAF equipment in new buildings. DOE determined new commercial building and residential housing construction starts by using recorded data through 2012[52] and projections from *AEO 2013.* DOE developed data on the historic saturation of CWAF equipment in new buildings using CBECS 2003 and RECS 2009. To estimate future saturations in new commercial buildings, DOE used the average saturations in buildings built in 1990–2003 (from CBECS 2003 data) that use each type of CWAF equipment. To estimate future saturations in residential housing, DOE used the average saturations in homes built in 1990–2009 (from RECS 2009 data) that use each type of CWAF equipment.

To estimate shipments to existing buildings replacing old equipment, DOE used a survival function to estimate the fraction of commercial warm air furnaces of a given age still in operation. When a furnace fails, it is removed from the stock or, as explained below, is repaired for extended use. The survival function uses the lifetime values from the LCC analysis and has the form of a cumulative Weibull distribution.

For cases with potential CWAF standards, DOE considered whether the increase in price would cause some commercial consumers to choose to repair rather than replace their commercial furnace equipment. To determine whether a commercial consumer would choose to repair rather than replace their commercial warm air furnace equipment, the shipments model uses a relative price elasticity to account for the combined effects of changes in purchase price and annual operating cost on the purchase versus repair decision. Appendix 9–A of the NOPR TSD describes the method. DOE assumed that the consumers who repair their equipment rather than replace it would extend the life of the product by 6 years. When the extended repaired units fail after the 6-year period, they will be replaced with new ones.

The details of the shipments analysis can be found in chapter 9 of the NOPR TSD.

H. National Impact Analysis

The purpose of the national impact analysis (NIA) is to estimate aggregate impacts of potential energy conservation standards from a national perspective, rather than from the consumer perspective represented by the LCC and PBP analysis. Impacts that DOE reports include the national energy savings (NES) from potential standards and the net present value (NPV) (future amounts discounted to the present) of the total commercial consumer costs and savings that are expected to result from amended or new standards at specific efficiency levels.

To make the analysis more accessible and transparent to all interested parties, DOE used a spreadsheet model to calculate the energy savings and the national commercial consumer costs and savings from each TSL.[53] The NIA calculations are based on the annual energy consumption and total installed cost data from the energy use analysis and the LCC analysis. In the NIA, DOE forecasted the lifetime energy savings, energy cost savings, equipment costs, and NPV of commercial consumer benefits for each equipment class over the lifetime of equipment sold from 2018 through 2047.

To develop the NES, DOE calculates annual energy consumption for the base case and the standards cases. DOE calculates the annual energy consumption using per-unit annual energy use data multiplied by projected shipments. As explained in section IV.E,

[48] Pacific Northwest National Laboratory (PNNL), Screening Analysis for EPACT-Covered Commercial HVAC and Water-Heating Equipment, April 2000. (Available at: *http://www.pnl.gov/main/publications/external/technical_reports/PNNL-13232.pdf*) (Last accessed April 10, 2013).

[49] Air-Conditioning and Refrigeration Institute, Commercial Unitary Air Conditioner and Heat Pump Unit Shipments for 1980–2001 (Jan. 2005) (Prepared for Lawrence Berkeley National Laboratory).

[50] The fraction of non-heat pump CUAC equipment that is packaged with commercial furnaces is 80 percent.

[51] Air-Conditioning Heating and Refrigeration Institute, *Furnaces Historical Data (1994–2013).* 2015. (Available at: *http://www.ahrinet.org/site/497/Resources/Statistics/Historical-Data/Furnaces-Historical-Data*). (Last accessed January 7, 2015).

[52] U.S. Department of Commerce—Bureau of the Census, New Privately Owned Housing Units Started: Annual Data 1959–2012 (2013) (Available at: *http://www.census.gov/construction/mhs/mhsindex.html*) (Last accessed March 15, 2013).

U.S. Department of Commerce—Bureau of the Census, Placements of New Manufactured Homes by Region and Size of Home: 1980–2011 (2013) (Available at: *http://www.census.gov/construction/mhs/pdf/placnsa_all.pdf)* (Last accessed March 15, 2013).

[53] DOE's use of spreadsheet models provides interested parties with access to the models within a familiar context. In addition, the TSD and other documentation that DOE provides during the rulemaking help explain the models and how to use them, and interested parties can review DOE's analyses by changing various input quantities within the spreadsheet.

DOE did not incorporate a rebound effect for CWAF.

To develop the national NPV of consumer benefits from potential energy conservation standards, DOE calculates annual energy expenditures and annual equipment expenditures for the base case and the standards cases. DOE calculates annual energy expenditures from annual energy consumption by incorporating forecasted energy prices, using shipment projections and average energy efficiency projections. The per-unit energy savings were derived as described in section IV.E. To calculate future electricity prices, DOE applied the projected trend in national-average commercial electricity price from the *AEO 2013* Reference case (which extends to 2040) to the prices derived in the LCC and PBP analysis. DOE used the trend from 2030 to 2040 to extrapolate beyond 2040. DOE calculates annual equipment expenditures by multiplying the price per unit times the projected shipments.

DOE used the historic trend in the Producer Price Index (PPI) for ''Warm air furnaces'' [54] to estimate the change in price for commercial warm air furnaces over the analysis period. The inflation-adjusted PPI for ''Warm air furnaces'' from 1989 to 2006 shows a small rate of annual price decline. DOE also developed a sensitivity analysis that considered one scenario with a lower rate of price decline than the Reference case and one scenario with a higher rate of price decline than the Reference case.

The aggregate difference each year between energy bill savings and increased equipment expenditures is the net savings or net costs. In calculating the NPV, DOE multiplies the net savings in future years by a discount factor to determine their present value. DOE estimates the NPV using both a 3-percent and a 7-percent real discount rate, in accordance with guidance provided by the Office of Management and Budget (OMB) to Federal agencies on the development of regulatory analysis.[55] The discount rates for the determination of NPV are in contrast to the discount rates used in the LCC analysis, which are designed to reflect a consumer's perspective.

A key component of the NIA is the equipment energy efficiency forecasted over time for the base case and for each of the standards cases. In the RFI, DOE requested information on expected trends in efficiency of commercial warm air furnaces over the long run. 78 FR 25627, 25634 (May 2, 2013). AHRI stated that since January 1, 1994, the efficiency trends for commercial warm air furnaces have stayed near a thermal efficiency of 80 percent. AHRI expects that the efficiency trends for these products will continue to remain flat over the long run. (AHRI, No. 7 at p. 6) DOE agrees with the comment, and it assumed no change in efficiency in the base case for non-condensing CWAF. For condensing gas-fired CWAF, however, it estimated that market interest in efficiency would lead to a modest growth in market share (from one percent in 2018 to five percent in 2047). In addition, for each standards case, DOE assumed no change in efficiency over time, given this long-term efficiency trend.

To estimate the impact that amended energy conservation standards may have in the year compliance becomes required, DOE uses ''roll-up'' or ''shift'' scenarios in its standards rulemakings. Under the ''roll-up'' scenario, DOE assumes equipment efficiencies in the base case that do not meet the new or amended standard level under consideration would ''roll up'' to meet that standard level, and equipment shipments at efficiencies above the standard level under consideration would not be affected. Under the ''shift'' scenario, DOE retains the pattern of the base-case efficiency distribution but re-orients the distribution at and above the new or amended minimum energy conservation standard.

In the RFI, DOE requested comment on whether it should pursue a roll-up or shift approach for potential commercial warm air furnace standards in the NIA. 78 FR 25627, 25634 (May 2, 2013). Lennox stated that given that virtually all commercial warm air furnaces are at or just above the current minimum efficiency requirement, the roll-up approach is the more appropriate choice. (Lennox, No. 3 at p. 8) DOE concurs with the comment, and it used the roll-up approach for the standards cases.

Based on the user samples in the LCC and PBP analysis, DOE estimated that a small fraction of commercial warm air furnaces (1–3 percent) is installed in residential buildings. The national energy savings in the standard cases includes the savings from both commercial and residential furnace users.

DOE has historically presented NES in terms of primary energy savings. In response to the recommendations of a committee on ''Point-of-Use and Full-Fuel-Cycle Measurement Approaches to Energy Efficiency Standards'' appointed by the National Academy of Sciences, DOE announced its intention to use full-fuel-cycle (FFC) measures of energy use and greenhouse gas and other emissions in the national impact analyses and emissions analyses included in future energy conservation standards rulemakings. 76 FR 51281 (August 18, 2011). After evaluating the approaches discussed in the August 18, 2011 notice, DOE published a statement of amended policy in the **Federal Register** in which DOE explained its determination that NEMS is the most appropriate tool for its FFC analysis and its intention to use NEMS for that purpose. 77 FR 49701 (August 17, 2012). The method used to derive the FFC measures is described in appendix 10–B of the NOPR TSD.

I. Consumer Subgroup Analysis

In analyzing the potential impacts of new or amended standards on commercial consumers, DOE evaluates impacts on identifiable groups (*i.e.,* subgroups) of consumers that may be disproportionately affected by a national standard. DOE believes that small businesses could be such a subgroup. Accordingly, for the NOPR, DOE evaluated impacts on a small business subgroup using the LCC and PBP spreadsheet model. To the extent possible, it utilized inputs appropriate for this subgroup. The commercial consumer subgroup analysis is discussed in detail in chapter 11 of the NOPR TSD.

J. Manufacturer Impact Analysis

1. Overview

DOE performed a manufacturer impact analysis (MIA) to estimate the financial impact of amended energy conservation standards on manufacturers of CWAF and to calculate the potential impact of such standards on employment and manufacturing capacity. The MIA has both quantitative and qualitative aspects. The quantitative part of the MIA primarily relies on the Government Regulatory Impact Model (GRIM), an industry cash-flow model with inputs specific to this rulemaking. The key GRIM inputs are data on the industry cost structure, equipment costs, shipments, and assumptions about markups and conversion expenditures. The key output is the industry net present value (INPV). Different sets of assumptions (markup scenarios) will produce different results. The qualitative part of the MIA addresses factors such as equipment characteristics, impacts on particular subgroups of firms, and important industry, market, and equipment trends.

[54] PCU333415333415C: Warm air furnaces including duct furnaces, humidifiers and electric comfort heating (Available at: *http://www.bls.gov/ppi/*).

[55] OMB Circular A–4, section E (Sept. 17, 2003) (Available at: *http://www.whitehouse.gov/omb/circulars_a004_a-4).*

The complete MIA is outlined in chapter 12 of the NOPR TSD.

DOE conducted the MIA for this rulemaking in three phases. In Phase 1 of the MIA, DOE prepared a profile of the CWAF industry that includes a top-down manufacturer cost analysis that DOE used to derive preliminary financial inputs for the GRIM (*e.g.,* sales, general, and administration (SG&A) expenses; research and development (R&D) expenses; and tax rates). DOE used public sources of information, including company Securities and Exchange Commission (SEC) 10–K filings, corporate annual reports, the U.S. Census Bureau's Economic Census,[56] and Hoover's reports.[57]

In Phase 2 of the MIA, DOE prepared an industry cash-flow analysis to quantify the potential impacts of an amended energy conservation standard. In general, new or more-stringent energy conservation standards can affect manufacturer cash flow in three distinct ways: (1) Create a need for increased investment; (2) raise production costs per unit; and (3) alter revenue due to higher per-unit prices and possible changes in sales volumes.

In Phase 3 of the MIA, DOE conducted structured, detailed interviews with a representative cross-section of manufacturers. During these interviews, DOE discussed engineering, manufacturing, procurement, and financial topics to validate assumptions used in the GRIM and to identify key issues or concerns. See section IV.J.2.c for a description of the key issues manufacturers raised during the interviews.

Additionally, in Phase 3, DOE evaluated subgroups of manufacturers that may be disproportionately impacted by new standards or that may not be accurately represented by the average cost assumptions used to develop the industry cash-flow analysis. For example, small manufacturers, niche players, or manufacturers exhibiting a cost structure that largely differs from the industry average could be more negatively affected. DOE identified one subgroup (*i.e.,* small manufacturers) for a separate impact analysis.

DOE applied the small business size standards published by the Small Business Administration (SBA) to determine whether a company is considered a small business. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. To be categorized as a small business under North American Industry Classification System (NAICS) code 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing,'' a CWAF manufacturer and its affiliates may employ a maximum of 750 employees. The 750-employee threshold includes all employees in a business's parent company and any other subsidiaries. Based on this classification, DOE identified two manufacturers that qualify as small businesses under the SBA definition. The CWAF small manufacturer subgroup is discussed in chapter 12 of the NOPR TSD and in sections V.B.2.d and VI.B of this notice.

2. Government Regulatory Impact Model

DOE uses the GRIM to quantify the changes in cash flow due to new standards that result in a higher or lower industry value. The GRIM analysis uses a standard, annual, discounted cash-flow methodology that incorporates manufacturer costs, markups, shipments, and industry financial information as inputs. The GRIM models changes in costs, distribution of shipments, investments, and manufacturer margins that could result from an amended energy conservation standard. The GRIM spreadsheet uses the inputs to arrive at a series of annual cash flows, beginning in 2014 (the base year of the analysis) and continuing to 2047. DOE calculated INPVs by summing the stream of annual discounted cash flows during this period. For CWAF manufacturers, DOE used a real discount rate of 8.9 percent, which was derived from industry financials and then modified according to feedback received during manufacturer interviews.

The GRIM calculates cash flows using standard accounting principles and compares changes in INPV between a base case and each standards case. The difference in INPV between the base case and a standards case represents the financial impact of the amended energy conservation standard on manufacturers. As discussed previously, DOE collected this information on the critical GRIM inputs from a number of sources, including publicly-available data and interviews with a number of manufacturers (described in the next section). The GRIM results are shown in section V.B.2. Additional details about the GRIM, the discount rate, and other financial parameters can be found in chapter 12 of the NOPR TSD.

a. Government Regulatory Impact Model Key Inputs

Manufacturer Production Costs

Manufacturing higher-efficiency equipment is typically more expensive than manufacturing baseline equipment due to the use of more complex components, which are typically more costly than baseline components. The changes in the manufacturer production cost (MPC) of the analyzed equipment can affect the revenues, gross margins, and cash flow of the industry, making these equipment cost data key GRIM inputs for DOE's analysis.

In the MIA, DOE used the MPCs for each considered efficiency level calculated in the engineering analysis, as described in section IV.C and further detailed in chapter 5 of the NOPR TSD. In addition, DOE used information from its teardown analysis, described in chapter 5 of the TSD, to disaggregate the MPCs into material, labor, and overhead costs. To calculate the MPCs for equipment above the baseline, DOE added the incremental material, labor, and overhead costs from the engineering cost-efficiency curves to the baseline MPCs. These cost breakdowns and equipment markups were validated and revised based on manufacturer comments received during MIA interviews.

Shipments Forecasts

The GRIM estimates manufacturer revenues based on total unit shipment forecasts and the distribution of these values by equipment class and efficiency level. Changes in sales volumes and efficiency mix over time can significantly affect manufacturer finances. For this analysis, the GRIM uses the NIA's annual shipment forecasts derived from the shipments analysis from 2014 (the base year) to 2047 (the end year of the analysis period). The NIA shipments forecasts are, in part, based on a roll-up scenario. The forecast assumes that product in the base case that does not meet the standard under consideration would ''roll up'' to meet the new standard beginning in the compliance year of 2018. See section IV.G. above and chapter 9 of the NOPR TSD for additional details.

b. Government Regulatory Impact Model Scenarios

Markup Scenarios

As discussed above, MSPs include direct manufacturing production costs (*i.e.,* labor, materials, and overhead

[56] U.S. Census Bureau, Annual Survey of Manufacturers: General Statistics: Statistics for Industry Groups and Industries (Available at: *http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t*).

[57] Hoovers Inc., Company Profiles, Various Companies (Available at: *http://www.hoovers.com*). Last Accessed December 13, 2013.

estimated in DOE's MPCs) and all non-production costs (*i.e.,* SG&A, R&D, and interest), along with profit. To calculate the MSPs in the GRIM, DOE applied non-production cost markups to the MPCs estimated in the engineering analysis for each equipment class and efficiency level. Modifying these markups in the standards case yields different sets of impacts on manufacturers. For the MIA, DOE modeled two standards-case markup scenarios to represent the uncertainty regarding the potential impacts on prices and profitability for manufacturers following the implementation of amended energy conservation standards: (1) A preservation of gross margin percentage markup scenario; and (2) a preservation of per-unit operating profit markup scenario. These scenarios lead to different markups values that, when applied to the inputted MPCs, result in varying revenue and cash flow impacts.

Under the preservation of gross margin percentage scenario, DOE applied a single uniform ''gross margin percentage'' markup across all efficiency levels, which assumes that manufacturers would be able to maintain the same amount of profit as a percentage of revenues at all efficiency levels within an equipment class. As production costs increase with efficiency, this scenario implies that the absolute dollar markup will increase as well. Based on publicly-available financial information for manufacturers of CWAF as well as comments from manufacturer interviews, DOE assumed the average non-production cost markup—which includes SG&A expenses, R&D expenses, interest, and profit—to be the following for each CWAF equipment class:

TABLE IV.8—MANUFACTURER MARKUP FOR BASELINE EQUIPMENT IN THE BASE CASE

Equipment	Markup
Gas-fired Commercial Warm Air Furnaces ≥225,000 Btu/h	1.31
Oil-fired Commercial Warm Air Furnaces ≥225,000 Btu/h	1.28

Because this markup scenario assumes that manufacturers would be able to maintain their gross margin percentage markups as production costs increase in response to an amended energy conservation standard, it represents a high bound to industry profitability.

In the preservation of operating profit scenario, manufacturer markups are set so that operating profit one year after the compliance date of the amended energy conservation standard is the same as in the base case. Under this scenario, as the costs of production increase under a standards case, manufacturers are generally required to reduce their markups to a level that maintains base-case operating profit. The implicit assumption behind this markup scenario is that the industry can only maintain its operating profit in absolute dollars after compliance with the new or amended standard is required. Therefore, operating margin in percentage terms is reduced between the base case and standards case. DOE adjusted (*i.e.,* lowered) the manufacturer markups in the GRIM at each TSL to yield approximately the same earnings before interest and taxes in the standards case as in the base case. This markup scenario represents a low bound to industry profitability under an amended energy conservation standard.

TABLE IV.9—MARKUPS FOR BASELINE EQUIPMENT AT THE PROPOSED STANDARD LEVELS

Equipment	Markup
Gas-fired Commercial Warm Air Furnaces ≥225,000 Btu/h	1.30
Oil-fired Commercial Warm Air Furnaces ≥225,000 Btu/h	1.28

Conversion Cost Scenarios

An amended energy conservation standard would cause manufacturers to incur one-time conversion costs to bring their production facilities and equipment designs into compliance. DOE evaluated the level of conversion-related expenditures that would be needed to comply with each considered efficiency level in each equipment class. For the MIA, DOE classified these conversion costs into two major groups: (1) Product conversion costs; and (2) capital conversion costs. Product conversion costs are one-time investments in research, development, testing, marketing, and other non-capitalized costs necessary to make product designs comply with the amended energy conservation standard. Capital conversion costs are one-time investments in property, plant, and equipment necessary to adapt or change existing production facilities such that equipment with new, compliant designs can be fabricated and assembled.

DOE based its estimates of the conversion costs for each efficiency level on information obtained from manufacturer interviews and the design pathways analyzed in the engineering analysis. Two methodologies were used to develop conversion cost estimates: (1) A Top-Down approach using feedback from manufacturer interviews to gather data on the level of costs expected at each efficiency level, and (2) a Bottom-Up approach using engineering analysis inputs derived from the equipment teardown analysis and engineering model described in chapter 5 of the TSD to evaluate the investment required to design, manufacturer, and release equipment that meets a higher energy conservation standard.

For estimating capital conversion costs, the Top-Down approach took available feedback from manufacturers and market share weighted the responses to arrive at an approximation representative of the industry as a whole. Responses from manufacturers with the greatest market share were given the greatest weight, while responses from manufacturers with the lowest market share were given the lowest weight. The Bottom-Up approach took capital conversion costs from the engineering analysis on a per-manufacturer basis to develop an industry-wide cost estimate. This analysis included the expected equipment, tooling, conveyor, and plant costs associated with CWAF production, as estimated by DOE based on product tear-down and manufacturers' plant tours. The results of the two methodologies were integrated to create high and low capital conversion cost scenarios.

Product conversion costs for CWAFs are primarily driven by re-development and testing expenses. As the standard increases, increasing levels of re-development effort would be required to meet the efficiency requirements, as more equipment models would require redesign. Additionally, expected product conversion costs would ramp up significantly where DOE expects condensing technology to be necessary to meet a revised energy conservation standard.

To estimate costs for product R&D, the Top-Down approach developed average costs per product platform based on feedback from manufacturers. Manufacturer feedback focused on the human capital investments, such as engineering and lab technician time necessary to update designs. In the Bottom-Up approach, DOE used vendor quotes, industry product information, and engineering cost model data to estimate the expenses associated with thermal efficiency testing, heat limit testing, product safety testing, reliability testing, and engineering effort. The results of the two methodologies were integrated to create high and low product conversion cost scenarios.

In general, DOE assumes that all conversion-related investments occur between the year of publication of the final rule and the year by which manufacturers must comply with the amended standard. The conversion cost figures used in the GRIM can be found in section V.B.2.a of this notice. For additional information on the estimated product and capital conversion costs, see chapter 12 of the NOPR TSD.

DOE requests comment on the product and capital conversion costs required to meet the range of energy conservation standard levels being considered by DOE.

c. Manufacturer Interviews

DOE interviewed manufacturers representing over 80 percent of the domestic CWAF market by revenue in order to discuss the potential impacts of amended energy conservation standards on the industry. The information gathered during these interviews enabled DOE to tailor the GRIM to reflect the unique financial characteristics of the CWAF industry. In interviews, DOE asked manufacturers to describe their major concerns with the rulemaking involving CWAF equipment. This section (IV.J.2.c) highlights manufacturers' interview statements that helped shaped DOE's understanding of the potential impacts of an amended standard on the industry. Manufacturers raised a range of general issues to consider (but did not necessarily provide a specific recommendation), including condensate disposal concerns, increased operating risks for end-users, and a change in the repair rate of older units. Below, DOE summarizes these issues, which were informally raised in manufacturer interviews, in order to obtain public comment and related data.

Condensate Disposal

The primary concern among the interview participants centered on condensate formation at efficiency levels above 81 to 82 percent. Nearly all interviewed CWAF manufacturers raised this issue as a serious problem for both the industry and customers in terms of cost and implementation. The major drawbacks mentioned relate to the management and disposal of acidic condensate created by high-efficiency furnaces. In most commercial rooftop units, condensate would need to be removed in electrically-heated piping or channeled directly into the building to avoid freezing. Manufacturers argued that such infrastructure would be required for condensing furnaces to safely dispose of the acidic runoff in both cold and warm climates. Solutions for condensate management systems would be a separate and additional cost to the consumer beyond the cost of the higher-efficiency furnace. Manufacturers stated that a simple, packaged solution for disposal of acidic condensate is not available and that the design of the condensate management system will be highly dependent on the design of the building, local building codes, waste water disposal requirements, and the expertise of the installer.

DOE agrees with manufacturers that the formation and disposal of corrosive condensate is a concern for CWAF achieving efficiencies greater than 82-percent. DOE considered this factor in its engineering analysis and when developing the installation costs for the LCC analysis. See sections IV.C and IV.F of this NOPR for more information about how DOE addressed these concerns.

Increased Operating Risks for the End User

Many interview participants expressed concerns about risk associated with installation and equipment for reliable management of caustic effluent from condensing CWAF. They believe there are risks in installation, as condensate management systems must often be installed around other rooftop equipment and contractor ability varies widely. They cited problems with power outages, which tend to happen during winter and can impair even well-designed effluent management systems. Manufacturers stated than any leak or failure of the condensate management system could result in costly roofing repairs for the end user. The interview participants were of the opinion that effluent management would be a significant expense for end-users and that the risk and cost of roof damage would outweigh any benefits of high-efficiency condensing units.

DOE acknowledges the potential issues that could be associated with an improperly installed condensing rooftop furnace, which could cause reliability issues for end-users of this equipment. DOE believes that the technical challenges of installing a condensing rooftop furnace can be overcome, and this has been demonstrated by the dedicated outdoor air systems that are currently on the market, which are installed on rooftops and have reliable condensate management systems. Nevertheless, DOE believes significant installer training and education would be required to ensure reliable installation of outdoor furnaces using condensing technology.

Repair and Replacement Rates

During interviews, most manufacturers expressed concerns that an increase in energy conservation standards for CWAF may make customers more likely to repair an old unit rather than replace it. According to manufacturers, the main reason an amended standard may lead to a drop in shipments is the price sensitivity of end users. Manufacturers added that some customers would need to make significant alterations to the layout of rooftop equipment in order to accommodate larger CWAF units and condensate management systems. The higher total installed cost of more-efficient CWAF units and the possible risk of damage to existing roofing could deter customers from purchasing new units. The lower cost of fixing an old unit may become a more attractive option. Furthermore, manufacturers indicated that there could be a reduction in national energy savings from a higher standard due to an increased number of older, less-efficient units that are repaired rather than replaced with newer, more-efficient units. Manufacturers expressed concern over a potential contraction in the overall market size resulting from amended standards, because commercial consumers may decide to turn to other space-conditioning options entirely.

DOE agrees with manufacturers that for certain equipment, such as CWAF, the higher total installed cost of more-efficient equipment may lead end-users to delay purchasing new equipment and to repair rather than to replace this equipment. DOE accounts for this effect at higher efficiency levels in the shipments analysis by examining the cost of higher-efficiency equipment as compared to the operating savings, and this is discussed further in chapter 9 of the TSD (shipments analysis).

K. Emissions Analysis

In the emissions analysis, DOE estimates the reduction in power sector emissions of carbon dioxide (CO_2), nitrogen oxides (NO_X), sulfur dioxide (SO_2), and mercury (Hg) from potential energy conservation standards for CWAF. In addition, DOE estimates emissions impacts in production activities (extracting, processing, and transporting fuels) that provide the energy inputs to power plants. These are referred to as ''upstream'' emissions. Together, these emissions account for the full-fuel-cycle (FFC). In accordance with DOE's FFC Statement of Policy (76 FR 51281 (Aug. 18, 2011)), the FFC analysis includes impacts on emissions

of methane (CH_4) and nitrous oxide (N_2O), both of which are recognized as greenhouse gases.

The proposed standards would reduce use of fuel at the site and slightly reduce electricity use, thereby reducing power sector emissions. However, the highest efficiency levels (*i.e.,* the max-tech levels) considered for CWAF would increase the use of electricity by the furnace. For the considered TSLs, DOE estimated the change in power sector and upstream emissions of CO_2, NO_X, SO_2, and mercury (Hg).[58]

DOE primarily conducted the emissions analysis using emissions factors for CO_2 and most of the other gases derived from data in EIA's *Annual Energy Outlook 2013* (*AEO 2013*). Combustion emissions of CH_4 and N_2O were estimated using emissions intensity factors published by the Environmental Protection Agency (EPA) through its GHG Emissions Factors Hub.[59] Site emissions of CO_2 and NO_X were estimated using emissions intensity factors from an EPA publication.[60] DOE developed separate emissions factors for power sector emissions and upstream emissions. The method that DOE used to derive emissions factors is described in chapter 13 of the NOPR TSD.

For CH_4 and N_2O, DOE calculated emissions reduction in tons and also in terms of units of carbon dioxide equivalent (CO_2eq). Gases are converted to CO_2eq by multiplying by the gas' global warming potential (GWP) over a 100-year time horizon. Based on the Fourth Assessment Report of the Intergovernmental Panel on Climate Change,[61] DOE used GWP values of 25 for CH_4 and 298 for N_2O.

EIA prepares the *Annual Energy Outlook* using NEMS. Each annual version of NEMS incorporates the projected impacts of existing air quality regulations on emissions. *AEO 2013* generally represents current legislation and environmental regulations, including recent government actions, for which implementing regulations were available as of December 31, 2012.

Because the on-site operation of CWAF requires use of fossil fuels and results in emissions of CO_2, NO_X, and SO_2 at the sites where these appliances are used, DOE also accounted for the reduction in these site emissions and the associated upstream emissions due to potential standards.

SO_2 emissions from affected electric generating units (EGUs) are subject to nationwide and regional emissions cap-and-trade programs. Title IV of the Clean Air Act sets an annual emissions cap on SO_2 for affected EGUs in the 48 contiguous States and the District of Columbia (DC). SO_2 emissions from 28 eastern States and DC were also limited under the Clean Air Interstate Rule (CAIR; 70 FR 25162 (May 12, 2005)), which created an allowance-based trading program that operates along with the Title IV program. CAIR was remanded to the U.S. Environmental Protection Agency (EPA) by the U.S. Court of Appeals for the District of Columbia Circuit, but it remained in effect.[62] In 2011 EPA issued a replacement for CAIR, the Cross-State Air Pollution Rule (CSAPR). 76 FR 48208 (August 8, 2011). On August 21, 2012, the DC Circuit issued a decision to vacate CSAPR.[63] The court ordered EPA to continue administering CAIR. The emissions factors used for the NOPR, which are based on AEO 2013 assume that CAIR remains a binding regulation through 2040.[64]

The attainment of emissions caps is typically flexible among EGUs and is enforced through the use of emissions allowances and tradable permits. Under existing EPA regulations, any excess SO_2 emissions allowances resulting from the lower electricity demand caused by the adoption of an efficiency standard could be used to permit offsetting increases in SO_2 emissions by any regulated EGU. In past rulemakings, DOE recognized that there was uncertainty about the effects of efficiency standards on SO_2 emissions covered by the existing cap-and-trade system, but it concluded that negligible reductions in power sector SO_2 emissions would occur as a result of standards.

Beginning in 2015, however, SO_2 emissions will decline significantly as a result of the Mercury and Air Toxics Standards (MATS) for power plants. 77 FR 9304 (Feb. 16, 2012). In the final MATS rule, EPA established a standard for hydrogen chloride as a surrogate for acid gas hazardous air pollutants (HAP), and also established a standard for SO_2 (a non-HAP acid gas) as an alternative equivalent surrogate standard for acid gas HAP. The same controls are used to reduce HAP and non-HAP acid gas; thus, SO_2 emissions will be reduced as a result of the control technologies installed on coal-fired power plants to comply with the MATS requirements for acid gas. *AEO 2013* assumes that, in order to continue operating, coal plants must have either flue gas desulfurization or dry sorbent injection systems installed by 2015. Both technologies, which are used to reduce acid gas emissions, also reduce SO_2 emissions. Under the MATS, NEMS shows a reduction in SO_2 emissions when electricity demand decreases (*e.g.,* as a result of energy efficiency standards). Emissions will be far below the cap established by CAIR, so it is likely that excess SO_2 emissions allowances resulting from the lower electricity demand would be needed or used to permit offsetting increases in SO_2 emissions by any regulated EGU. Therefore, DOE believes that energy efficiency standards will reduce SO_2 emissions in 2015 and beyond.

CAIR established a cap on NO_X emissions in 28 eastern States and the District of Columbia. Energy conservation standards are expected to have little effect on NO_X emissions in those States covered by CAIR because excess NO_X emissions allowances resulting from the lower electricity demand could be used to permit offsetting increases in NO_X emissions. However, standards would be expected to reduce NO_X emissions in the States not affected by the caps, so DOE estimated NO_X emissions reductions from the standards considered in the NOPR for these States.

The MATS limit mercury emissions from power plants, but they do not include emissions caps and, as such, DOE's energy conservation standards

[58] Note that in these cases the reduction in site emissions of CO_2, NO_X, and SO_2 is larger than the increase in power sector emissions.

[59] See *http://www.epa.gov/climateleadership/guidance/ghg-emissions.html.*

[60] U.S. Environmental Protection Agency, Compilation of Air Pollutant Emission Factors, AP–42, Fifth Edition, Volume I: Stationary Point and Area Sources (1998) (Available at: *http://www.epa.gov/ttn/chief/ap42/index.html*).

[61] Forster, P., V. Ramaswamy, P. Artaxo, T. Berntsen, R. Betts, D.W. Fahey, J. Haywood, J. Lean, DC Lowe, G. Myhre, J. Nganga, R. Prinn,G. Raga, M. Schulz and R. Van Dorland. 2007: Changes in Atmospheric Constituents and in Radiative Forcing. In *Climate Change 2007: The Physical Science Basis.* Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change. S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M.Tignor and H.L. Miller, Editors. 2007. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. p. 212.

[62] See *North Carolina* v. *EPA,* 550 F.3d 1176 (D.C. Cir. 2008); *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008).

[63] See *EME Homer City Generation, LP* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012).

[64] On April 29, 2014, the U.S. Supreme Court reversed the judgment of the DC Circuit and remanded the case for further proceedings consistent with the Supreme Court's opinion. The Supreme Court held in part that EPA's methodology for quantifying emissions that must be eliminated in certain states due to their impacts in other downwind states was based on a permissible, workable, and equitable interpretation of the Clean Air Act provision that provides statutory authority for CSAPR. See *EPA* v. *EME Homer City Generation,* No 12–1182, slip op. at 32 (U.S. April 29, 2014). Because DOE is using emissions factors based on *AEO 2013* for NOPR, the analysis assumes that CAIR, not CSAPR, is the regulation in force. The difference between CAIR and CSAPR is not relevant for the purpose of DOE's analysis of SO_2 emissions.

would likely reduce Hg emissions. DOE estimated mercury emissions reduction using emissions factors based on *AEO 2013,* which incorporates the MATS.

L. Monetizing Carbon Dioxide and Other Emissions Impacts

As part of the development of this proposed rule, DOE considered the estimated monetary benefits from the reduced emissions of CO_2 and NO_X that are expected to result from each of the TSLs considered. In order to make this calculation similar to the calculation of the NPV of consumer benefit, DOE considered the reduced emissions expected to result over the lifetime of equipment shipped in the forecast period for each TSL. This section summarizes the basis for the monetary values used for each of these emissions and presents the values considered in this rulemaking.

For this NOPR, DOE is relying on a set of values for the social cost of carbon (SCC) that was developed by an interagency process. A summary of the basis for these values is provided below, and a more detailed description of the methodologies used is provided as an appendix to chapter 14 of the NOPR TSD.

1. Social Cost of Carbon

The SCC is an estimate of the monetized damages associated with an incremental increase in carbon emissions in a given year. It is intended to include (but is not limited to) changes in net agricultural productivity, human health, property damages from increased flood risk, and the value of ecosystem services. Estimates of the SCC are provided in dollars per metric ton of carbon dioxide. A domestic SCC value is meant to reflect the value of damages in the United States resulting from a unit change in carbon dioxide emissions, while a global SCC value is meant to reflect the value of damages worldwide.

Under section 1(b)(6) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), agencies must, to the extent permitted by law, assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. The purpose of the SCC estimates presented here is to allow agencies to incorporate the monetized social benefits of reducing CO_2 emissions into cost-benefit analyses of regulatory actions. The estimates are presented with an acknowledgement of the many uncertainties involved and with a clear understanding that they should be updated over time to reflect increasing knowledge of the science and economics of climate impacts.

As part of the interagency process that developed the SCC estimates, technical experts from numerous agencies met on a regular basis to consider public comments, explore the technical literature in relevant fields, and discuss key model inputs and assumptions. The main objective of this process was to develop a range of SCC values using a defensible set of input assumptions grounded in the existing scientific and economic literatures. In this way, key uncertainties and model differences transparently and consistently inform the range of SCC estimates used in the rulemaking process.

a. Monetizing Carbon Dioxide Emissions

When attempting to assess the incremental economic impacts of carbon dioxide emissions, the analyst faces a number of challenges. A recent report from the National Research Council points out that any assessment will suffer from uncertainty, speculation, and lack of information about: (1) Future emissions of greenhouse gases; (2) the effects of past and future emissions on the climate system; (3) the impact of changes in climate on the physical and biological environment; and (4) the translation of these environmental impacts into economic damages. As a result, any effort to quantify and monetize the harms associated with climate change will raise questions of science, economics, and ethics and should be viewed as provisional.

Despite the limits of both quantification and monetization, SCC estimates can be useful in estimating the social benefits of reducing carbon dioxide emissions. The agency can estimate the benefits from reduced emissions in any future year by multiplying the change in emissions in that year by the SCC value appropriate for that year. The net present value of the benefits can then be calculated by multiplying the future benefits by an appropriate discount factor and summing across all affected years.

It is important to emphasize that the interagency process is committed to updating these estimates as the science and economic understanding of climate change and its impacts on society improves over time. In the meantime, the interagency group will continue to explore the issues raised by this analysis and consider public comments as part of the ongoing interagency process.

b. Development of Social Cost of Carbon Values

In 2009, an interagency process was initiated to offer a preliminary assessment of how best to quantify the benefits from reducing carbon dioxide emissions. To ensure consistency in how benefits are evaluated across agencies, the Administration sought to develop a transparent and defensible method, specifically designed for the rulemaking process, to quantify avoided climate change damages from reduced CO_2 emissions. The interagency group did not undertake any original analysis. Instead, it combined SCC estimates from the existing literature to use as interim values until a more comprehensive analysis could be conducted. The outcome of the preliminary assessment by the interagency group was a set of five interim values: global SCC estimates for 2007 (in 2006$) of $55, $33, $19, $10, and $5 per metric ton of CO_2. These interim values represented the first sustained interagency effort within the U.S. government to develop an SCC for use in regulatory analysis. The results of this preliminary effort were presented in several proposed and final rules.

c. Current Approach and Key Assumptions

After the release of the interim values, the interagency group reconvened on a regular basis to generate improved SCC estimates. Specifically, the group considered public comments and further explored the technical literature in relevant fields. The interagency group relied on three integrated assessment models commonly used to estimate the SCC: the FUND, DICE, and PAGE models. These models are frequently cited in the peer-reviewed literature and were used in the last assessment of the Intergovernmental Panel on Climate Change. Each model was given equal weight in the SCC values that were developed.

Each model takes a slightly different approach to model how changes in emissions result in changes in economic damages. A key objective of the interagency process was to enable a consistent exploration of the three models while respecting the different approaches to quantifying damages taken by the key modelers in the field. An extensive review of the literature was conducted to select three sets of input parameters for these models: climate sensitivity, socio-economic and emissions trajectories, and discount rates. A probability distribution for climate sensitivity was specified as an input into all three models. In addition,

the interagency group used a range of scenarios for the socio-economic parameters and a range of values for the discount rate. All other model features were left unchanged, relying on the model developers' best estimates and judgments.

In 2010, the interagency group selected four sets of SCC values for use in regulatory analyses.[65] Three sets of values are based on the average SCC from three integrated assessment models, at discount rates of 2.5 percent, 3 percent, and 5 percent. The fourth set, which represents the 95th-percentile SCC estimate across all three models at a 3-percent discount rate, is included to represent higher-than-expected impacts from climate change further out in the tails of the SCC distribution. The values grow in real terms over time. Additionally, the interagency group determined that a range of values from 7 percent to 23 percent should be used to adjust the global SCC to calculate domestic effects, although preference is given to consideration of the global benefits of reducing CO_2 emissions. Table IV.10 presents the values in the 2010 interagency group report,[66] which is reproduced in appendix 14–A of the NOPR TSD.

TABLE IV.10—ANNUAL SCC VALUES FROM 2010 INTERAGENCY REPORT, 2010–2050

[In 2007 dollars per metric ton CO_2]

Year	Discount rate %			
	5	3	2.5	3
	Average	Average	Average	95th Percentile
2010	4.7	21.4	35.1	64.9
2015	5.7	23.8	38.4	72.8
2020	6.8	26.3	41.7	80.7
2025	8.2	29.6	45.9	90.4
2030	9.7	32.8	50.0	100.0
2035	11.2	36.0	54.2	109.7
2040	12.7	39.2	58.4	119.3
2045	14.2	42.1	61.7	127.8
2050	15.7	44.9	65.0	136.2

The SCC values used for this NOPR were generated using the most recent versions of the three integrated assessment models that have been published in the peer-reviewed literature.[67] Table IV.11 shows the updated sets of SCC estimates from the 2013 interagency update in five-year increments from 2010 to 2050. Appendix 14–B of the NOPR TSD provides the full set of values. The central value that emerges is the average SCC across models at 3-percent discount rate. However, for purposes of capturing the uncertainties involved in regulatory impact analysis, the interagency group emphasizes the importance of including all four sets of SCC values.

TABLE IV.11—ANNUAL SCC VALUES FROM 2013 INTERAGENCY UPDATE, 2010–2050

[in 2007 dollars per metric ton CO_2]

Year	Discount rate %			
	5	3	2.5	3
	Average	Average	Average	95th Percentile
2010	11	32	51	89
2015	11	37	57	109
2020	12	43	64	128
2025	14	47	69	143
2030	16	52	75	159
2035	19	56	80	175
2040	21	61	86	191
2045	24	66	92	206
2050	26	71	97	220

It is important to recognize that a number of key uncertainties remain, and that current SCC estimates should be treated as provisional and revisable since they will evolve with improved scientific and economic understanding. The interagency group also recognizes that the existing models are imperfect and incomplete. The National Research Council report mentioned above points out that there is tension between the goal of producing quantified estimates of the economic damages from an incremental ton of carbon and the limits of existing efforts to model these effects. There are a number of analytical challenges that are being addressed by the research community, including

[65] *Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866,* Interagency Working Group on Social Cost of Carbon, United States Government (February 2010) (Available at: *http://www.whitehouse.gov/sites/default/files/omb/inforeg/for-agencies/Social-Cost-of-Carbon-for-RIA.pdf).*

[66] *Id.*

[67] Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866, Interagency Working Group on Social Cost of Carbon, United States Government (May 2013; revised November 2013) (Available at: *http://www.whitehouse.gov/sites/default/files/omb/assets/inforeg/technical-update-social-cost-of-carbon-for-regulator-impact-analysis.pdf).*

research programs housed in many of the Federal agencies participating in the interagency process to estimate the SCC. The interagency group intends to periodically review and reconsider those estimates to reflect increasing knowledge of the science and economics of climate impacts, as well as improvements in modeling.

In summary, in considering the potential global benefits resulting from reduced CO_2 emissions, DOE used the values from the 2013 interagency report, adjusted to 2013$ using the Gross Domestic Product price deflator. For each of the four SCC cases specified, the values used for emissions in 2015 were $12.0, $40.5, $62.4, and $119 per metric ton avoided (values expressed in 2013$). For the years after 2050, DOE applied the average annual growth rate of the SCC estimates in 2040 − 2050 associated with each of the four sets of values.[68]

DOE multiplied the CO_2 emissions reduction estimated for each year by the SCC value for that year in each of the four cases. To calculate a present value of the stream of monetary values, DOE discounted the values in each of the four cases using the specific discount rate that had been used to obtain the SCC values in each case.

2. Valuation of Other Emissions Reductions

As noted above, DOE has taken into account how amended energy conservation standards would reduce site NO_X emissions nationwide and increase power sector NO_X emissions in those 22 States not affected by the CAIR. DOE estimated the monetized value of net NO_X emissions reductions resulting from each of the TSLs considered for this NOPR based on estimates found in the relevant scientific literature. Estimates of monetary value for reducing NO_X from stationary sources range from $476 to $4,893 per ton in 2013$.[69] DOE calculated monetary benefits using a medium value for NO_X emissions of $2,684 per short ton (in 2013$), and NO_X real discount rates of 3 percent and 7 percent.

DOE is evaluating appropriate monetization of avoided SO_2 and Hg emissions in energy conservation standards rulemakings. It has not included monetization in the current analysis.

M. Utility Impact Analysis

The utility impact analysis estimates several effects on the electricity generation industry that would result from the adoption of amended energy conservation standards. In the utility impact analysis, DOE analyzes the changes in installed electricity capacity and generation that would result for each trial standard level. The utility impact analysis used a variant of NEMS. The analysis consists of a comparison between model results for the most recent *AEO* Reference Case and for cases in which energy use is decremented to reflect the impact of potential standards. The energy savings inputs associated with each TSL come from the NIA. Chapter 15 of the NOPR TSD describes the utility impact analysis in further detail.

N. Employment Impact Analysis

Employment impacts from new or amended energy conservation standards include direct and indirect impacts. Direct employment impacts are any changes in the number of employees of manufacturers of the equipment subject to standards; the MIA addresses those impacts. Indirect employment impacts are changes in national employment that occur due to the shift in expenditures and capital investment caused by the purchase and operation of more-efficient equipment. Indirect employment impacts from standards consist of the jobs created or eliminated in the national economy, other than in the manufacturing sector being regulated, due to: (1) Reduced spending by end users on energy; (2) reduced spending on new energy supply by the utility industry; (3) increased consumer spending on the purchase of new equipment; and (4) the effects of those three factors throughout the economy.

One method for assessing the possible effects on the demand for labor of such shifts in economic activity is to compare sector employment statistics developed by the Labor Department's Bureau of Labor Statistics (BLS). BLS regularly publishes its estimates of the number of jobs per million dollars of economic activity in different sectors of the economy, as well as the jobs created elsewhere in the economy by this same economic activity. Data from BLS indicate that expenditures in the utility sector generally create fewer jobs (both directly and indirectly) than expenditures in other sectors of the economy.[70] There are many reasons for these differences, including wage differences and the fact that the utility sector is more capital-intensive and less labor-intensive than other sectors. Energy conservation standards have the effect of reducing consumer utility bills. Because reduced consumer expenditures for energy likely lead to increased expenditures in other sectors of the economy, the general effect of efficiency standards is to shift economic activity from a less labor-intensive sector (*i.e.,* the utility sector) to more labor-intensive sectors (*e.g.,* the retail and service sectors). Thus, based on the BLS data alone, DOE believes net national employment may increase because of shifts in economic activity resulting from amended standards for CWAF.

For the amended standard levels considered in the NOPR, DOE estimated indirect national employment impacts using an input/output model of the U.S. economy called Impact of Sector Energy Technologies, Version 3.1.1 (ImSET).[71] ImSET is a special-purpose version of the ''U.S. Benchmark National Input-Output'' (I–O) model, which was designed to estimate the national employment and income effects of energy-saving technologies. The ImSET software includes a computer-based I–O model having structural coefficients that characterize economic flows among the 187 sectors. ImSET's national economic I–O structure is based on a 2002 U.S. benchmark table, specially aggregated to the 187 sectors most relevant to industrial, commercial, and residential building energy use. DOE notes that ImSET is not a general equilibrium forecasting model, and understands the uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Because ImSET does not incorporate price changes, the employment effects predicted by ImSET may over-estimate actual job impacts over the long run. For the NOPR, DOE used ImSET only to estimate short-term (through 2023) employment impacts.

For more details on the employment impact analysis, see chapter 16 of the NOPR TSD.

V. Analytical Results and Conclusions

The following section addresses the results from DOE's analyses with respect to potential amended energy conservation standards for CWAF in this rulemaking. It addresses the trial

[68] The post-2050 annual growth rates for the four SCC cases are 2.6%, 1.6%, 1.3%, and 1.5%.

[69] U.S. Office of Management and Budget, Office of Information and Regulatory Affairs, *2006 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities,* Washington, DC.

[70] *See* Bureau of Economic Analysis, ''Regional Multipliers: A Handbook for the Regional Input-Output Modeling System (RIMS II),'' U.S. Department of Commerce (1992).

[71] M.J. Scott, O.V. Livingston, P.J. Balducci, J.M. Roop, and R.W. Schultz, *ImSET 3.1: Impact of Sector Energy Technologies,* PNNL–18412, Pacific Northwest National Laboratory (2009) (Available at: *www.pnl.gov/main/publications/external/technical_reports/PNNL-18412.pdf*).

standard levels (TSLs) examined by DOE, the projected impacts of each of these levels if adopted as energy conservation standards for CWAF, and the proposed standard levels that DOE sets forth in the NOPR. Additional details regarding DOE's analyses are contained in the TSD supporting this notice.

A. Trial Standard Levels

At the NOPR stage, DOE develops TSLs for consideration. TSLs are formed by grouping different efficiency levels, which are potential standard levels for each equipment class. DOE analyzed the benefits and burdens of the TSLs developed for this proposed rule. Table V.1 presents the TSLs analyzed and the corresponding efficiency level for each CWAF equipment class. TSL 5 represents the max-tech efficiency levels, which use condensing technology. For non-condensing efficiency levels, DOE considered all gas-fired and oil-fired efficiency level combinations as part of the TSL structure.

TABLE V.1—SUMMARY OF TRIAL STANDARD LEVELS FOR COMMERCIAL WARM AIR FURNACES

Equipment class	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
	Thermal efficiency (TE)				
Gas-fired Furnaces	81%	81%	82%	82%	92%
Oil-fired Furnaces	81%	82%	81%	82%	92%

B. Economic Justification and Energy Savings

As discussed in section II.A, EPCA provides seven factors to be evaluated in determining whether a more-stringent standard for CWAF is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)) The following sections generally discuss how DOE is addressing each of those factors in this rulemaking.

1. Economic Impacts on Individual Commercial Consumers

DOE analyzed the economic impacts on CWAF consumers by looking at the effects standards would have on the LCC and PBP. DOE also examined the impacts of potential standards on commercial consumer subgroups. These analyses are discussed below.

a. Life-Cycle Cost and Payback Period

To evaluate the net economic impact of potential amended energy conservation standards on commercial consumers of CWAF, DOE conducted LCC and PBP analyses for each TSL. In general, higher-efficiency equipment would affect customers in two ways: (1) Annual operating expense would decrease, and (2) purchase price would increase. Inputs used for calculating the LCC and PBP include total installed costs (*i.e.,* equipment price plus installation costs), operating costs (*i.e.,* annual energy savings, energy prices, energy price trends, repair costs, and maintenance costs), equipment lifetime, and discount rates.

The key outputs of the LCC analysis are a mean LCC savings (or cost) and a median PBP relative to the base case for each equipment class, as well as the percentage of consumers for which the LCC under an amended standard would decrease (net benefit), increase (net cost), or exhibit no change (no impact) relative to the base-case equipment forecast. No impacts occur when the base-case efficiency equals or exceeds the efficiency at a given TSL.

DOE also performed a PBP analysis as part of the consumer impact analysis. The PBP is the number of years it would take for the consumer of this commercial equipment to recover the increased costs of higher-efficiency equipment as a result of energy savings based on the operating cost savings. The PBP is an economic benefit-cost measure that uses benefits and costs without discounting. Chapter 8 of the NOPR TSD provides detailed information on the LCC and PBP analyses.

Table V.2 and Table V.3 show the key LCC and PBP results for each equipment class.

TABLE V.2—SUMMARY LIFE-CYCLE COST AND PAYBACK PERIOD RESULTS FOR GAS-FIRED COMMERCIAL WARM AIR FURNACES

Trial standard level	Thermal efficiency	Life-cycle cost *2013$*			Life-cycle cost savings				Median payback period *years*
		Total installed cost	Discounted operating cost	LCC	Average savings *2013$**	% of Customers that experience			
						Net cost	No impact	Net benefit	
Baseline	80%	$2,262	$26,623	$28,885	NA	0%	100%	0%	NA
1, 2	81%	2,271	26,343	28,613	$186	1%	33%	66%	0.6
3, 4	82%	2,280	26,069	28,349	$426	2%	10%	88%	0.7
5	92%	3,848	23,898	27,746	$1,025	48%	1%	51%	12.2

* Rounding may cause some items to not total 100 percent.

TABLE V.3—SUMMARY LIFE-CYCLE COST AND PAYBACK PERIOD RESULTS FOR OIL-FIRED COMMERCIAL WARM AIR FURNACES

Trial standard level	Thermal efficiency	Life-cycle cost *2013$*			Life-cycle cost savings				Median payback period *years*
		Total installed cost	Discounted operating cost	LCC	Average savings *2013$**	% of Customers that experience			
						Net cost	No impact	Net benefit	
Baseline, 1, 3	81%	$6,504	$67,313	$73,817	NA	0%	100%	0%	NA
2, 4	82%	6,556	73,310	73,310	$164	8%	69%	23%	2.8
5	92%	8,008	62,187	70,195	$3,278	47%	0%	53%	7.5

* Rounding may cause some items to not total 100 percent.

b. Consumer Subgroup Analysis

In the consumer subgroup analysis, DOE estimated the impacts of the considered TSLs on small business consumers. The LCC savings and payback periods for small business consumers are shown in Table V.4. Chapter 11 of the NOPR TSD presents detailed results of the commercial consumer subgroup analysis.

TABLE V.4—SUMMARY CONSUMER SUBGROUP (SMALL BUSINESS CONSUMERS) RESULTS FOR COMMERCIAL WARM AIR FURNACES

Trial standard level	Gas-fired		Oil-fired	
	Average LCC savings*	Median PBP	Average LCC savings*	Median PBP
1	$158	0.6	NA	NA
2	158	0.6	$132	2.3
3	365	0.7	NA	NA
4	365	0.7	$132	2.3
5	708	12.6	$2,454	8.8

* LCC savings are net savings (*i.e.,* savings over the life time net of any costs incurred).

c. Rebuttable Presumption Payback

As discussed in section III.C.2, EPCA establishes a rebuttable presumption that an energy conservation standard is economically justified if the increased purchase cost for equipment that meets the standard is less than three times the value of the first-year energy savings resulting from the standard. DOE calculated a rebuttable-presumption PBP for each TSL to determine whether DOE could presume that a standard at that level is economically justified.

DOE based the calculations on average usage profiles. As a result, DOE calculated a single rebuttable-presumption payback value, and not a distribution of PBPs, for each TSL. Table V.5 shows the rebuttable-presumption PBPs for the considered TSLs. The rebuttable presumption is fulfilled in those cases where the PBP is three years or less. However, DOE routinely conducts an economic analysis that considers the full range of impacts to the customer, manufacturer, Nation, and environment, as required by EPCA. The results of that analysis serve as the basis for DOE to definitively evaluate the economic justification for a potential standard level (thereby supporting or rebutting the results of any three-year PBP analysis). Section V.C addresses how DOE considered the range of impacts to select these proposed standards.

TABLE V.5—REBUTTABLE-PRESUMPTION PAYBACK PERIODS (YEARS) FOR COMMERCIAL WARM AIR FURNACES*

Equipment class	Trial standard level				
	1	2	3	4	5
Gas-fired	0.02	0.02	0.02	0.02	0.44
Oil-fired	.....	0.14	.....	0.14	0.63

* The rebuttable PBP is based on DOE's test procedure and uses single-point values, while the LCC analysis presented in Table V.2 and Table V.3 reflects energy use under actual field conditions and uses a distribution of values.

2. Economic Impacts on Manufacturers

As noted above, DOE performed an MIA to estimate the impact of amended energy conservation standards on manufacturers of CWAF. The following section describes the expected impacts on manufacturers at each considered TSL. Chapter 12 of the NOPR TSD explains the analysis in further detail.

a. Industry Cash-Flow Analysis Results

Table V.6. and Table V.7 depict the estimated financial impacts (represented by changes in INPV) of amended energy standards on manufacturers of CWAF, as well as the conversion costs that DOE expects manufacturers would incur for all equipment classes at each TSL. To evaluate the range of cash flow impacts on the CWAF industry associated with

potential amended energy conservation standards, DOE modeled two different mark-up scenarios and two different conversion cost scenarios, as described in section IV.J.b (Government Regulatory Impact Model Scenarios). The combination of markup scenarios and conversion costs scenarios results in 4 sets of results: (1) Preservation of Gross Margin Percentage and Low Conversion Costs scenario, (2) Preservation of Gross Margin Percentage and High Conversion Costs scenario, (3) Preservation of Operating Profit and Low Conversion Costs scenario, (4) Preservation of Operating Profit and High Conversion Costs scenario. Each of the modeled scenarios results in a unique set of cash flows and corresponding industry values at each TSL. DOE presents the highest and lowest INPV results from the combined scenarios to portray the range of potential impacts on the industry. The low end of the range of impacts is the Preservation of Gross Margin Percentage and Low Conversion Costs scenario. The high end of the range of impacts is the Preservation of Operating Profit and High Conversion Costs scenario.

In the following discussion, the INPV results refer to the difference in industry value between the base case and each standards case that results from the sum of discounted cash flows from the base year 2014 through 2047, the end of the analysis period. To provide perspective on the short-run cash flow impact, DOE includes in the discussion of the results below a comparison of free cash flow between the base case and the standards case at each TSL in the year before new standards would take effect. This figure provides an understanding of the magnitude of the required conversion costs relative to the cash flow generated by the industry in the base case.

The set of results below shows potential INPV impacts for CWAF manufacturers; Table V.6. reflects the lower bound of impacts, and Table V.7 represents the upper bound.

TABLE V.6—MANUFACTURER IMPACT ANALYSIS FOR CWAF—PRESERVATION OF GROSS MARGIN PERCENTAGE/LOW CONVERSION COST SCENARIO SCENARIO*

	Units	Base case	Trial standard level				
			1	2	3	4	5
INPV	2013$ M	74.67	67.9	67.5	64.0	63.5	89.4
Change in INPV	2013$ M		(6.7)	(7.2)	(10.7)	(11.1)	14.8
	%		−9%	−10%	−14%	−15%	−20%
Product Conversion Costs	2013$ M		11.1	11.5	18.0	18.4	28.2
Capital Conversion Costs	2013$ M		0.6	0.9	1.2	1.5	61.3
Total Conversion Costs	2013$ M		11.7	12.4	19.2	19.9	89.4
Free Cash Flow	2013$ M	6.3	2.4	2.2	(0.1)	(0.3)	(31.3)
Change in Free Cash Flow	2013$ M		3.9	4.1	6.4	6.7	37.6
	% Change		61.4	65.6	101.4	105.5	596.0

* Parentheses indicate negative values.

TABLE V.7—MANUFACTURER IMPACT ANALYSIS FOR CWAF—PRESERVATION OF OPERATING PROFIT SCENARIO/HIGH CONVERSION COSTS SCENARIO: CHANGES SCENARIO*

	Units	Base case	Trial standard level				
			1	2	3	4	5
INPV	2013$ M	74.67	64.2	60.1	36.7	31.4	(23.7)
Change in INPV	2013$ M		(10.5)	(14.5)	(38.0)	(43.3)	(98.3)
	%		14%	19%	51%	58%	132%
Product Conversion Costs	2013$ M		11.3	17.2	48.8	54.7	81.0
Capital Conversion Costs	2013$ M		4.4	5.0	4.5	5.0	71.5
Total Conversion Costs	2013$ M		15.7	22.2	53.2	59.7	152.5
Free Cash Flow	2013$ M	6.3	0.7	(1.5)	(14.8)	(17.7)	(59.2)
Change in							
Free Cash Flow	2013$ M		5.7	7.8	21.1	24.0	65.5
	% Change		89.6	124.3	334.7	380.4	1038.6

* Parentheses indicate negative values.

As noted in section IV.J.a (Government Regulatory Impact Model Key Inputs), the MIA uses the Engineering Analysis's manufacturer production costs and the Shipments Analysis's sales forecasts as inputs. Two key trends in these inputs help drive the MIA results. First, the increase in efficiency at TSLs below max-tech can be accomplished with very little incremental production cost. This is highlighted in Table IV.6. At levels below TSL 5, gas-fired equipment MPCs increase by 4% at most and oil-fired MPC increase by 1% at most. Furthermore, at levels below TSL 5, total industry shipments over the analysis period remain the same across TSLs. Since DOE's analysis indicates there are no significant changes to variable production costs and no significant changes in total shipments below max-tech, manufacturer markups are also unlikely to vary significantly at those TSLs and have limited impact on the change in industry value between the base case and standards cases.

However, anticipated conversion costs provided by manufacturers in interviews were quite high relative to industry value. As a result, conversion costs would have a significant impact on industry value. In particular, product conversion costs and time requirements were a concern for the industry. Manufacturer input during interviews indicated higher product conversion costs than initially expected by DOE. As a result, the Department modeled a sensitivity related to conversion costs. DOE applied two different

methodologies to estimate conversion costs. A Top-Down methodology relied on manufacturer feedback, AHRI listing data, and market share estimates. A Bottom-Up methodology was also used to estimate industry conversion costs, under which DOE relied on test lab pricing quotes, industry product literature, and the engineering cost model data to estimate the expenses associated with thermal efficiency testing, heat limit testing, product safety testing, reliability testing, and engineering effort. DOE assumed these items comprised the bulk of product conversion costs.

In its analysis, DOE ran 4 scenarios based on combinations from 2 markup scenarios and 2 conversion cost scenarios. The results presented below represent the upper-bound and lower-bound of results from those scenarios.

TSL 1 represents EL 1 (81 percent) for gas-fired CWAF and baseline (81 percent) for oil-fired CWAF. At this level, DOE estimates 54% of the industry platforms would require redesign at a total industry conversion cost of $11.7 million to $15.7 million. DOE estimates impacts on INPV for CWAF manufacturers to range from a change in INPV of −14.0 percent to −9.0 percent, or $10.5 million to −$6.7 million. At this potential standard level, industry free cash flow is estimated to decrease by as much as 89.6 percent to −$0.7 million, compared to the base-case value of $6.3 million in 2017, the year before the compliance date (2018).

TSL 2 represents EL 1 (81 percent for gas-fired and 82 percent for oil-fired) across all equipment classes. At this level, DOE estimates 60% of the industry platforms would require redesign at a total industry conversion cost of $12.4 million to $22.2 million. DOE estimates impacts on INPV for CWAF manufacturers to range from a change in INPV of −19.5 percent to −9.6 percent, or a change of −$14.5 million to −$7.2 million. At this potential standard level, industry free cash flow is estimated to decrease by as much as 124.3 percent to −$1.5 million, compared to the base-case value of $6.3 million in the year before the compliance date (2018).

TSL 3 represents EL 2 (82 percent) for gas-fired CWAF and baseline (81 percent) for oil-fired CWAF. At this level, DOE estimates 77% of the industry platforms would require redesign at a total industry conversion cost of $19.2 million to $53.2 million DOE estimates impacts on INPV for CWAF manufacturers to range from a change in INPV of −50.8 percent to −14.3 percent, or −$38.0 million to −$10.7 million. At this potential standard level, industry free cash flow is estimated to decrease by as much as 334.7 percent to −$14.8 million, compared to the base-case value of $6.3 million in the year before the compliance date (2018).

TSL 4 represents EL 2 (82 percent) for gas-fired CWAF and EL 1 (82 percent) for oil-fired CWAF. At this level, DOE estimates 83% of the industry platforms would require redesign at a total industry conversion cost of $19.9 million to $59.7 million. DOE estimates impacts on INPV for CWAF manufacturers to range from a change in INPV of −58.0 percent to −14.9 percent, or −$43.3 million to −$11.1 million. At this potential standard level, industry free cash flow is estimated to decrease by as much as 380.4 percent to −$17.7 million, compared to the base-case value of $6.3 million in the year before the compliance date (2018)

TSL 5 represents max-tech across all equipment classes (*i.e.,* EL 3 (92 percent) for gas-fired CWAF and EL 2 (92 percent) for oil-fired CWAF). At this level, DOE estimates 92% of the industry platforms would require redesign at a total industry conversion cost of $89.4 million to $152.5 million. Conversion costs more than double from TSL 4 to TSL 5. The vast majority of the industry does not offer condensing commercial furnaces today and would need to develop condensing technology for commercial applications. Implementing a condensing commercial furnace would likely have design implication for the cooling side of the HVAC product and for the chassis that houses both the cooling and heating components. DOE estimates impacts on INPV for CWAF manufacturers to range from a change in INPV of −131.7 percent to 19.8 percent, or −$98.3 million to $14.8 million. The loss of more than 100% of INPV reflects the fact that conversion expenses extend beyond the commercial furnace and affect commercial air conditioners and heat pumps, which tend to be the more expensive and complex component of commercial HVAC products. At this potential standard level, industry free cash flow is estimated to decrease by as much as 1,038.6 percent to −$59.2 million relative to the base-case value of $6.3 million in the year before the compliance date (2018).

b. Impacts on Direct Employment

To quantitatively assess the potential impacts of amended energy conservation standards on direct employment in the CWAF industry, DOE used the GRIM to estimate the domestic labor expenditures and number of employees in the base case and at each TSL from 2014 through 2047. DOE used statistical data from the U.S. Census Bureau's 2011 Annual Survey of Manufacturers (ASM),[72] the results of the engineering analysis, and interviews with manufacturers to determine the inputs necessary to calculate industry-wide labor expenditures and domestic employment levels. Labor expenditures related to manufacturing of the product are a function of the labor intensity of the product, the sales volume, and an assumption that wages remain fixed in real terms over time. The total labor expenditures in each year are calculated by multiplying the MPCs by the labor percentage of MPCs. DOE estimates that 99 percent of CWAF units are produced domestically.

The total labor expenditures in the GRIM were then converted to domestic production employment levels by dividing production labor expenditures by the annual payment per production worker (production worker hours times the labor rate found in the U.S. Census Bureau's 2011 ASM). The estimates of production workers in this section cover workers, including line-supervisors who are directly involved in fabricating and assembling a product within the manufacturing facility. Workers performing services that are closely associated with production operations, such as materials handling tasks using forklifts, are also included as production labor. DOE's estimates only account for production workers who manufacture the specific products covered by this rulemaking. The total direct employment impacts calculated in the GRIM are the changes in the number of production workers resulting from the amended energy conservation standards for CWAF, as compared to the base case. In general, more-efficient equipment is larger, more complex, and more labor-intensive to build. Per unit labor requirements and production time requirements increase with a higher energy conservation standard. As a result, the total labor calculations described in this paragraph are considered an upper bound to direct employment forecasts.

Using the GRIM, DOE estimates that in the absence of amended energy conservation standards, there would be 235 domestic production workers for CWAF equipment. DOE estimates that 99 percent of CWAF units sold in the United States are manufactured domestically. The employment impact estimates in Table V.8 below show a

[72] "Annual Survey of Manufactures (ASM)," U.S. Census Bureau (2011) (Available at: *http://www.census.gov/manufacturing/asm/*).

range of potential production employment levels that could exist following the compliance date of amended energy conservation standards. These direct employment impacts shown are independent of the employment impacts to the broader U.S. economy, which are documented in the section IV.N (Employment Impact Analysis) and chapter 13 of the NOPR TSD.

TABLE V.8—RANGE OF POTENTIAL CHANGES IN CWAF PRODUCTION WORKERS IN 2018

	Trial standard level				
	1	2	3	4	5
Total Number of Domestic Production Workers in 2018 (no production location change)	235 to 190	235 to 189	235 to 142	235 to 141	521 to 136
Change from Base Case Estimate of 235 Domestic Production Workers in 2018	0 to (45)	0 to (46)	0 to (93)	0 to (94)	286 to (99)

The upper bound of the range assumes that manufacturers would continue to produce the same scope of covered equipment within the United States, and assumes that domestic production would not shift to countries with lower labor costs. At TSL 1 through 4, the upper bound shows no change in employment from the baseline due to a constant level of production labor expenditure. The major costs and changes for increasing product efficiency at lower levels would be for capital, not labor. On the other hand, the max-tech level at TSL 5 would require significant increases in both capital and labor expenditure due to increased complexity and size of condensing furnaces.

The lower bound assumes that as the standard increases, manufacturers choose to retire sub-standard product lines rather than invest in manufacturing facility conversions and product redesigns. DOE assumes manufacturers take the lowest investment option and do not relocate any production facilities to lower-cost countries. In this scenario, there is a loss of employment because manufacturers consolidate and operate fewer production lines. Since this is intended to be a worst-case scenario for employment, there is no consideration given to the fact that there may be employment growth in higher-efficiency lines.

c. Impacts on Manufacturing Capacity

According to the certain CWAF manufacturers interviewed, amended energy conservation standards could lead to decreased production capacity. Most manufacturers indicated there would be little to no production capacity decrease at 81-percent and 82-percent efficiency levels, but at 91-percent and 92-percent levels, there would be significant capacity shortfall. This feedback is consistent with the engineering analysis, which found there would be sufficient capacity at current levels to meet slightly higher efficiency standards, but that significant investment would be required to support production of higher-efficiency, condensing furnace standards.

d. Impacts on Subgroups of Manufacturers

Small manufacturers, niche equipment manufacturers, and manufacturers exhibiting a cost structure substantially different from the industry average could be affected disproportionately. For CWAF, DOE identified and evaluated the impact of amended energy conservation standards on one subgroup: small manufacturers. The Small Business Administration (SBA) defines a ''small business'' as having 750 employees or less for NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' Based on this definition, DOE identified 2 manufacturers in the CWAF industry that are small businesses.

As discussed in section IV.J, using average cost assumptions to develop an industry cash-flow estimate is inadequate to assess differential impacts among manufacturer subgroups. Therefore, for a more detailed discussion of DOE's assessment of the impacts on the small manufacturer subgroup, see the regulatory flexibility analysis in section VI.B of this notice and chapter 12 of the NOPR TSD. DOE requests stakeholder input on the number of small business CWAF manufacturers and the potential for disproportionate impacts to those small manufacturers.

e. Cumulative Regulatory Burden

While any one regulation may not impose a significant burden on manufacturers, the combined effects of recent or impending regulations may have serious consequences for some manufacturers, groups of manufacturers, or an entire industry. Assessing the impact of a single regulation may overlook this cumulative regulatory burden. In addition to energy conservation standards, other regulations can significantly affect manufacturers' financial operations. Multiple regulations affecting the same manufacturer can strain profits and lead companies to abandon product lines or markets with lower expected future returns than competing products. For these reasons, DOE conducts an analysis of cumulative regulatory burden as part of its rulemakings pertaining to appliance efficiency.

For the cumulative regulatory burden analysis, DOE looks at other regulations that could affect CWAF manufacturers that will take effect approximately three years before or after the 2018 compliance date of amended energy conservation standards for these products. In interviews, manufacturers cited Federal regulations on equipment other than CWAF that contribute to their cumulative regulatory burden. The compliance years and expected industry conversion costs of relevant amended energy conservation standards are indicated in Table V.9 below.

TABLE V.9—COMPLIANCE DATES AND EXPECTED CONVERSION EXPENSES OF FEDERAL ENERGY CONSERVATION STANDARDS AFFECTING CWAF MANUFACTURERS

Federal energy conservation standards	Approximate compliance date	Estimated total industry conversion expense
2007 Residential Furnaces & Boilers *—72 FR 65136 (Nov. 19, 2007)	2015	$88M (2006$)
2011 Residential Furnaces **—76 FR 37408 (June 27, 2011); 76 FR 67037 (Oct. 31, 2011)	2015	$2.5M (2009$)
2011 Residential Central Air Conditioners and Heat Pumps **—76 FR 37408 (June 27, 2011); 76 FR 67037 (Oct. 31, 2011)	2015	$26.0M (2009$)
2010 Gas Fired and Electric Storage Water Heaters—75 FR 20112 (April 16, 2010)	2015	$95.4M (2009$)
2014 Walk-in Coolers and Freezers—79 FR 32049 (June 3, 2014)	2017	$35.2M (2012$)
Commercial Packaged Air-Conditioning and Heating Equipment †—79 FR 58948 (September 30, 2014)	2018	$226.4M (2013$)
Commercial and Industrial Fans and Blowers †—2014 Furnace Fans—79 FR 37937 (July 3, 2014)	2018 2019	TBD $40.6M (2013$)
Packaged Terminal Air Conditioners and Heat Pumps †—79 FR 55538 (September 16, 2014).	2019	$7.6M (2013$)
Single Package Vertical Units †—79 FR 78614 (December 30, 2014)	2019	$16.1M (2013$)
Residential Boilers †	2019	TBD
Commercial Boilers †	2019	TBD

* Conversion expenses for manufacturers of oil-fired furnaces and for manufacturers of gas-fired and oil-fired boilers associated with the November 2007 final rule for residential furnaces and boilers are excluded from this figure. With regard to oil-fired furnaces, the 2011 direct final rule for residential furnaces sets a higher standard and earlier compliance date for oil-fired furnaces than the 2007 final rule. As a result, manufacturers will be required to design to the 2011 direct final rule standard. The conversion costs associated with the 2011 direct final rule are listed separately in this table. With regard to gas-fired and oil-fired boilers, EISA 2007 legislated higher standards and earlier compliance dates for residential boilers than were in the November 2007 final rule. As a result, gas-fired and oil-fired boiler manufacturers were required to design to the EISA 2007 standard beginning in 2012.

** Estimated industry conversion expense and approximate compliance date reflect a court-ordered May 1, 2013 stay of the residential non-weatherized and mobile home gas furnaces standards set in the 2011 Energy Conservation Standards for Residential Furnaces and Residential Central Air Conditioners and Heat Pumps.

† The final rule for this energy conservation standard has not been published. For energy conservation standards which have published a NOPR, DOE lists the compliance date and conversion costs for the proposed standard level. However, standard level and analytic results are not finalized until the publication of the final rule. For energy conservation standards which have not yet reached the NOPR publication phase of the rulemaking, information is not yet available.

In addition to Federal energy conservation standards, DOE identified other Federal regulatory burdens that would affect manufacturers of CWAF:

EPA Phase-out of Hydrochlorofluorocarbons (HCFCs)

The U.S. is obligated under the Montreal Protocol to limit production and consumption of HCFCs through incremental reductions, culminating in a complete phase-out of HCFCs by 2030.[73] On December 15, 2009, the U.S. Environmental Protection Agency (EPA) published a final rule commonly referred to as the ''2010 HCFC Allocation Rule,'' which allocates production and consumption allowances for HCFC–22 for each year between 2010 and 2014. 74 FR 66412. On January 4, 2012, EPA published the ''2012 HCFC Allocation Proposed Rule,'' which proposes to lift the regulatory ban on the production and consumption of HCFC–22 (following a court decision[74] in August 2010 to vacate a portion of the ''2010 HCFC Allocation Rule'') by establishing company-by-company HCFC–22 baselines and allocating allowances for 2012–2014. 77 FR 237.

HCFC–22, which is also known as R–22, is a popular refrigerant that is commonly used in air-conditioning products. Many manufacturers of CWAF also manufacture air-conditioning products, and would be impacted by the HCFC phase-out. Manufacturers of CWAF that make air-conditioning equipment must comply with the allowances established by the allocation rule, thereby facing a cumulative regulatory burden.

DOE requests comment on the cumulative regulatory burden that may be imposed on industry by regulations that go into effect in the 3 years before and the 3 years after the proposed CWAF standards year of 2018.

3. National Impact Analysis

a. Significance of Energy Savings

For each TSL, DOE projected energy savings for CWAF purchased in the 30-year period that begins in the year of anticipated compliance with amended standards (2018–2047). The savings are measured over the entire lifetime of equipment purchased in the 30-year period. DOE quantified the energy savings attributable to each TSL as the difference in energy consumption between each standards case and the base case. Table V.10 presents the estimated primary energy savings for each considered TSL, and Table V.11 presents the estimated FFC energy savings for each TSL. The approach for estimating national energy savings is further described in section IV.H.

[73] ''Montreal Protocol,'' *United Nations Environment Programme,* Web. 26 (August 2010) (Available at: *http://ozone.unep.org/new_site/en/montreal_protocol.php*) (Last accessed 12/13/13).

[74] *See Arkema* v. *EPA,* 618 F.3d 1 (D.C. Cir. 2010).

TABLE V.10—CUMULATIVE NATIONAL PRIMARY ENERGY SAVINGS FOR COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2018–2047 *

Equipment class	Trial standard level				
	1	2	3	4	5
	quads				
Gas-fired Furnaces	0.203	0.203	0.471	0.471	3.040
Oil-fired Furnaces	0.000	0.001	0.000	0.001	0.031
Total All Classes	0.203	0.204	0.471	0.472	3.071

* **Note:** Components may not sum due to rounding.

TABLE V.11—CUMULATIVE NATIONAL FULL-FUEL-CYCLE ENERGY SAVINGS FOR COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2018–2047 *

Equipment class	Trial standard level				
	1	2	3	4	5
	quads				
Gas-fired Furnaces	0.222	0.222	0.516	0.516	3.338
Oil-fired Furnaces	0.000	0.001	0.000	0.001	0.036
Total All Classes	0.222	0.223	0.516	0.517	3.374

* **Note:** Components may not sum due to rounding.

Circular A–4 [75] requires agencies to present analytical results, including separate schedules of the monetized benefits and costs that show the type and timing of benefits and costs. Circular A–4 also directs agencies to consider the variability of key elements underlying the estimates of benefits and costs. For this rulemaking, DOE undertook a sensitivity analysis using nine, rather than 30, years of equipment shipments. The choice of a nine-year period is a proxy for the timeline in EPCA for the review of certain energy conservation standards and potential revision of and compliance with such revised standards.[76] The review timeframe established in EPCA is generally not synchronized with the equipment lifetime, equipment manufacturing cycles, or other factors specific to CWAF. Thus, this information is presented for informational purposes only and is not indicative of any change in DOE's analytical methodology. The NES results based on a nine-year analytical period are presented in Table V.12. The impacts are counted over the lifetime of CWAF purchased in 2018–2026.

TABLE V.12—CUMULATIVE NATIONAL PRIMARY ENERGY SAVINGS FOR COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2018–2026

Equipment class	Trial standard level				
	1	2	3	4	5
	quads				
Gas-fired Furnaces	0.059	0.059	0.136	0.136	0.937
Oil-fired Furnaces	0.000	0.000	0.000	0.000	0.013
Total All Classes	0.059	0.059	0.136	0.137	0.950

b. Net Present Value of Commercial Consumer Costs and Benefits

DOE estimated the cumulative NPV of the total costs and savings for commercial consumers that would result from the TSLs considered for CWAF. In accordance with OMB's guidelines on regulatory analysis,[77] DOE calculated the NPV using both a 7-percent and a 3-percent real discount rate. The 7-percent rate is an estimate of the average before-tax rate of return on private capital in the U.S. economy, and reflects the returns on real estate and small business capital as well as corporate capital. This discount rate approximates the opportunity cost of capital in the private sector (OMB analysis has found the average rate of return on capital to be near this rate).

[75] OMB, Circular A–4: Regulatory Analysis (Sept. 17, 2003).

[76] EPCA requires DOE to review its energy conservation standards at least once every 6 years, and requires, for certain products, a 3-year period after any new standard is promulgated before compliance is required, except that in no case may any new standards be required within 6 years of the compliance date of the previous standards. (42 U.S.C. 6313(a)(6)(C)(iv)) While adding a 6-year review to the 3-year compliance period adds up to 9 years, DOE notes that it may undertake reviews at any time within the 6 year period and that the 3-year compliance date may yield to the 6-year backstop. A 9-year analysis period may not be appropriate given the variability that occurs in the timing of standards reviews and the fact that for some consumer products, the compliance period is 5 years rather than 3 years.

[77] OMB Circular A–4, section E (Sept. 17, 2003) (Available at: *http://www.whitehouse.gov/omb/circulars_a004_a-4).*

The 3-percent rate reflects the potential effects of standards on private consumption (*e.g.,* through higher prices for equipment and reduced purchases of energy). This rate represents the rate at which society discounts future consumption flows to their present value. It can be approximated by the real rate of return on long-term government debt (*i.e.,* yield on United States Treasury notes), which has averaged about 3 percent for the past 30 years.

Table V.13 shows the commercial consumer NPV results for each TSL considered for CWAF. In each case, the impacts cover the lifetime of equipment purchased in 2018–2047.

TABLE V.13—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2018–2047

Equipment class	Discount rate (percent)	Trial standard level				
		1	2	3	4	5
		billion 2013$				
Gas-fired Furnaces	3	1.1391	1.1391	2.6432	2.6432	10.0083
Oil-fired Furnaces	3	0.0000	0.0157	0.0000	0.0157	0.3756
Total All Classes *	3	1.1391	1.1548	2.6432	2.6589	10.3839
Gas-fired Furnaces	7	0.4361	0.4361	1.0111	1.0111	2.7799
Oil-fired Furnaces	7	0.0000	0.0057	0.0000	0.0057	0.1220
Total All Classes *	7	0.4361	0.4417	1.0111	1.0168	2.9019

* **Note:** Components may not sum due to rounding.

The NPV results based on the aforementioned nine-year analytical period are presented in Table V.14. The impacts are counted over the lifetime of equipment purchased in 2018–2026. As mentioned previously, this information is presented for informational purposes only and is not indicative of any change in DOE's analytical methodology or decision criteria.

TABLE V.14—CUMULATIVE NET PRESENT VALUE OF CONSUMER BENEFITS FOR COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS FOR UNITS SOLD IN 2018–2026

Equipment class	Discount rate (percent)	Trial standard level				
		1	2	3	4	5
		billion 2013$				
Gas-fired Furnaces	3	0.366	0.366	0.849	0.849	2.978
Oil-fired Furnaces	3	0.000	0.007	0.000	0.007	0.177
Total All Classes	3	0.366	0.373	0.849	0.856	3.156
Gas-fired Furnaces	7	0.199	0.199	0.461	0.461	1.139
Oil-fired Furnaces	7	0.000	0.003	0.000	0.003	0.073
Total All Classes	7	0.199	0.202	0.461	0.464	1.212

The above results reflect the use of the historic trend in the inflation-adjusted PPI for ''Warm air furnaces'' to estimate the change in price for CWAF over the analysis period (see section IV.H). The trend shows a small rate of annual price decline. DOE also developed sensitivity analyses using two price trends that have rates of price decline that are less than and greater than the Reference trend. The results of these alternative cases are presented in appendix 10–C of the NOPR TSD.

c. Indirect Impacts on Employment

DOE expects that amended energy conservation standards for CWAF would reduce energy costs for equipment owners, with the resulting net savings being redirected to other forms of economic activity. Those shifts in spending and economic activity could affect the demand for labor. As described in section IV.N, DOE used an input/output model of the U.S. economy to estimate indirect employment impacts of the TSLs that DOE considered in this rulemaking. DOE understands that there are uncertainties involved in projecting employment impacts, especially changes in the later years of the analysis. Therefore, DOE generated results for near-term time frames (2018 – 2023), where these uncertainties are reduced.

The results suggest that the proposed standards would be likely to have a negligible impact on the net demand for labor in the economy. The net change in jobs is so small that it would be imperceptible in national labor statistics and might be offset by other, unanticipated effects on employment. Chapter 16 of the NOPR TSD presents detailed results regarding indirect employment impacts.

4. Impact on Utility or Performance of Equipment

DOE has tentatively concluded that the amended standards it is proposing in the NOPR would not lessen the utility or performance of CWAF.

5. Impact of Any Lessening of Competition

DOE considers any lessening of competition that is likely to result from new or amended standards. The Attorney General determines the

impact, if any, of any lessening of competition likely to result from a proposed standard, and transmits such determination in writing to the Secretary, together with an analysis of the nature and extent of such impact.

To assist the Attorney General in making such determination, DOE has provided DOJ with copies of this NOPR and the TSD for review. DOE will consider DOJ's comments on the proposed rule in preparing the final rule, and DOE will publish and respond to DOJ's comments in that document.

6. Need of the Nation to Conserve Energy

Enhanced energy efficiency, where economically justified, improves the Nation's energy security, strengthens the economy, and reduces the environmental impacts (costs) of energy production. Energy savings from amended standards for the CWAF equipment classes covered in today's NOPR could also produce environmental benefits in the form of reduced emissions of air pollutants and greenhouse gases associated with electricity production. Table V.15 provides DOE's estimate of cumulative emissions reductions projected to result from the TSLs considered in this rulemaking. This table includes both site and upstream emissions. DOE reports annual emissions reductions for each TSL in chapter 13 of the NOPR TSD.

TABLE V.15—CUMULATIVE EMISSIONS REDUCTION ESTIMATED FOR COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS

	Trial standard level				
	1	2	3	4	5
Site and Power Sector Emissions*					
CO_2 (million metric tons)	10.7	10.8	24.8	24.9	162.8
SO_2 (thousand tons)	0.9	0.9	2.2	2.2	4.6
NO_X (thousand tons)	9.2	9.3	21.3	21.4	141.9
Hg (tons)	0.001	0.001	0.003	0.003	0.005
CH_4 (thousand tons)	0.3	0.3	0.6	0.6	3.7
N_2O (thousand tons)	0.033	0.035	0.077	0.079	0.435
Upstream Emissions					
CO_2 (million metric tons)	1.3	1.3	3.0	3.0	19.8
SO_2 (thousand tons)	0.0	0.0	0.0	0.0	0.2
NO_X (thousand tons)	19.5	19.6	45.3	45.4	302.3
Hg (tons)	0.000	0.000	0.000	0.000	0.000
CH_4 (thousand tons)	137.4	137.5	319.0	319.2	2107.1
N_2O (thousand tons)	0.002	0.003	0.006	0.006	0.038
Total Emissions					
CO_2 (million metric tons)	12.0	12.1	27.8	27.9	182.5
SO_2 (thousand tons)	0.9	1.0	2.2	2.2	4.8
NO_X (thousand tons)	28.7	28.9	66.6	66.8	444.1
Hg (tons)	0.001	0.001	0.003	0.003	0.005
CH_4 (thousand tons)	137.6	137.8	319.7	319.8	2110.8
N_2O (thousand tons)	0.036	0.038	0.083	0.085	0.472
CH_4 (million tons CO_2eq)**	3.4	3.4	8.0	8.0	52.8
N_2O (thousand tons CO_2eq)**	10.6	11.2	24.7	25.2	140.7

* Primarily site emissions. Values include the increase in power sector emissions from higher electricity use at TSL 5.
** CO_2eq is the quantity of CO_2 that would have the same global warming potential (GWP).

As part of the analysis for this proposed rule, DOE estimated monetary benefits likely to result from the reduced emissions of CO_2 and NO_X that DOE estimated for each of the TSLs considered for CWAF. As discussed in section IV.L, DOE used the most recent values for the SCC developed by an interagency process. The four sets of SCC values for CO_2 emissions reductions in 2015 resulting from that process (expressed in 2013$) are represented by $12.0/metric ton (the average value from a distribution that uses a 5-percent discount rate), $40.5/metric ton (the average value from a distribution that uses a 3-percent discount rate), $62.4/metric ton (the average value from a distribution that uses a 2.5-percent discount rate), and $119/metric ton (the 95th-percentile value from a distribution that uses a 3-percent discount rate). The values for later years are higher due to increasing damages (emissions-related costs) as the projected magnitude of climate change increases.

Table V.16 presents the global value of CO_2 emissions reductions at each TSL. For each of the four cases, DOE calculated a present value of the stream of annual values using the same discount rate as was used in the studies upon which the dollar-per-ton values are based. DOE calculated domestic values as a range from 7 percent to 23 percent of the global values, and these results are presented in chapter 14 of the NOPR TSD.

TABLE V.16—ESTIMATES OF GLOBAL PRESENT VALUE OF CO_2 EMISSIONS REDUCTION UNDER COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS

TSL	SCC case *			
	5% Discount rate, average	3% Discount rate, average	2.5% Discount rate, average	3% Discount rate, 95th percentile
	Million 2013$			
Site and Power Sector Emissions **				
1	67.3	323	517	1,000
2	67.7	325	520	1,007
3	156	750	1,200	2,322
4	157	752	1,204	2,329
5	1,032	4,932	7,890	15,271
Upstream Emissions				
1	7.99	38.4	61.4	119
2	8.06	38.7	62.0	120
3	18.6	89.1	143	276
4	18.6	89.4	143	277
5	125	598	957	1,852
Total Emissions				
1	75.2	361	578	1,119
2	75.8	364	582	1,127
3	175	839	1,343	2,598
4	175	841	1,347	2,606
5	1,157	5,530	8,847	17,123

* For each of the four cases, the corresponding SCC value for emissions in 2015 is $12.0, $40.5, $62.4, and $119 per metric ton (2013$).
** Includes the increase in power sector emissions from higher electricity use at TSL 5.

DOE is well aware that scientific and economic knowledge about the contribution of CO_2 and other greenhouse gas (GHG) emissions to changes in the future global climate and the potential resulting damages to the world economy continues to evolve rapidly. Thus, any value placed on reducing CO_2 emissions in this rulemaking is subject to change. DOE, together with other Federal agencies, will continue to review various methodologies for estimating the monetary value of reductions in CO_2 and other GHG emissions. This ongoing review will consider the comments on this subject that are part of the public record for this and other rulemakings, as well as other methodological assumptions and issues. However, consistent with DOE's legal obligations, and taking into account the uncertainty involved with this particular issue, DOE has included in this proposed rule the most recent values and analyses resulting from the interagency process.

DOE also estimated the cumulative monetary value of the economic benefits associated with NO_X emissions reductions anticipated to result from amended standards for the CWAF equipment that is the subject of this notice. The dollar-per-ton values that DOE used are discussed in section IV.L. Table V.17 presents the cumulative present values for NO_X emissions reductions for each TSL calculated using the average dollar-per-ton values and seven-percent and three-percent discount rates.

TABLE V.17—ESTIMATES OF PRESENT VALUE OF NO_X EMISSIONS REDUCTION UNDER COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS

TSL	3% Discount rate	7% Discount rate
	Million 2013$	
Site and Power Sector Emissions *		
1	11.3	4.72
2	11.4	4.76
3	26.2	11.0
4	26.3	11.0
5	176	74.9
Upstream Emissions		
1	23.9	9.98
2	24.1	10.0
3	55.5	23.2
4	55.7	23.2

TABLE V.17—ESTIMATES OF PRESENT VALUE OF NO_X EMISSIONS REDUCTION UNDER COMMERCIAL WARM AIR FURNACE TRIAL STANDARD LEVELS—Continued

TSL	3% Discount rate	7% Discount rate
	Million 2013$	
5	375	159
Total Emissions		
1	35.2	14.7
2	35.4	14.8
3	81.7	34.1
4	82.0	34.2
5	551	234

* Includes the increase in power sector emissions from higher electricity use at TSL 5.

7. Other Factors

The Secretary of Energy, in determining whether a standard is economically justified, may consider any other factors that the Secretary deems to be relevant. (42 U.S.C. 6313(a)(6)(B)(ii)(VII)) No other factors were considered in this analysis.

8. Summary of Other National Economic Impacts

The NPV of the monetized benefits associated with emissions reductions can be viewed as a complement to the NPV of the commercial consumer savings calculated for each TSL considered in this rulemaking. Table V.18. presents the NPV values that result from adding the estimates of the potential economic benefits resulting from reduced CO_2 and NO_X emissions in each of four valuation scenarios to the NPV of commercial consumer savings calculated for each TSL considered in this rulemaking, at both a seven-percent and three-percent discount rate. The CO_2 values used in the columns of each table correspond to the four sets of SCC values discussed above.

TABLE V.18—CWAF TSLS: NET PRESENT VALUE OF CONSUMER SAVINGS COMBINED WITH PRESENT VALUE OF MONETIZED BENEFITS FROM CO_2 AND NO_X EMISSIONS REDUCTIONS

TSL	Consumer NPV at 3% discount rate added with:			
	SCC Case $12.0/metric ton CO_2* and medium value for NO_X	SCC Case $40.5/metric ton CO_2* and medium value for NO_X	SCC Case $62.4/metric ton CO_2* and medium value for NO_X	SCC Case $119/metric ton CO_2* and medium value for NO_X
	Billion 2013$			
1	1.2	1.5	1.8	2.3
2	1.3	1.6	1.8	2.3
3	2.9	3.6	4.1	5.3
4	2.9	3.6	4.1	5.3
5	12.1	16.5	19.8	28.1
TSL	Consumer NPV at 7% discount rate added with:			
	SCC Case $12.0/metric ton CO_2*	SCC Case $40.5/metric ton CO_2*	SCC Case $62.4/metric ton CO_2*	SCC Case $119/metric ton CO_2*
	Billion 2013$			
1	0.5	0.8	1.0	1.5
2	0.5	0.8	1.0	1.6
3	1.2	1.9	2.4	3.6
4	1.2	1.9	2.4	3.7
5	4.3	8.7	12.0	20.3

* These label values represent the global SCC in 2015, in 2013$. For NO_X emissions, each case uses the medium value, which corresponds to $2,684 per ton.

Although adding the value of consumer savings to the values of emission reductions provides a valuable perspective, two issues should be considered. First, the national operating cost savings are domestic U.S. consumer monetary savings that occur as a result of market transactions, while the value of CO_2 reductions is based on a global value. Second, the assessments of operating cost savings and the SCC are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of equipment shipped in 2018–2047. The SCC values, on the other hand, reflect the present value of future climate-related impacts resulting from the emission of one metric ton of CO_2 in each year. These impacts continue well beyond 2100.

C. Proposed Standards

To adopt national standards more stringent than the current standards for CWAF, DOE must determine that such action would result in significant additional conservation of energy and is technologically feasible and

economically justified. (42 U.S.C. 6313(a)(6)(A)(ii)) As discussed previously, EPCA provides seven factors to be evaluated in determining whether a more-stringent standard for CWAF is economically justified. (42 U.S.C. 6313(a)(6)(B)(ii)(I)–(VII))

For this NOPR, DOE considered the impacts of amended standards for CWAF at each TSL, beginning with the maximum technologically feasible level, to determine whether that level was economically justified. Where the max-tech level was not justified, DOE then considered the next most efficient level and undertook the same evaluation until it reached the highest efficiency level that is both technologically feasible and economically justified and saves a significant additional amount of energy.

To aid the reader in understanding the benefits and/or burdens of each TSL, tables in this section summarize the quantitative analytical results for each TSL, based on the assumptions and methodology discussed herein. The efficiency levels contained in each TSL are described in section V.A. In addition to the quantitative results presented in the tables, DOE also considers other burdens and benefits that affect economic justification. These include the impacts on subgroups of consumer who may be disproportionately affected by a national standard (see section V.B.1.b), and impacts on employment. DOE discusses the impacts on direct employment in CWAF manufacturing in section V.B.2.b, and discusses the indirect employment impacts in section V.B.3.c.

1. Benefits and Burdens of Trial Standard Levels Considered for CWAF

Table V.19 and Table V.20 summarize the quantitative impacts estimated for each TSL for CWAF. The national impacts are measured over the lifetime of CWAF purchased in the 30-year period that begins in the year of compliance with amended standards (2018–2047). The energy savings, emissions reductions, and value of emissions reductions refer to full-fuel-cycle results.

TABLE V.19—SUMMARY OF ANALYTICAL RESULTS FOR COMMERCIAL WARM AIR FURNACES: NATIONAL IMPACTS

Category	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
National FFC Energy Savings (quads)					
	0.22	0.22	0.52	0.52	3.37
NPV of Consumer Benefits (2013$ billion)					
3% discount rate	1.1	1.2	2.6	2.7	10.4
7% discount rate	0.4	0.4	1.0	1.0	2.9
Cumulative Emissions Reduction (Total FFC Emissions)*					
CO_2 (*million metric tons*)	12.0	12.1	27.8	27.9	182.5
SO_2 (*thousand tons*)	0.9	1.0	2.2	2.2	4.8
NO_X (*thousand tons*)	28.7	28.9	66.6	66.8	444.1
Hg (*tons*)	0.001	0.001	0.003	0.003	0.005
CH_4 (*thousand tons*)	137.6	137.8	319.7	319.8	2110.8
N_2O (*thousand tons*)	0.04	0.04	0.08	0.08	0.47
CH_4 (*million tons CO_2eq***)	3.4	3.4	8.0	8.0	52.8
N_2O (*thousand tons CO_2eq***)	10.6	11.2	24.7	25.2	140.7
Value of Emissions Reduction (Total FFC Emissions)					
CO_2 (*2013$ billion*)†	0.1 to 1.1	0.1 to 1.1	0.2 to 2.6	0.2 to 2.6	1.2 to 17.1
NO_X − 3% discount rate (*2013$ million*)	35.2	35.4	81.7	82.0	550.9
NO_X − 7% discount rate (*2013$ million*)	14.7	14.8	34.1	34.2	234.3

* Includes the increase in power sector emissions from higher electricity use at TSL 5.
** CO_2eq is the quantity of CO_2 that would have the same global warming potential (GWP).
† Range of the economic value of CO_2 reductions is based on estimates of the global benefit of reduced CO_2 emissions.

TABLE V.20—SUMMARY OF ANALYTICAL RESULTS FOR COMMERCIAL WARM AIR FURNACES: MANUFACTURER AND CONSUMER IMPACTS*

Category	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
Manufacturer Impacts					
Industry NPV (2013$ million)	64.2 to 67.9	60.1 to 67.5	36.7 to 64.0	31.4 to 63.5	(23.7) to 89.4
Change in Industry NPV (%)†	(14.0) to (9.0)	(19.5) to (9.6)	(50.8) to (14.3)	(58.0) to (14.9)	(131.7) to 19.8††
Commercial Consumer Mean LCC Savings (2013$)					
Gas-fired Furnaces	$186	$186	$426	$426	$1,025
Oil-fired Furnaces	NA	$164	NA	$164	$3,278
Commercial Consumer Median PBP (years)					
Gas-fired Furnaces	0.6	0.6	0.7	0.7	12.2
Oil-fired Furnaces	NA	2.8	NA	2.8	7.5
Distribution of Commercial Consumer LCC Impacts					
Gas-fired Furnaces**					
Customers with Net Cost (%)	1%	1%	2%	2%	48%

TABLE V.20—SUMMARY OF ANALYTICAL RESULTS FOR COMMERCIAL WARM AIR FURNACES: MANUFACTURER AND CONSUMER IMPACTS*—Continued

Category	TSL 1	TSL 2	TSL 3	TSL 4	TSL 5
Customers with Net Benefit (%)	66%	66%	88%	88%	51%
Customers with No Impact (%)	33%	33%	10%	10%	1%
Oil-fired Furnaces **					
Customers with Net Cost (%)	0%	8%	0%	8%	47%
Customers with Net Benefit (%)	0%	23%	0%	23%	53%
Customers with No Impact (%)	100%	69%	100%	69%	0%

* Weighted by shares of each equipment class in total projected shipments in 2018.
** Rounding may cause some items to not total 100 percent.
† Parentheses indicate negative values.
†† At max tech, the standard will likely require commercial furnace manufacturers to make design changes to the cooling components of commercial HVAC products and to the chassis that houses the heating and cooling components. Since these cooling system changes are triggered by the CWAF standard, they are taken into account in the MIA's estimate of conversion costs. The additional expense of updating the commercial cooling product contributes to an INPV loss that is greater than 100%.

First, DOE considered TSL 5, the most efficient level (max-tech), which would save an estimated total of 3.37 quads of energy, an amount DOE considers significant. TSL 5 has an estimated NPV of commercial consumer benefit of $2.9 billion using a 7-percent discount rate, and $10.4 billion using a 3-percent discount rate.

The cumulative emissions reductions at TSL 5 are 182.5 million metric tons of CO_2, 444.12 thousand tons of NO_X, 4.80 thousand tons of SO_2, and 0.005 tons of Hg. The estimated monetary value of the CO_2 emissions reductions at TSL 5 ranges from $1.2 billion to $17.1 billion.

At TSL 5, the average LCC savings are $1025.2 for gas-fired CWAF and $3278.3 for oil-fired CWAF. The median PBP is 12.2 years for gas-fired CWAF and 7.5 years for oil-fired CWAF. The share of commercial consumers experiencing a net LCC benefit is 51 percent for gas-fired CWAF and 53 percent for oil-fired CWAF.

At TSL 5, the projected change in INPV ranges from a decrease of $98.3 million to an increase of $14.8 million, depending on the manufacturer markup scenario. If the larger decrease is realized, TSL 5 could result in a net loss of 131.7 percent in INPV to manufacturers of covered CWAF.

Accordingly, the Secretary tentatively concludes that, at TSL 5 for CWAF, the benefits of energy savings, positive NPV of total commercial consumer benefits, commercial consumer LCC savings, emission reductions, and the estimated monetary value of the emissions reductions would be outweighed by the very large reduction in industry value at TSL 5, as well as the potential for loss of domestic manufacturing. Consequently, DOE has concluded that TSL 5 is not economically justified.

Next, DOE considered TSL 4, which would save an estimated total of 0.52 quads of energy, an amount DOE considers significant. TSL 4 has an estimated NPV of commercial consumer benefit of $1.0 billion using a 7-percent discount rate, and $2.7 billion using a 3-percent discount rate.

The cumulative emissions reductions at TSL 4 are 27.9 million metric tons of CO_2, 66.84 thousand tons of NO_X, 2.21 thousand tons of SO_2, and 0.003 tons of Hg. The estimated monetary value of the CO_2 emissions reductions at TSL 4 ranges from $0.2 billion to $2.6 billion.

At TSL 4, the average LCC savings are $425.9 for gas-fired CWAF and $163.9 for oil-fired CWAF. The median PBP is 0.7 years for gas-fired CWAF and 2.8 years for oil-fired CWAF. The share of commercial consumers experiencing a net LCC benefit is 88 percent for gas-fired CWAF and 23 percent for oil-fired CWAF.

At TSL 4, projected change in INPV ranges from a decrease of $43.3 million to a decrease of $11.1 million. If the larger decrease is realized, TSL 4 could result in a net loss of 58 percent in INPV to manufacturers of covered CWAF.

After considering the analysis and weighing the benefits and the burdens, DOE has tentatively concluded that at TSL 4 for CWAFs, the benefits of energy savings, positive NPV of commercial consumer benefit, positive impacts on consumers (as indicated by positive average LCC savings, favorable PBPs, and the large percentage of commercial consumers who would experience LCC benefits), emission reductions, and the estimated monetary value of the emissions reductions would outweigh the potential reductions in INPV for manufacturers. The Secretary of Energy has concluded that TSL 4 would save a significant additional amount of energy, is technologically feasible and economically justified, and is supported by clear and convincing evidence.

Based on the above considerations, DOE today proposes to adopt the energy conservation standards for CWAFs at TSL 4. Table V.21 presents the proposed energy conservation standards for CWAFs.

TABLE V.21—PROPOSED ENERGY CONSERVATION STANDARDS FOR COMMERCIAL WARM AIR FURNACES

Equipment type	Input capacity (Btu/h)	Thermal efficiency
Gas-fired Furnaces	≥225,000	82%
Oil-fired Furnaces	≥225,000	82%

2. Summary of Benefits and Costs (Annualized) of the Proposed Standards

The benefits and costs of the proposed standards can also be expressed in terms of annualized values. The annualized monetary values are the sum of: (1) The annualized national economic value (expressed in 2013$) of the benefits from operation of equipment that meets the proposed standards (consisting primarily of operating cost savings from using less energy, minus increases in equipment purchase costs, which is another way of representing consumer NPV), and (2) the annualized monetary value of the benefits of emission reductions, including CO_2 emission reductions.[78] The value of CO_2

[78] DOE used a two-step calculation process to convert the time-series of costs and benefits into annualized values. First, DOE calculated a present value in 2013, the year used for discounting the NPV of total customer costs and savings, for the time-series of costs and benefits using discount rates of three and seven percent for all costs and benefits except for the value of CO_2 reductions. For the latter, DOE used a range of discount rates. From the present value, DOE then calculated the fixed annual payment over a 30-year period (2018 through 2047) that yields the same present value. The fixed annual payment is the annualized value. Although DOE calculated annualized values, this does not imply that the time-series of cost and

reductions, otherwise known as the Social Cost of Carbon (SCC), is calculated using a range of values per metric ton of CO_2 developed by a recent interagency process.

Although combining the values of operating savings and CO_2 emission reductions provides a useful perspective, two issues should be considered. First, the national operating savings are domestic U.S. consumer monetary savings that occur as a result of market transactions, while the value of CO_2 reductions is based on a global value. Second, the assessments of operating cost savings and CO_2 savings are performed with different methods that use different time frames for analysis. The national operating cost savings is measured for the lifetime of CWAF shipped in 2018 –2047. The SCC values, on the other hand, reflect the present value of some future climate-related impacts resulting from the emission of one metric ton of carbon dioxide in each year. These impacts continue well beyond 2100.

Estimates of annualized benefits and costs of the proposed standards for CWAF are shown in Table V.22. The results under the primary estimate are as follows. Using a 7-percent discount rate for benefits and costs other than CO_2 reduction, for which DOE used a 3-percent discount rate along with the average SCC series that uses a 3-percent discount rate, the estimated cost of the proposed CWAF standards is $3.51 million per year in increased equipment costs, while the estimated benefits are $104 million per year in reduced equipment operating costs, $47 million in CO_2 reductions, and $3.38 million in reduced NO_X emissions. In this case, the net benefit would amount to $151 million per year. Using a 3-percent discount rate for all benefits and costs and the average SCC series, the estimated cost of the proposed CWAF standards is $3.48 million per year in increased equipment costs, while the estimated benefits are $152 million per year in reduced equipment operating costs, $47 million in CO_2 reductions, and $4.57 million in reduced NO_X emissions. In this case, the net benefit would amount to $200 million per year.

TABLE V.22—ANNUALIZED BENEFITS AND COSTS OF PROPOSED STANDARDS (TSL 4) FOR COMMERCIAL WARM AIR FURNACES*

	Discount rate	Million 2013 $/year		
		Primary estimate	Low estimate	High estimate
Benefits				
Operating Cost Savings	7%	104	98	111
	3%	152	143	163
CO_2 Reduction Monetized Value ($12.0/t case)**	5%	13	13	14
CO_2 Reduction Monetized Value ($40.5/t case)**	3%	47	45	48
CO_2 Reduction Monetized Value ($62.4/t case)**	2.5%	69	67	72
CO_2 Reduction Monetized Value ($119/t case)**	3%	145	140	150
NO_X Reduction Monetized Value (at $2,684/ton)**	7%	3.38	3.28	3.49
	3%	4.57	4.41	4.72
Total Benefits†	7% plus CO_2 range	120 to 253	114 to 242	128 to 264
	7%	154	147	163
	3% plus CO_2 range	169 to 302	160 to 287	181 to 318
	3%	203	192	216
Costs				
Incremental Equipment Costs	7%	3.51	3.48	3.67
	3%	3.48	3.41	3.68
Net Benefits/Costs				
Total†	7% plus CO_2 range	117 to 249	111 to 238	124 to 261
	7%	151	143	159
	3% plus CO_2 range	166 to 298	156 to 283	177 to 314
	3%	200	189	212

* This table presents the annualized costs and benefits associated with CWAF shipped in 2018 – 2047. These results include benefits to commercial consumers which accrue after 2048 from the equipment purchased in 2018 – 2047. The results account for the incremental variable and fixed costs incurred by manufacturers due to the standard, some of which may be incurred in preparation for the rule. The Primary, Low Benefits, and High Benefits Estimates utilize projections of energy prices from the *AEO2013* Reference case, Low Economic Growth case, and High Economic Growth case, respectively. Incremental equipment costs account for equipment price trends and include, beyond the reference scenario, a low price decline scenario used in the Low Benefits Estimate and a high price decline scenario used in the High Benefits Estimates.

** The interagency group selected four sets of SCC values for use in regulatory analyses. Three sets of values are based on the average SCC from the three integrated assessment models, at discount rates of 2.5, 3, and 5 percent. The fourth set, which represents the 95th percentile SCC estimate across all three models at a 3-percent discount rate, is included to represent higher-than-expected impacts from temperature change further out in the tails of the SCC distribution. The values in parentheses represent the SCC in 2015. The SCC time series incorporate an escalation factor. The value for NO_X is the average of the low and high values used in DOE's analysis.

† Total benefits for both the 3-percent and 7-percent cases are derived using the series corresponding to average SCC with 3-percent discount rate. In the rows labeled "7% plus CO_2 range" and "3% plus CO_2 range," the operating cost and NO_X benefits are calculated using the labeled discount rate, and those values are added to the full range of CO_2 values.

benefits from which the annualized values were determined is a steady stream of payments.

VI. Procedural Issues and Regulatory Review

A. Review Under Executive Orders 12866 and 13563

Section 1(b)(1) of Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (Oct. 4, 1993), requires each agency to identify the problem that it intends to address, including, where applicable, the failures of private markets or public institutions that warrant new agency action, as well as to assess the significance of that problem. The problems that the proposed standards address are as follows:

(1) Insufficient information and the high costs of gathering and analyzing relevant information leads some consumers to miss opportunities to make cost-effective investments in energy efficiency.

(2) In some cases the benefits of more efficient equipment are not realized due to misaligned incentives between purchasers and users. An example of such a case is when the equipment purchase decision is made by a building contractor or building owner who does not pay the energy costs of operating the equipment.

(3) There are external benefits resulting from improved energy efficiency of CWAF that are not captured by the users of such equipment. These benefits include externalities related to public health, environmental protection and national security that are not reflected in energy prices, such as reduced emissions of air pollutants and greenhouse gases that impact human health and global warming.

In addition, DOE has determined that this regulatory action is an ''economically significant regulatory action'' under section 3(f)(1) of Executive Order 12866. Accordingly, section 6(a)(3) of the Executive Order requires that DOE prepare a regulatory impact analysis (RIA) on the rule being proposed and that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) review the rule. DOE presented to OIRA for review the draft rule and other documents prepared for this rulemaking, including the RIA, and has included these documents in the rulemaking record. The assessments prepared pursuant to Executive Order 12866 can be found in the technical support document for this rulemaking.

DOE has also reviewed this proposed regulation pursuant to Executive Order 13563, issued on January 18, 2011. 76 FR 3281 (Jan. 21, 2011). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, DOE believes that today's NOPR is consistent with these principles, including the requirement that, to the extent permitted by law, benefits justify costs and that net benefits are maximized.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://energy.gov/gc/office-general-counsel*). DOE has prepared the following IRFA for the products that are the subject of this rulemaking.

For manufacturers of CWAF, the Small Business Administration (SBA) has set a size threshold, which defines those entities classified as ''small businesses'' for the purposes of the statute. DOE used the SBA's small business size standards to determine whether any small entities would be subject to the requirements of the rule. 65 FR 30836, 30848 (May 15, 2000), as amended at 65 FR 53533, 53544 (Sept. 5, 2000) and codified at 13 CFR part 121. The size standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/category/navigation-structure/contracting/contracting-officials/small-business-size-standards.* Manufacturing of CWAF is classified under NAICS 333415, ''Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing.'' The SBA sets a threshold of 750 employees or less for an entity to be considered as a small business for this category.

1. Description and Estimated Number of Small Entities Regulated

DOE reviewed the proposed energy conservation standards for CWAF considered in this notice of proposed rulemaking under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. 68 FR 7990. To better assess the potential impacts of this rulemaking on small entities, DOE conducted a more focused inquiry of the companies that could be small business manufacturers of equipment covered by this rulemaking. DOE conducted a market survey using available public information to identify potential small manufacturers. DOE's research involved industry trade association membership directories (including AHRI [79]), individual company Web sites, and market research tools (*e.g.,* Hoovers reports [80]) to create a list of companies that manufacture or sell the CWAF equipment covered by this rulemaking. DOE also asked industry representatives if they were aware of any other small

[79] Based on listings in the AHRI directory accessed on August 2, 2013 (Available at: *https://www.ahridirectory.org/ahridirectory/pages/home.aspx*).

[80] Hoovers | Company Information | Industry Information | Lists, D&B (2013) (Available at: *http://www.hoovers.com/*) (Last accessed April 3, 2013).

manufacturers during manufacturer interviews. DOE reviewed publicly-available data and contacted companies on its list, as necessary, to determine whether they met the SBA's definition of a small business manufacturer of covered CWAF equipment. DOE screened out companies that do not offer equipment covered by this rulemaking, do not meet the definition of a ''small business,'' or are foreign-owned and operated. DOE was able to identify two manufacturers that meet the SBA's definition of a ''small business'' out of the 13 companies that manufacture products covered by this rulemaking.

Before issuing this NOPR, DOE attempted to contact all the small business manufacturers of CWAF it had identified. None of the small businesses consented to formal interviews. DOE also attempted to obtain information about small business impacts while interviewing large manufacturers.

2. Description and Estimate of Compliance Requirements

DOE identified one small gas-fired CWAF manufacturer and one small oil-fired CWAF manufacturer. The small gas-fired CWAF manufacturer accounts for 17 of the 250 [81] gas-fired CWAF listings in the AHRI Directory, or approximately 7 percent of the listings. This small manufacturer offers product exclusively at 80-percent TE, and at the proposed level of TSL 4, would need to update its equipment offerings to meet a standard of 82-percent TE. However, this position is not unique. There are also some large gas-fired CWAF manufacturers would that would need to update all equipment offerings to meet the proposed standard. From a design perspective, DOE believes that most gas-fired equipment lines on the market today can be upgraded to achieve the proposed standard with increases in heat exchange surface area. However, based on feedback used in the Top-Down conversion costs analysis (see chapter 12 of the NOPR TSD), industry average conversion costs could reach $4.4 million per gas-fired CWAF manufacturer.

[81] The AHRI directory lists approximately 1,000 units. Many of these units are from the same model line, share the same chassis, and have the same level of performance, but have different heating capacities or installed product options. DOE consolidated the AHRI listing of CWAF such that all units from the same model line and chassis are listed together as a single unit.

TABLE VI.1—AVERAGE CONVERSION COST PER GAS-FIRED CWAF MANUFACTURER*

	Bottom-up model (million $)	Top-down model (million $)
TSL 1	1.0	1.3
TSL 2	1.0	1.3
TSL 3	1.6	4.4
TSL 4	1.6	4.4
TSL 5	7.2	11.3

* Additional information about industry conversion costs and the two estimation models can be found in section IV.J.2.B of this Notice.

Because this is a relatively low sales volume market, and because the industry as a whole generally produces equipment at the baseline, DOE believes the average impacts will be similar for large and small business manufacturers. DOE was unable to identify any publicly available information that would lead to a conclusion that small manufacturers are differentially impacted, and as noted above, requests to conduct interviews with small business manufacturers were declined. Therefore, DOE assumed that small business manufacturers would face similar conversion costs as larger businesses. However, the small gas-fired CWAF manufacturer may need to allocate a greater portion of technical resources or may need to access outside capital to support the transition to the proposed standard.

The small oil-fired CWAF manufacturer accounts for 11 of the 16 oil-fired CWAF listings in the AHRI Directory. The small oil-fired furnace manufacturer produces some of the most efficient products on the market at 82-percent TE. It would be unlikely to be at a technological disadvantage relative to its competitors at the proposed TSL. It is possible the small manufacturer would have a competitive advantage, given its technological lead and experience in the niche market of high-efficiency commercial oil-fired warm air furnaces.

TABLE VI.2—AVERAGE CONVERSION COST PER OIL-FIRED CWAF MANUFACTURER*

	Bottom-up model (million $)	Top-down model (million $)
TSL 1	0.0	0.0
TSL 2	0.2	2.2
TSL 3	0.0	0.0
TSL 4	0.2	2.2
TSL 5	0.9	5.5

* Additional information about industry conversion costs and the two estimation models can be found in section IV.J.2.B of this Notice.

An amended energy conservation standard is likely to necessitate conversion investment by all manufacturers to bring products into compliance. Manufacturers may choose to access outside capital to help fund the upfront, one-time costs to bring products into compliance. Small manufacturers may have greater difficulty securing outside capital [82] and, as a result, may face higher costs of capital than large competitors.

As noted above, none of the small businesses consented to formal interviews, so information regarding the impacts of this proposed standard for small business manufacturers is limited. DOE seeks further information and data regarding the sales volume and annual revenues for small businesses so the agency can be better informed concerning the potential impacts to small business manufacturers of the proposed energy conservation standards, and would consider any such additional information when formulating and selecting TSLs for the final rule.

3. Duplication, Overlap, and Conflict With Other Rules and Regulations

DOE is not aware of any rules or regulations that duplicate, overlap, or conflict with the proposed rule.

4. Significant Alternatives to the Rule

The discussion above analyzes impacts on small businesses that would result from DOE's proposed rule. In addition to the other TSLs being considered, the proposed rulemaking TSD includes a regulatory impact analysis (RIA). For CWAF, the RIA discusses the following policy alternatives: (1) No change in standard; (2) consumer rebates; (3) consumer tax credits; (4) manufacturer tax credits; (5) voluntary energy efficiency targets; and (6) bulk government purchases. While these alternatives may mitigate to some varying extent the economic impacts on small entities compared to the standards, DOE did not consider the alternatives further because they are either not feasible to implement without authority and funding from Congress, or are expected to result in energy savings that are significantly smaller than those that would be expected to result from adoption of the proposed standard levels. In reviewing alternatives that would reduce burden on small business manufacturers, DOE analyzed a case in which the voluntary programs targeted

[82] Simon, Ruth, and Angus Loten. ''Small-Business Lending Is Slow to Recover.'' *Wall Street Journal,* August 14, 2014. Accessed August 2014. *http://online.wsj.com/articles/small-business-lending-is-slow-to-recover-1408329562.*

efficiencies corresponding to TSL 4. DOE also examined standards at lower efficiency levels, TSL 3, TSL 2 and TSL 1. (See section V.C of this NOPR for a description of benefits and burdens at each TSL and discussion of DOE's TSL selection process.)

TSL 3 achieves a slightly lower level of energy savings as TSL 4; and it would not significantly reduce burden on small business manufacturers. TSL 3 would reduce the required efficiency of oil-fired CWAF as compared to TSL 4, while leaving the standard for gas-fired CWAF the same. Thus, there would be no reduction of burden for the small business manufacturer of gas-fired CWAF. TSL 3 would marginally reduce the burden for the small business manufacturer of oil-fired CWAF, but as noted previously the majority of the small oil-fired furnace manufacturer's products already meet TSL 4. The small oil-fired manufacturer may have a competitive advantage at TSL 4, given its technological lead and experience in the niche market of high-efficiency commercial oil-fired warm air furnaces. TSL 2 and TSL 1 both achieve savings that would be less than half of that achieved by TSL 4. Voluntary programs at these levels achieve only a fraction of the savings achieved by standards and would provide even lower savings benefits. To achieve substantial reductions in small business impacts would force the standard down to TSL 2 levels, at the expense of substantial energy savings and NPV benefits, which would be inconsistent with DOE's statutory mandate to maximize the improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. DOE believes that establishing standards at TSL 4 provides the optimum balance between energy savings benefits and impacts on small businesses. DOE notes that it did not consider an alternative compliance date for the entire industry affected by this rulemaking. DOE is constrained by the three-year lead time required by statute (42 U.S.C. 6313(a)(6)(D)). However, certain compliance date alternatives may be available to individual manufacturers, as discussed below. Accordingly, DOE is declining to adopt any of these alternatives and is proposing the standards set forth in this rulemaking. (See chapter 17 of the NOPR TSD for further detail on the policy alternatives DOE considered.) The TSD considers regulatory alternatives that would potentially reduce the burden on the industry as a whole, including small businesses and the agency requests comment on this issue.

Additional compliance flexibilities may be available through other means. For example, individual manufacturers may petition for a waiver of the applicable test procedure. (See 10 CFR 431.401.) Further, EPCA provides that a manufacturer whose annual gross revenue from all of its operations does not exceed $8,000,000 may apply for an exemption from all or part of an energy conservation standard for a period not longer than 24 months after the effective date of a final rule establishing the standard. Additionally, Section 504 of the Department of Energy Organization Act, 42 U.S.C. 7194, provides authority for the Secretary to adjust a rule issued under EPCA in order to prevent ''special hardship, inequity, or unfair distribution of burdens'' that may be imposed on that manufacturer as a result of such rule. Manufacturers should refer to 10 CFR part 430, subpart E, and part 1003 for additional details.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of CWAF must certify to DOE that their equipment complies with any applicable energy conservation standards. In certifying compliance, manufacturers must test their equipment according to the applicable DOE test procedures for CWAF, including any amendments adopted for those test procedures on the date that compliance is required. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including CWAF. 76 FR 12422 (March 7, 2011). The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act (NEPA) of 1969, DOE has determined that the proposed rule fits within the category of actions included in Categorical Exclusion (CX) B5.1 and otherwise meets the requirements for application of a CX. See 10 CFR part 1021, App. B, B5.1(b); 1021.410(b) and Appendix B, B(1)–(5). The proposed rule fits within the category of actions under CX B5.1 because it is a rulemaking that establishes energy conservation standards for consumer products or industrial equipment, and for which none of the exceptions identified in CX B5.1(b) apply. Therefore, DOE has made a CX determination for this rulemaking, and DOE does not need to prepare an Environmental Assessment or Environmental Impact Statement for this proposed rule. DOE's CX determination for this proposed rule is available at *http://cxnepa.energy.gov/.*

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed rule and has tentatively determined that it would 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of the proposed rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) No

further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Pub. L. 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a proposed regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE's policy statement is also available at *http://energy.gov/gc/office-general-counsel*.

Although today's proposed rule, which proposes amended energy conservation standards for CWAF, does not contain a Federal intergovernmental mandate, it may require annual expenditures of $100 million or more by the private sector. Specifically, the proposed rule would likely result in a final rule that could require expenditures of $100 million or more. Such expenditures may include: (1) investment in research and development and in capital expenditures by CWAF manufacturers in the years between the final rule and the compliance date for the amended standards, and (2) incremental additional expenditures by commercial consumers to purchase higher-efficiency CWAF, starting at the compliance date for the applicable standard.

Section 202 of UMRA authorizes a Federal agency to respond to the content requirements of UMRA in any other statement or analysis that accompanies the proposed rule. 2 U.S.C. 1532(c). The content requirements of section 202(b) of UMRA relevant to a private sector mandate substantially overlap the economic analysis requirements that apply under section 325(o) of EPCA and Executive Order 12866. The **SUPPLEMENTARY INFORMATION** section of the NOPR and the ''Regulatory Impact Analysis'' section of the TSD for this proposed rule respond to those requirements.

Under section 205 of UMRA, the Department is obligated to identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a written statement under section 202 is required. 2 U.S.C. 1535(a). DOE is required to select from those alternatives the most cost-effective and least burdensome alternative that achieves the objectives of the proposed rule unless DOE publishes an explanation for doing otherwise, or the selection of such an alternative is inconsistent with law. As required by 42 U.S.C. 6313(a), this proposed rule would establish amended energy conservation standards for CWAF that are designed to achieve the maximum improvement in energy efficiency that DOE has determined to be both technologically feasible and economically justified. A full discussion of the alternatives considered by DOE is presented in the ''Regulatory Impact Analysis'' section of the TSD for today's proposed rule.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 15, 1988), DOE has determined that this proposed rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed the NOPR under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to

promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

DOE has tentatively concluded that today's regulatory action, which sets forth proposed energy conservation standards for CWAF, is not a significant energy action because the proposed standards are not likely to have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects on the proposed rule.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the bulletin is to enhance the quality and credibility of the Government's scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions.'' *Id.* at 2667.

In response to OMB's Bulletin, DOE conducted formal in-progress peer reviews of the energy conservation standards development process and analyses and has prepared a Peer Review Report pertaining to the energy conservation standards rulemaking analyses. Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. The ''Energy Conservation Standards Rulemaking Peer Review Report'' dated February 2007 has been disseminated and is available at the following Web site: *www1.eere.energy.gov/buildings/appliance_standards/peer_review.html.*

VII. Public Participation

A. Attendance at the Public Meeting

The time, date, and location of the public meeting are listed in the DATES and **ADDRESSES** sections at the beginning of this notice. If you plan to attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945 or *Brenda.Edwards@ee.doe.gov.*

All participants will undergo security processing upon building entry. Any participant with a laptop computer or similar device (*e.g.,* tablets), must undergo additional screening. Note that any foreign national who requests to participate in the public meeting is subject to advance security screening prior to the date of the public meeting, and such persons should contact Ms. Brenda Edwards as soon as possible at (202) 586–2945 to commence the necessary procedures.

Due to the REAL ID Act implemented by the Department of Homeland Security (DHS), there have been recent changes regarding identification (ID) requirements for individuals wishing to enter Federal buildings from specific States and U.S. territories. As a result, driver's licenses from the following States or territory will not be accepted for building entry, and instead, one of the alternate forms of ID listed below will be required.

DHS has determined that regular driver's licenses (and ID cards) from the following jurisdictions are not acceptable for entry into DOE facilities: Alaska, American Samoa, Arizona, Louisiana, Maine, Massachusetts, Minnesota, New York, Oklahoma, and Washington.

Acceptable alternate forms of Photo-ID include: U.S. Passport or Passport Card; an Enhanced Driver's License or Enhanced ID-Card issued by the States of Minnesota, New York or Washington (Enhanced licenses issued by these States are clearly marked Enhanced or Enhanced Driver's License); a military ID or other Federal government-issued Photo-ID card.

In addition, you can attend the public meeting via webinar. Webinar registration information, participant instructions, and information about the capabilities available to webinar participants will be published on DOE's Web site at: *http://www1.eere.energy.gov/buildings/appliance_standards/rulemaking.aspx/ruleid/70.* Participants are responsible for ensuring their systems are compatible with the webinar software.

B. Procedure for Submitting Requests To Speak and Prepared General Statements for Distribution

Any person who has an interest in the topics addressed in this notice, or who is representative of a group or class of persons that has an interest in these issues, may request an opportunity to make an oral presentation at the public meeting. Such persons may hand-deliver requests to speak to the address shown in the **ADDRESSES** section at the beginning of this notice between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Requests may also be sent by mail or email to: Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121, or *Brenda.Edwards@ee.doe.gov.* Persons who wish to speak should include with their request a computer diskette or CD–ROM in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format that briefly describes the nature of their interest in this rulemaking and the topics they wish to discuss. Such persons should also provide a daytime telephone number where they can be reached.

DOE requests persons scheduled to make an oral presentation to submit an advance copy of their statements at least one week before the public meeting. DOE may permit persons who cannot supply an advance copy of their statement to participate, if those persons have made advance alternative arrangements with the Building Technologies Program. As necessary, requests to give an oral presentation should ask for such alternative arrangements. DOE prefers to receive requests and advance copies via email. Any person who has plans to present a prepared general statement may request that copies of his or her statement be made available at the public meeting.

C. Conduct of the Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also use a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will be present to record the proceedings and

prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. There shall not be discussion of proprietary information, costs or prices, market share, or other commercial matters regulated by U.S. anti-trust laws. After the public meeting, interested parties may submit further comments on the proceedings, as well as on any aspect of the rulemaking, until the end of the comment period.

The public meeting will be conducted in an informal, conference style. DOE will present summaries of comments received before the public meeting, allow time for prepared general statements by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a general statement (within time limits determined by DOE), before the discussion of specific topics. DOE will allow, as time permits, other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions by DOE and by other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting.

A transcript of the public meeting will be included in the docket, which can be viewed as described in the *Docket* section at the beginning of this notice and will be accessible on the DOE Web site. In addition, any person may buy a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and information regarding this proposed rule before or after the public meeting, but no later than the date provided in the **DATES** section at the beginning of this proposed rule. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this notice.

Submitting comments via *www.regulations.gov.* The *www.regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment itself or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (CBI)). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the Web site will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section below.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery/courier, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to *www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery/courier, please provide all items on a CD, if feasible, in which case it is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: one copy of the document marked ''confidential'' including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure

of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

E. Issues on Which DOE Seeks Comment

Although DOE welcomes comments on any aspect of this proposal, DOE is particularly interested in receiving comments and views of interested parties concerning the following issues:

1. The use of proprietary designs and patented technologies in CWAF, and whether all manufacturers would be able to achieve the proposed levels through the use of non-proprietary designs. (See section III.B.1 and chapter 3 of the NOPR TSD.)

2. The proposed scope of coverage and equipment classes for this rulemaking. In particular DOE seeks comment on whether there is a need for separate equipment classes for units designed to be installed indoors (*i.e.,* ''non-weatherized'' units) and units designed to be installed outdoors (*i.e.,* ''weatherized'' units) due to the potential need to manage acidic condensate and the potential for condensate freezing after exiting the furnace. (See section IV.A.2 and chapter 3 of the NOPR TSD.)

3. The technologies identified in this rulemaking, as well as the technologies which were primarily considered as the methods for increasing thermal efficiency of commercial warm air furnaces. (See section IV.A.3 and chapters 3 and 4 of the NOPR TSD.)

4. The potential for lessening of product utility for CWAF meeting the proposed standards and whether the proposed standards would likely result in the unavailability in the United States of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States . (See section II.A and chapter 3 of the NOPR TSD.)

5. The efficiency levels analyzed for gas-fired and oil-fired commercial warm air furnaces. In particular, DOE is interested in the feasibility of the max-tech efficiency levels, as well as the ability of non-condensing technologies to meet the 82 percent thermal efficiency level for gas-fired commercial furnaces. DOE also seeks comment on whether an 82 percent thermal efficiency standard would shift production to condensing technology if manufacturers, for example, would need to design their equipment to a level slightly higher than the DOE standard due to the margin of error associated with the test methodology. In addition, DOE is interested in whether the accuracy of the results from the test method would support measuring thermal efficiencies to the tenth decimal place such that DOE could consider 81.5 percent or some other fraction as a potential standard level as opposed to rounding the standard to the nearest whole number. (See section IV.C.2.b and chapter 5 of the NOPR TSD.)

6. The applicability of the teardown units at 250,000 Btu/h and 400,000 Btu/h input capacities to represent the range of potential input capacities on the market. (See section IV.C.1 and chapter 5 of the NOPR TSD.)

7. The incremental manufacturing costs above the baseline cost at the efficiency levels considered in the engineering analysis, which DOE estimates to be $10 for gas-fired CWAFs and $24 for oil-fired CWAFs at the proposed standard level. (See section IV.C.5 and chapter 5 of the NOPR TSD.)

8. The approach used to estimate the trend for future CWAF consumer prices. (See section IV.F.1 and chapter 8 of the NOPR TSD.)

9. The approach of using CBECS and RECS data for determining the energy consumption of CWAF in residential and commercial buildings. (See section IV.E and chapter 7 of the NOPR TSD.)

10. The analytical methodology to estimate the annual energy use for CWAF. (See section IV.E and chapter 7 of the NOPR TSD.)

11. The approach and data sources used for assessing changes in installation costs for more-efficient CWAF. (See section IV.F.1 and chapter 8 of the NOPR TSD.)

12. The methodology and data sources used for assessing changes in maintenance and repair costs for more-efficient CWAF. (See section IV.F.2.c and chapter 8 of the NOPR TSD.)

13. The approach used to determine the lifetimes for CWAF and whether the lifetimes assumed in the analysis are reflective of CWAF equipment covered by this rule. In addition, the agency is seeking comment on whether the energy efficiency standards would be expected to affect the lifetime of the products covered by the proposed standards. (See section IV.F.2.d and chapter 8 of the NOPR TSD.)

14. The potential for a rebound effect associated with higher efficiency standards for the covered furnaces in both commercial and residential installations. (See section IV.F.2.d and chapter 8 of the NOPR TSD.)

15. The appropriate base case distribution of energy efficiencies for CWAF in 2018 (compliance year of the standard) in the absence of amended energy conservation standards. (See section IV.F.2.d and chapter 8 of the NOPR TSD.)

16. DOE's methodology and data sources used for projecting the future shipments of CWAF in the absence of amended energy conservation standards. Specifically, DOE is interested in the historical data from the past 10 years for CWAF. (See section IV.F.2.d and chapter 9 of the NOPR TSD.)

17. The potential impacts of amended standards on product shipments, including impacts related to equipment switching. (See section IV.F.2.d and chapter 9 of the NOPR TSD.)

18. The methodology used to determine long-term changes in CWAF energy efficiency independent of amending energy conservation standards. (See section IV.H and chapter 10 of the NOPR TSD.)

19. Consumer subgroups that should be considered in this rulemaking. (See section IV.I and chapter 11 of the NOPR TSD.)

20. The approach for conducting the emissions analysis for CWAF. (See section IV.K and chapter 13 of the NOPR TSD.)

21. DOE's approach for estimating monetary benefits associated with emissions reductions, including the SCC values used. (See section IV.L and chapter 14 of the NOPR TSD.)

22. Impacts on small business manufacturers from the proposed standard. In particular, DOE seeks further information and data regarding the sales volume and annual revenues for small businesses so the agency can be better informed concerning the potential impacts to small business manufacturers of the proposed energy conservation standards, and would consider any such additional information when formulating and selecting TSLs for the final rule and whether any feasible compliance flexibilities that the agency may consider. (See section VI.B and chapter 12 of the NOPR TSD.)

VIII. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this notice of proposed rulemaking.

List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on January 16, 2015.

Michael Carr,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, DOE proposes to amend part 431 of Chapter II, Subchapter D, of Title 10 of the Code of Federal Regulations, as set forth below:

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

■ 1. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6291–6317.

■ 2. Section 431.77 is revised to read as follows:

§ 431.77 Energy conservation standards and their effective dates.

(a) *Gas-fired Commercial Warm Air Furnaces.* Each gas-fired commercial warm air furnace must meet the following energy efficiency standard levels:

(1) For gas-fired commercial warm air furnaces manufactured on and after January 1, 1994, and before [*date 3 years after publication of the energy conservation standards final rule*], the

thermal efficiency at the maximum rated capacity (rated maximum input) must be not less than 80 percent; and

(2) For gas-fired commercial warm air furnaces manufactured on and after [*date 3 years after publication of the energy conservation standards final rule*], the thermal efficiency at the maximum rated capacity (rated maximum input) must be not less than 82 percent.

(b) *Oil-fired Commercial Warm Air Furnaces.* Each oil-fired commercial warm air furnace must meet the following energy efficiency standard levels:

(1) For oil-fired commercial warm air furnaces manufactured on and after January 1, 1994, and before [*date 3 years after publication of the energy conservation standards final rule*], the thermal efficiency at the maximum rated capacity (rated maximum input) must be not less than 81 percent; and

(2) For oil-fired commercial warm air furnaces manufactured on and after [*date 3 years after publication of the energy conservation standards final rule*], the thermal efficiency at the maximum rated capacity (rated maximum input) must be not less than 82 percent.

[FR Doc. 2015–01415 Filed 2–3–15; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL REGISTER

Vol. 80 Wednesday,

No. 23 February 4, 2015

Part III

Postal Service

Change in Rates and Classes of General Applicability for Competitive Products; Notice

POSTAL SERVICE

Change in Rates and Classes of General Applicability for Competitive Products

AGENCY: Postal Service.

ACTION: Notice of a change in rates of general applicability for competitive products.

SUMMARY: This notice sets forth changes in rates of general applicability for competitive products.

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

FOR FURTHER INFORMATION CONTACT: Daniel J. Foucheaux, Jr., 202–268–2989.

SUPPLEMENTARY INFORMATION: On January 26, 2015, pursuant to their authority under 39 U.S.C. 3632, the Governors of the Postal Service established prices and classification changes for competitive products. The Governors' Decision and the record of proceedings in connection with such decision are reprinted below in accordance with section 3632(b)(2).

Stanley F. Mires,

Attorney, Federal Requirements.

Decision of the Governors of the United States Postal Service on Changes in Rates and Classes of General Applicability for Competitive Products (Governors' Decision No. 14–05)

December 05, 2014

Statement of Explanation and Justification

Pursuant to our authority under section 3632 of title 39, as amended by the Postal Accountability and Enhancement Act of 2006 (''PAEA''), we establish new prices of general applicability for the Postal Service's shipping services (competitive products), and such changes in classifications as are necessary to define the new prices. The changes are described generally below, with a detailed description of the changes in the attachment. The attachment includes the draft Mail Classification Schedule sections with classification changes in legislative format, and new prices displayed in the price charts.

As shown in the nonpublic annex being filed under seal herewith, the changes we establish should enable each competitive product to cover its attributable costs (39 U.S.C. 3633(a)(2)) and should result in competitive products as a whole complying with 39 U.S.C. 3633(a)(3), which, as implemented by 39 CFR 3015.7(c), requires competitive products to contribute a minimum of 5.5 percent to the Postal Service's institutional costs. Accordingly, no issue of subsidization of competitive products by market dominant products should arise (39 U.S.C. 3633(a)(1)). We therefore find that the new prices and classification changes are in accordance with 39 U.S.C. 3632–3633 and 39 CFR 3015.2.

I. Domestic Products

A. Priority Mail Express

The existing structure of Priority Mail Express Retail, Commercial Base, and Commercial Plus price categories is maintained. No price changes are proposed, but some minor classification changes are made.

B. Priority Mail

The existing structure of Priority Mail Retail, Commercial Base, and Commercial Plus price categories is maintained. No price changes are proposed, but some minor classification changes are made.

C. Parcel Select

On average, prices for non-Lightweight Parcel Select, the Postal Service's bulk ground shipping product, will increase 8.0 percent. For destination entered parcels, the average price increase is 7.3 percent. For non-destination entered parcels, the average price increase is 8.7 percent. Prices for Parcel Select Lightweight, formerly Standard Mail commercial parcels, will increase by 9.8 percent.

D. Parcel Return Service

Parcel Return Service prices will have an overall price increase of 4.8 percent. Prices for parcels retrieved at a return Network Distribution Center (RNDC) will increase by 5.7 percent, and prices for parcels retrieved at a return Sectional Center Facility (RSCF) will increase by 5.0 percent. Prices for parcels picked up at a return delivery unit (RDU) will increase 4.7 percent. Parcel Return Service–Full Network is being eliminated because of insufficient volumes, and to simplify product offerings.

E. First-Class Package Service

First-Class Package Service continues to be positioned as a lightweight (less than one pound) offering used by businesses for fulfillment purposes. Overall, First-Class Package Service prices will increase 5.1 percent, with no structural changes. Price and classification changes are being made to the First-Class Package Service product, in the event that a pending transfer request of First-Class Mail Retail parcels to the competitive product list is approved by the Postal Regulatory Commission (''Commission''). Prices for First-Class Mail Retail parcels will be increased 22 percent if the transfer is approved. If the Commission does not approve the transfer, those changes shall be removed.

F. Standard Post

Standard Post prices will increase 11.4 percent for 2015. Prices in Zones 1–4 will continue to align with the retail Priority Mail prices for those zones. Therefore, customers shipping in those price cells will receive Priority Mail service, and will only default to Standard Post if the item contains hazardous material or is otherwise not permitted to travel by air transportation.

G. Round-Trip Mailer

If the Commission authorizes the addition of the Round-Trip Mailer to the competitive product list, price and classification language reflecting that addition shall be reflected in the Mail Classification Schedule. Prices for the Round-Trip Mailer will be increased approximately 2.3 percent if the transfer is approved.

H. Domestic Extra Services

Premium Forwarding Service prices will increase slightly in 2015. The retail counter enrollment fee will increase to $18.00. The online enrollment option, introduced in 2014, will now be available for $16.50. The weekly reshipment fee will increase to $18.00. Prices for Adult Signature service will increase to $5.50 for the basic service and $5.75 for the person-specific service. Address Enhancement Service prices will be increasing between zero and 4.7 percent depending on the particular rate element, to ensure adequate cost coverage. Competitive Post Office Box prices will be increasing 3.5 percent on average, which is within the existing price ranges. Package Intercept Service will increase 5.7 percent, to $12.15. The Pickup on demand fee will remain unchanged for 2015.

II. International Products

A. Expedited Services

International expedited services include Global Express Guaranteed (GXG) and Priority Mail Express International (PMEI). Overall, GXG prices will rise by 7.2 percent, and PMEI will be subject to an overall 6.7 percent increase. The existing structure of GXG Retail, Commercial Base, and Commercial Plus price categories will be maintained.

B. Priority Mail International

The overall increase for Priority Mail International (PMI) will be 5.5 percent.

The existing structure of PMI Flat Rate, Retail, Commercial Base, and Commercial Plus price categories will be maintained, except for the establishment of new zoned prices based on origin ZIP Code for PMI destined to Canada. In addition, the maximum weight for PMI for Rate Group 17 (Netherlands) will increase to 66 lbs.

C. International Priority Airmail and International Surface Air Lift

Published prices for International Priority Airmail (IPA) and International Surface Air Lift (ISAL) will increase by 4.5 percent.

D. Airmail M-Bags

The published prices for Airmail M-Bags will increase by 6.8 percent.

E. First-Class Package International Service™

The overall increase for First-Class Package International Service (FCPIS) prices will be 7.2 percent. The existing structure of FCPIS Retail, Commercial Base, and Commercial Plus price categories will be maintained.

F. International Ancillary Services and Special Services

Prices for several international ancillary services will be increased. As a housekeeping matter, provisions concerning Inbound International Return Receipt and Inbound International Insurance will be removed from the Mail Classification Schedule. Certificates of Mailing will increase 2.5 percent. Registered Mail will increase 2.2 percent. International Return Receipt will increase 2.7 percent. The insurance tables for PMEI and PMI will be combined to simplify pricing.

In addition, along with minor formatting and wording changes, International Business Return Service (IBRS) Competitive Contract product will be renumbered.

G. Promotions

The Postal Service may offer one or more promotions in the form of a discount or rebate on certain international products, during an established promotional program period, to mailers that comply with the eligibility requirements of the promotional program. Details of each such program shall be filed in separate filings with the Postal Regulatory Commission.

Order

The changes in prices and classes set forth herein shall be effective at 12:01 a.m. on April 26, 2015. We direct the Secretary to have this decision published in the **Federal Register** in accordance with 39 U.S.C. 3632(b)(2). We also direct management to file with the Postal Regulatory Commission appropriate notice of these changes.

By The Governors.

Mickey D. Barnett,
Chairman.

BILLING CODE 7710–P

Attachment to Governors' Decision 14-5

PART B

COMPETITIVE PRODUCTS

Attachment to Governors' Decision 14-5

2000 COMPETITIVE PRODUCT LIST

2100 Domestic Products

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* * *

2105 Priority Mail Express

* * *

2105.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Pickup On Demand Service
- Sunday/Holiday Delivery
- 10:30 am Delivery
- Ancillary Services (1505)
  - Address Correction Service (1505.1)
  - Collect On Delivery (1505.7)
  - Priority Mail Express Insurance (1505.9)
  - Return Receipt (1505.13)
  - Special Handling (1505.18)
- Competitive Ancillary Services (2545)
  - Adult Signature (2545.1)
  - Package Intercept Service (2545.2)

* * *

* * *

2110 Priority Mail

* * *

2110.3 Minimum Volume Requirements

	Minimum Volume Requirements
Commercial Plus Cubic Priority Mail	50 pounds or 200 pieces (Permit Imprint only)
All Other Priority Mail	none

* * *

2110.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Pickup On Demand Service

- Ancillary Services (1505)
  - Address Correction Service (1505.1)
  - Business Reply Mail (1505.3)
  - Certified Mail (1505.5)
  - Certificate of Mailing (1505.6)
  - Collect On Delivery (1505.7)
  - USPS Tracking (1505.8)
  - Insurance (1505.9)
  - Merchandise Return (1505.10)
  - Registered Mail (1505.12)
  - Return Receipt (1505.13)
  - Return Receipt for Merchandise (1505.14)
  - ~~Restricted Delivery (1505.15)~~
  - Signature Confirmation (1505.17)
  - Special Handling (1505.18)

- Competitive Ancillary Services (2545)
  - Adult Signature (2545.1)
  - Package Intercept Service (2545.2)

* * *

2115 Parcel Select

* * *

2115.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Pickup On Demand Service

- Ancillary Services (1505)
  - Address Correction Service (1505.1)
  - Certificate of Mailing (1505.6)
  - Collect On Delivery (1505.7)
  - USPS Tracking (1505.8)
  - Insurance (1505.9)
  - Return Receipt (1505.13)
  - Return Receipt for Merchandise (1505.14)
  - ~~Restricted Delivery (1505.15)~~
  - Signature Confirmation (1505.17)
  - Special Handling (1505.18)

- Competitive Ancillary Services (2545)
  - Adult Signature (2545.1)
  - Package Intercept Service (2545.2)

* * *

Domestic Products
Parcel Select

2115.6 Prices

Destination Entered — DDU

a. DDU

Maximum Weight (pounds)	DDU ($)
1	2.51
2	2.51
3	2.59
4	2.65
5	2.71
6	2.77
7	2.83
8	2.89
9	2.95
10	3.01
11	3.07
12	3.13
13	3.19
14	3.25
15	3.31
16	3.37
17	3.43
18	3.49
19	3.55
20	3.61
21	3.67
22	3.73
23	3.79
24	3.85
25	3.91

Domestic Products
Parcel Select

a. DDU (Continued)

Maximum Weight (pounds)	DDU ($)
26	3.97
27	4.03
28	4.09
29	4.15
30	4.21
31	4.27
32	4.33
33	4.39
34	4.45
35	4.51
36	4.57
37	4.63
38	4.69
39	4.75
40	4.81
41	4.87
42	4.93
43	4.99
44	5.05
45	5.11
46	5.17
47	5.23
48	5.29
49	5.35
50	5.41

Domestic Products
Parcel Select

a. DDU (Continued)

Maximum Weight (pounds)	DDU ($)
51	5.48
52	5.55
53	5.62
54	5.69
55	5.76
56	5.83
57	5.90
58	5.97
59	6.04
60	6.11
61	6.18
62	6.25
63	6.32
64	6.39
65	6.46
66	6.53
67	6.60
68	6.67
69	6.74
70	6.81
Oversized	10.31

b. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Domestic Products
Parcel Select

Destination Entered — DSCF

a. DSCF — 5-Digit Machinable

Maximum Weight (pounds)	DSCF 5-Digit ($)
1	3.45
2	3.45
3	3.59
4	3.73
5	3.87
6	4.01
7	4.15
8	4.30
9	4.45
10	4.60
11	4.75
12	4.91
13	5.07
14	5.23
15	5.39
16	5.55
17	5.71
18	5.87
19	6.03
20	6.19
21	6.35
22	6.51
23	6.67
24	6.83
25	6.99

Domestic Products
Parcel Select

a. DSCF — 5-Digit Machinable (Continued)

Maximum Weight (pounds)	DSCF 5-Digit ($)
26	7.15
27	7.31
28	7.47
29	7.63
30	7.78
31	7.93
32	8.08
33	8.23
34	8.38
35	8.53

Domestic Products
Parcel Select

b. DSCF — 3-Digit, 5-Digit Non-Machinable

Maximum Weight (pounds)	DSCF 3-Digit ($)	DSCF 5-Digit ($)
1	4.95	3.45
2	4.95	3.45
3	5.09	3.59
4	5.23	3.73
5	5.37	3.87
6	5.51	4.01
7	5.65	4.15
8	5.80	4.30
9	5.95	4.45
10	6.10	4.60
11	6.25	4.75
12	6.41	4.91
13	6.57	5.07
14	6.73	5.23
15	6.89	5.39
16	7.05	5.55
17	7.21	5.71
18	7.37	5.87
19	7.53	6.03
20	7.69	6.19
21	7.85	6.35
22	8.01	6.51
23	8.17	6.67
24	8.33	6.83
25	8.49	6.99

Domestic Products
Parcel Select

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit ($)	DSCF 5-Digit ($)
26	8.65	7.15
27	8.81	7.31
28	8.97	7.47
29	9.13	7.63
30	9.28	7.78
31	9.43	7.93
32	9.58	8.08
33	9.73	8.23
34	9.88	8.38
35	10.03	8.53
36	10.18	8.68
37	10.33	8.83
38	10.48	8.98
39	10.63	9.13
40	10.78	9.28
41	10.93	9.43
42	11.08	9.58
43	11.23	9.73
44	11.38	9.88
45	11.53	10.03
46	11.68	10.18
47	11.83	10.33
48	11.98	10.48
49	12.13	10.63
50	12.28	10.78

Domestic Products
Parcel Select

b. DSCF — 3-Digit, 5-Digit Non-Machinable (Continued)

Maximum Weight (pounds)	DSCF 3-Digit ($)	DSCF 5-Digit ($)
51	12.43	10.93
52	12.58	11.08
53	12.73	11.23
54	12.88	11.38
55	13.03	11.53
56	13.18	11.68
57	13.33	11.83
58	13.48	11.98
59	13.63	12.13
60	13.78	12.28
61	13.92	12.42
62	14.06	12.56
63	14.20	12.70
64	14.34	12.84
65	14.48	12.98
66	14.62	13.12
67	14.76	13.26
68	14.90	13.40
69	15.04	13.54
70	15.18	13.68
Oversized	18.68	18.68

c. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Domestic Products
Parcel Select

Destination Entered — DNDC

a. DNDC — Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
1	4.55	5.18	5.92	6.85
2	4.55	5.18	5.92	6.85
3	4.90	5.80	6.94	7.98
4	5.22	6.43	7.94	9.00
5	5.52	7.07	8.82	9.83
6	5.77	7.68	9.57	10.58
7	6.04	8.25	10.20	11.26
8	6.30	8.81	10.76	11.83
9	6.55	9.36	11.28	12.37
10	6.80	9.90	11.76	12.89
11	7.05	10.43	12.19	13.32
12	7.29	10.93	12.58	13.75
13	7.53	11.40	12.93	14.16
14	7.77	11.85	13.25	14.52
15	8.01	12.27	13.55	14.85
16	8.25	12.68	13.81	15.15
17	8.49	13.07	14.08	15.44
18	8.73	13.46	14.32	15.70
19	8.97	13.81	14.56	15.96
20	9.20	14.13	14.80	16.22
21	9.43	14.45	15.04	16.48
22	9.66	14.75	15.28	16.75
23	9.90	15.02	15.53	17.02
24	10.14	15.26	15.78	17.28
25	10.38	15.48	16.03	17.55

Domestic Products
Parcel Select

a. DNDC — Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
26	10.61	15.69	16.28	17.83
27	10.84	15.89	16.53	18.10
28	11.07	16.10	16.78	18.38
29	11.30	16.32	17.03	18.66
30	11.52	16.54	17.28	18.94
31	11.74	16.76	17.53	19.22
32	11.96	16.98	17.78	19.50
33	12.18	17.21	18.03	19.80
34	12.40	17.43	18.28	20.11
35	12.62	17.65	18.53	20.42

Domestic Products
Parcel Select

b. DNDC — Non-Machinable

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
1	7.05	7.68	8.42	9.35
2	7.05	7.68	8.42	9.35
3	7.40	8.30	9.44	10.48
4	7.72	8.93	10.44	11.50
5	8.02	9.57	11.32	12.33
6	8.27	10.18	12.07	13.08
7	8.54	10.75	12.70	13.76
8	8.80	11.31	13.26	14.33
9	9.05	11.86	13.78	14.87
10	9.30	12.40	14.26	15.39
11	9.55	12.93	14.69	15.82
12	9.79	13.43	15.08	16.25
13	10.03	13.90	15.43	16.66
14	10.27	14.35	15.75	17.02
15	10.51	14.77	16.05	17.35
16	10.75	15.18	16.31	17.65
17	10.99	15.57	16.58	17.94
18	11.23	15.96	16.82	18.20
19	11.47	16.31	17.06	18.46
20	11.70	16.63	17.30	18.72
21	11.93	16.95	17.54	18.98
22	12.16	17.25	17.78	19.25
23	12.40	17.52	18.03	19.52
24	12.64	17.76	18.28	19.78
25	12.88	17.98	18.53	20.05

Domestic Products
Parcel Select

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
26	13.11	18.19	18.78	20.33
27	13.34	18.39	19.03	20.60
28	13.57	18.60	19.28	20.88
29	13.80	18.82	19.53	21.16
30	14.02	19.04	19.78	21.44
31	14.24	19.26	20.03	21.72
32	14.46	19.48	20.28	22.00
33	14.68	19.71	20.53	22.30
34	14.90	19.93	20.78	22.61
35	15.12	20.15	21.03	22.92
36	15.34	20.38	21.28	23.23
37	15.56	20.62	21.54	23.54
38	15.78	20.85	21.80	23.85
39	16.00	21.08	22.06	24.16
40	16.22	21.31	22.32	24.47
41	16.44	21.54	22.58	24.78
42	16.66	21.78	22.84	25.09
43	16.88	22.03	23.10	25.40
44	17.10	22.27	23.36	25.70
45	17.32	22.52	23.62	26.00
46	17.54	22.77	23.88	26.31
47	17.76	23.02	24.13	26.62
48	17.98	23.27	24.36	26.94
49	18.20	23.52	24.58	27.27
50	18.42	23.75	24.80	27.63

Domestic Products
Parcel Select

b. DNDC — Non-Machinable (Continued)

Maximum Weight (pounds)	DNDC Zones 1 & 2 ($)	DNDC Zone 3 ($)	DNDC Zone 4 ($)	DNDC Zones 5 ($)
51	18.64	23.98	25.02	28.00
52	18.86	24.21	25.24	28.37
53	19.08	24.43	25.46	28.74
54	19.30	24.64	25.69	29.11
55	19.53	24.85	25.92	29.48
56	19.77	25.05	26.15	29.85
57	20.02	25.25	26.38	30.22
58	20.27	25.47	26.62	30.59
59	20.52	25.68	26.86	30.96
60	20.77	25.87	27.10	31.33
61	21.02	26.06	27.33	31.67
62	21.27	26.25	27.56	31.97
63	21.52	26.44	27.79	32.26
64	21.77	26.63	28.02	32.53
65	22.02	26.82	28.25	32.80
66	22.27	27.01	28.48	33.06
67	22.52	27.19	28.71	33.31
68	22.77	27.37	28.94	33.56
69	23.02	27.55	29.17	33.81
70	23.27	27.73	29.39	34.06
Oversized	28.51	40.04	53.15	63.34

c. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

e. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Domestic Products
Parcel Select

Non-Destination Entered — ONDC Presort

a. ONDC Presort

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.20	5.30	5.45	5.59	5.82	6.07	6.54
2	5.40	5.80	6.50	7.13	8.15	9.11	10.44
3	6.15	7.15	8.30	9.62	10.43	11.99	13.72
4	7.00	8.45	9.60	10.54	11.70	12.99	14.81
5	8.40	9.40	10.75	12.07	13.17	14.30	16.02
6	9.05	10.25	11.55	13.60	14.89	16.18	18.15
7	9.65	11.15	12.50	14.77	16.30	17.84	20.21
8	10.40	11.80	13.05	16.61	18.51	20.48	23.43
9	10.90	12.15	13.55	18.09	20.41	22.75	26.24
10	11.60	12.20	13.80	19.74	22.27	24.85	28.67
11	12.45	12.70	13.95	21.41	24.29	27.27	31.62
12	12.85	13.10	14.15	23.02	26.19	29.37	34.14
13	13.00	13.45	14.35	24.34	27.45	30.63	35.43
14	13.20	13.85	14.55	25.88	29.05	32.24	37.21
15	13.45	14.30	14.75	27.29	30.30	33.33	38.18
16	14.25	15.35	16.25	28.92	32.07	35.29	40.42
17	15.00	16.35	17.75	30.63	33.51	36.42	41.34
18	15.75	17.35	19.25	32.16	35.20	38.24	43.40
19	16.50	18.35	20.75	32.82	35.87	39.01	44.24
20	17.25	19.35	22.25	33.46	36.58	39.73	45.12
21	18.00	20.35	23.75	33.98	37.15	40.35	45.81
22	18.75	21.35	25.75	34.60	37.84	41.09	46.65
23	19.50	22.35	27.75	35.75	38.88	42.25	47.96
24	20.25	23.60	29.75	37.17	40.13	43.57	49.48
25	21.65	26.45	33.25	38.63	41.33	44.86	50.93

Domestic Products
Parcel Select

a. ONDC Presort (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	22.05	26.70	34.40	40.25	42.75	46.41	52.69
27	22.70	27.10	35.45	41.81	44.06	47.81	54.31
28	23.45	27.50	36.50	43.42	45.38	49.22	55.92
29	24.15	27.75	37.45	44.79	46.56	50.48	57.36
30	24.90	28.15	38.35	46.19	47.67	51.69	58.74
31	25.65	28.45	38.95	47.26	48.42	52.50	59.63
32	25.95	29.05	39.65	48.43	49.69	54.26	62.01
33	26.35	29.90	40.65	49.95	51.32	56.49	64.83
34	26.60	30.70	41.65	51.45	52.98	58.73	67.75
35	26.90	31.45	42.25	52.59	54.13	60.44	70.05
36	27.20	32.35	42.80	53.55	55.21	62.11	72.26
37	27.50	32.95	43.45	54.59	56.41	63.91	74.66
38	27.75	33.80	44.00	55.69	57.52	65.63	76.99
39	28.05	34.55	44.55	56.72	58.61	67.32	79.28
40	28.40	35.30	45.15	57.78	59.80	69.10	81.66
41	28.70	36.00	45.65	58.65	60.88	70.75	83.90
42	28.90	36.65	46.20	59.72	61.98	72.50	86.22
43	29.25	37.25	46.60	60.53	62.93	73.97	88.33
44	29.45	37.85	47.20	61.56	64.16	75.81	90.84
45	29.65	38.30	47.55	62.35	65.04	77.25	92.84
46	29.90	38.60	48.05	63.27	66.11	78.95	95.13
47	30.15	38.90	48.50	64.10	67.13	80.55	97.39
48	30.40	39.25	48.95	65.03	68.15	82.16	99.60
49	30.60	39.55	49.35	65.77	68.80	82.99	100.67
50	30.75	39.80	49.70	66.55	69.32	83.78	101.60

Domestic Products
Parcel Select

a. ONDC Presort (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	30.90	40.15	50.15	67.51	70.03	84.67	102.78
52	31.30	40.40	50.50	68.16	70.56	85.34	103.61
53	31.80	40.70	50.85	68.92	71.07	86.04	104.51
54	32.25	40.90	51.20	69.81	71.61	86.78	105.43
55	32.80	41.20	51.45	70.28	72.01	87.28	106.07
56	33.25	41.40	51.75	70.71	72.71	87.92	106.84
57	33.75	41.55	52.10	71.23	73.53	88.62	107.79
58	34.30	41.75	52.40	71.55	74.28	89.19	108.43
59	34.85	41.95	52.65	71.88	74.99	89.71	109.11
60	35.30	42.15	53.20	72.54	76.16	90.75	110.46
61	35.85	42.35	54.15	73.74	77.84	92.43	112.51
62	36.25	42.45	54.85	74.70	79.24	93.66	114.07
63	36.95	42.65	55.75	75.87	80.85	95.30	116.10
64	37.30	42.75	56.55	76.88	82.39	96.76	117.89
65	37.80	42.85	57.35	77.96	83.90	98.20	119.70
66	38.30	43.05	58.25	79.10	85.54	99.76	121.59
67	38.90	43.15	59.25	80.44	87.43	101.49	123.80
68	39.40	43.25	60.05	80.64	88.94	102.93	125.58
69	39.95	43.30	60.75	80.83	90.04	103.57	126.16
70	40.35	43.40	61.75	81.08	91.55	104.68	127.38
Oversized	62.49	67.44	72.39	104.61	122.87	141.12	159.37

b. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Domestic Products
Parcel Select

Non-Destination Entered — NDC Presort

a. NDC Presort

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.55	5.65	5.80	5.94	6.17	6.42	6.89
2	5.75	6.15	6.85	7.48	8.50	9.46	10.79
3	6.50	7.50	8.65	9.97	10.78	12.34	14.07
4	7.35	8.80	9.95	10.89	12.05	13.34	15.16
5	8.75	9.75	11.10	12.42	13.52	14.65	16.37
6	9.40	10.60	11.90	13.95	15.24	16.53	18.50
7	10.00	11.50	12.85	15.12	16.65	18.19	20.56
8	10.75	12.15	13.40	16.96	18.86	20.83	23.78
9	11.25	12.50	13.90	18.44	20.76	23.10	26.59
10	11.95	12.55	14.15	20.09	22.62	25.20	29.02
11	12.80	13.05	14.30	21.76	24.64	27.62	31.97
12	13.20	13.45	14.50	23.37	26.54	29.72	34.49
13	13.35	13.80	14.70	24.69	27.80	30.98	35.78
14	13.55	14.20	14.90	26.23	29.40	32.59	37.56
15	13.80	14.65	15.10	27.64	30.65	33.68	38.53
16	14.60	15.70	16.60	29.27	32.42	35.64	40.77
17	15.35	16.70	18.10	30.98	33.86	36.77	41.69
18	16.10	17.70	19.60	32.51	35.55	38.59	43.75
19	16.85	18.70	21.10	33.17	36.22	39.36	44.59
20	17.60	19.70	22.60	33.81	36.93	40.08	45.47
21	18.35	20.70	24.10	34.33	37.50	40.70	46.16
22	19.10	21.70	26.10	34.95	38.19	41.44	47.00
23	19.85	22.70	28.10	36.10	39.23	42.60	48.31
24	20.60	23.95	30.10	37.52	40.48	43.92	49.83
25	22.00	26.80	33.60	38.98	41.68	45.21	51.28

Domestic Products
Parcel Select

a. NDC Presort (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	22.40	27.05	34.75	40.60	43.10	46.76	53.04
27	23.05	27.45	35.80	42.16	44.41	48.16	54.66
28	23.80	27.85	36.85	43.77	45.73	49.57	56.27
29	24.50	28.10	37.80	45.14	46.91	50.83	57.71
30	25.25	28.50	38.70	46.54	48.02	52.04	59.09
31	26.00	28.80	39.30	47.61	48.77	52.85	59.98
32	26.30	29.40	40.00	48.78	50.04	54.61	62.36
33	26.70	30.25	41.00	50.30	51.67	56.84	65.18
34	26.95	31.05	42.00	51.80	53.33	59.08	68.10
35	27.25	31.80	42.60	52.94	54.48	60.79	70.40
36	27.55	32.70	43.15	53.90	55.56	62.46	72.61
37	27.85	33.30	43.80	54.94	56.76	64.26	75.01
38	28.10	34.15	44.35	56.04	57.87	65.98	77.34
39	28.40	34.90	44.90	57.07	58.96	67.67	79.63
40	28.75	35.65	45.50	58.13	60.15	69.45	82.01
41	29.05	36.35	46.00	59.00	61.23	71.10	84.25
42	29.25	37.00	46.55	60.07	62.33	72.85	86.57
43	29.60	37.60	46.95	60.88	63.28	74.32	88.68
44	29.80	38.20	47.55	61.91	64.51	76.16	91.19
45	30.00	38.65	47.90	62.70	65.39	77.60	93.19
46	30.25	38.95	48.40	63.62	66.46	79.30	95.48
47	30.50	39.25	48.85	64.45	67.48	80.90	97.74
48	30.75	39.60	49.30	65.38	68.50	82.51	99.95
49	30.95	39.90	49.70	66.12	69.15	83.34	101.02
50	31.10	40.15	50.05	66.90	69.67	84.13	101.95

Domestic Products
Parcel Select

a. NDC Presort (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	31.25	40.50	50.50	67.86	70.38	85.02	103.13
52	31.65	40.75	50.85	68.51	70.91	85.69	103.96
53	32.15	41.05	51.20	69.27	71.42	86.39	104.86
54	32.60	41.25	51.55	70.16	71.96	87.13	105.78
55	33.15	41.55	51.80	70.63	72.36	87.63	106.42
56	33.60	41.75	52.10	71.06	73.06	88.27	107.19
57	34.10	41.90	52.45	71.58	73.88	88.97	108.14
58	34.65	42.10	52.75	71.90	74.63	89.54	108.78
59	35.20	42.30	53.00	72.23	75.34	90.06	109.46
60	35.65	42.50	53.55	72.89	76.51	91.10	110.81
61	36.20	42.70	54.50	74.09	78.19	92.78	112.86
62	36.60	42.80	55.20	75.05	79.59	94.01	114.42
63	37.30	43.00	56.10	76.22	81.20	95.65	116.45
64	37.65	43.10	56.90	77.23	82.74	97.11	118.24
65	38.15	43.20	57.70	78.31	84.25	98.55	120.05
66	38.65	43.40	58.60	79.45	85.89	100.11	121.94
67	39.25	43.50	59.60	80.79	87.78	101.84	124.15
68	39.75	43.60	60.40	80.99	89.29	103.28	125.93
69	40.30	43.65	61.10	81.18	90.39	103.92	126.51
70	40.70	43.75	62.10	81.43	91.90	105.03	127.73
Oversized	62.84	67.79	72.74	104.96	123.22	141.47	159.72

b. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Domestic Products
Parcel Select

Non-Destination Entered — Nonpresort

a. Nonpresort

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.70	5.80	5.95	6.09	6.32	6.57	7.04
2	5.90	6.30	7.00	7.63	8.65	9.61	10.94
3	6.65	7.65	8.80	10.12	10.93	12.49	14.22
4	7.50	8.95	10.10	11.04	12.20	13.49	15.31
5	8.90	9.90	11.25	12.57	13.67	14.80	16.52
6	9.55	10.75	12.05	14.10	15.39	16.68	18.65
7	10.15	11.65	13.00	15.27	16.80	18.34	20.71
8	10.90	12.30	13.55	17.11	19.01	20.98	23.93
9	11.40	12.65	14.05	18.59	20.91	23.25	26.74
10	12.10	12.70	14.30	20.24	22.77	25.35	29.17
11	12.95	13.20	14.45	21.91	24.79	27.77	32.12
12	13.35	13.60	14.65	23.52	26.69	29.87	34.64
13	13.50	13.95	14.85	24.84	27.95	31.13	35.93
14	13.70	14.35	15.05	26.38	29.55	32.74	37.71
15	13.95	14.80	15.25	27.79	30.80	33.83	38.68
16	14.75	15.85	16.75	29.42	32.57	35.79	40.92
17	15.50	16.85	18.25	31.13	34.01	36.92	41.84
18	16.25	17.85	19.75	32.66	35.70	38.74	43.90
19	17.00	18.85	21.25	33.32	36.37	39.51	44.74
20	17.75	19.85	22.75	33.96	37.08	40.23	45.62
21	18.50	20.85	24.25	34.48	37.65	40.85	46.31
22	19.25	21.85	26.25	35.10	38.34	41.59	47.15
23	20.00	22.85	28.25	36.25	39.38	42.75	48.46
24	20.75	24.10	30.25	37.67	40.63	44.07	49.98
25	22.15	26.95	33.75	39.13	41.83	45.36	51.43

Domestic Products
Parcel Select

a. Nonpresort (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	22.55	27.20	34.90	40.75	43.25	46.91	53.19
27	23.20	27.60	35.95	42.31	44.56	48.31	54.81
28	23.95	28.00	37.00	43.92	45.88	49.72	56.42
29	24.65	28.25	37.95	45.29	47.06	50.98	57.86
30	25.40	28.65	38.85	46.69	48.17	52.19	59.24
31	26.15	28.95	39.45	47.76	48.92	53.00	60.13
32	26.45	29.55	40.15	48.93	50.19	54.76	62.51
33	26.85	30.40	41.15	50.45	51.82	56.99	65.33
34	27.10	31.20	42.15	51.95	53.48	59.23	68.25
35	27.40	31.95	42.75	53.09	54.63	60.94	70.55
36	27.70	32.85	43.30	54.05	55.71	62.61	72.76
37	28.00	33.45	43.95	55.09	56.91	64.41	75.16
38	28.25	34.30	44.50	56.19	58.02	66.13	77.49
39	28.55	35.05	45.05	57.22	59.11	67.82	79.78
40	28.90	35.80	45.65	58.28	60.30	69.60	82.16
41	29.20	36.50	46.15	59.15	61.38	71.25	84.40
42	29.40	37.15	46.70	60.22	62.48	73.00	86.72
43	29.75	37.75	47.10	61.03	63.43	74.47	88.83
44	29.95	38.35	47.70	62.06	64.66	76.31	91.34
45	30.15	38.80	48.05	62.85	65.54	77.75	93.34
46	30.40	39.10	48.55	63.77	66.61	79.45	95.63
47	30.65	39.40	49.00	64.60	67.63	81.05	97.89
48	30.90	39.75	49.45	65.53	68.65	82.66	100.10
49	31.10	40.05	49.85	66.27	69.30	83.49	101.17
50	31.25	40.30	50.20	67.05	69.82	84.28	102.10

Domestic Products
Parcel Select

a. Nonpresort (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	31.40	40.65	50.65	68.01	70.53	85.17	103.28
52	31.80	40.90	51.00	68.66	71.06	85.84	104.11
53	32.30	41.20	51.35	69.42	71.57	86.54	105.01
54	32.75	41.40	51.70	70.31	72.11	87.28	105.93
55	33.30	41.70	51.95	70.78	72.51	87.78	106.57
56	33.75	41.90	52.25	71.21	73.21	88.42	107.34
57	34.25	42.05	52.60	71.73	74.03	89.12	108.29
58	34.80	42.25	52.90	72.05	74.78	89.69	108.93
59	35.35	42.45	53.15	72.38	75.49	90.21	109.61
60	35.80	42.65	53.70	73.04	76.66	91.25	110.96
61	36.35	42.85	54.65	74.24	78.34	92.93	113.01
62	36.75	42.95	55.35	75.20	79.74	94.16	114.57
63	37.45	43.15	56.25	76.37	81.35	95.80	116.60
64	37.80	43.25	57.05	77.38	82.89	97.26	118.39
65	38.30	43.35	57.85	78.46	84.40	98.70	120.20
66	38.80	43.55	58.75	79.60	86.04	100.26	122.09
67	39.40	43.65	59.75	80.94	87.93	101.99	124.30
68	39.90	43.75	60.55	81.14	89.44	103.43	126.08
69	40.45	43.80	61.25	81.33	90.54	104.07	126.66
70	40.85	43.90	62.25	81.58	92.05	105.18	127.88
Oversized	62.99	67.94	72.89	105.11	123.37	141.62	159.87

b. Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

Domestic Products
Parcel Select

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

d. Forwarding and Returns

Parcel Select pieces that are forwarded on request of the addressee or forwarded or returned on request of the mailer will be subject to the applicable Parcel Select Nonpresort price, plus $3.00, when forwarded or returned.

Machinable Lightweight Parcels (3.5 ounces or greater)

Maximum Weight (ounces)	Entry Point/Sortation Level					
	DDU/ 5-Digit ($)	DSCF/ 5-Digit ($)	DNDC/ 5-Digit ($)	DNDC/ NDC ($)	None/ NDC ($)	None/ Mixed NDC ($)
1	N/A	N/A	N/A	N/A	N/A	N/A
2	N/A	N/A	N/A	N/A	N/A	N/A
3	N/A	N/A	N/A	N/A	N/A	N/A
4	1.10	1.15	1.21	1.55	1.60	1.94
5	1.13	1.20	1.26	1.61	1.66	2.01
6	1.16	1.25	1.31	1.67	1.73	2.08
7	1.19	1.30	1.36	1.73	1.80	2.15
8	1.22	1.36	1.42	1.79	1.87	2.22
9	1.26	1.42	1.48	1.85	1.94	2.29
10	1.30	1.48	1.54	1.92	2.01	2.37
11	1.34	1.54	1.61	1.99	2.08	2.45
12	1.39	1.60	1.68	2.06	2.15	2.53
13	1.44	1.67	1.75	2.13	2.22	2.62
14	1.49	1.74	1.82	2.20	2.30	2.71
15	1.55	1.81	1.89	2.27	2.38	2.80
16	1.61	1.88	1.96	2.34	2.46	2.89

Domestic Products
Parcel Select

Irregular Lightweight Parcels

Maximum Weight (ounces)	Entry Point/Sortation Level							
	DDU/ 5-Digit ($)	DSCF/ 5-Digit ($)	DNDC/ 5-Digit ($)	DSCF/ SCF ($)	DNDC/ SCF ($)	DNDC/ NDC ($)	None/ NDC ($)	None/ Mixed NDC ($)
1	1.07	1.11	1.17	1.14	1.21	1.63	1.69	2.07
2	1.07	1.11	1.17	1.14	1.21	1.63	1.69	2.07
3	1.07	1.11	1.17	1.14	1.21	1.63	1.69	2.07
4	1.10	1.15	1.21	1.18	1.25	1.67	1.74	2.13
5	1.13	1.20	1.26	1.23	1.30	1.72	1.80	2.19
6	1.16	1.25	1.31	1.28	1.35	1.78	1.86	2.25
7	1.19	1.30	1.36	1.33	1.40	1.84	1.92	2.32
8	1.22	1.36	1.42	1.39	1.46	1.90	1.99	2.39
9	1.26	1.42	1.48	1.45	1.52	1.97	2.06	2.46
10	1.30	1.48	1.54	1.51	1.58	2.04	2.13	2.53
11	1.34	1.54	1.61	1.57	1.65	2.11	2.20	2.61
12	1.39	1.60	1.68	1.63	1.72	2.18	2.27	2.69
13	1.44	1.67	1.75	1.70	1.79	2.25	2.34	2.77
14	1.49	1.74	1.82	1.77	1.86	2.32	2.42	2.85
15	1.55	1.81	1.89	1.84	1.93	2.39	2.50	2.93
16	1.61	1.88	1.96	1.91	2.00	2.46	2.59	3.01

Pickup On Demand Service

Add $20.00 for each Pickup On Demand stop.

IMpb Noncompliance Fee

Add $0.20 for each IMpb-noncompliant parcel paying commercial prices.

2120 Parcel Return Service

* * *

2120.3 Minimum Volume Requirements

	Minimum Volume Requirements
~~PRS Full Network~~	~~50,000 pieces annually~~
All other Parcel Return Service	none

2120.4 Price Categories

- RNDC – Contains merchandise and is retrieved in bulk at a network distribution center, or other equivalent facility
  - Machinable
  - Nonmachinable
  - Balloon Price
  - Oversized

- RSCF – Contains merchandise and is retrieved in bulk at a return sectional center facility, or other equivalent facility
  - Machinable
  - Nonmachinable
  - Balloon Price
  - Oversized

- RDU – Contains merchandise and is retrieved in bulk at a designated destination delivery unit, or other equivalent facility
  - Machinable
  - Nonmachinable
  - Oversized

- ~~PRS Full Network – Contains merchandise and is delivered in bulk to addressee~~
  - ~~PRS Full Network~~
  - ~~Balloon Price~~
  - ~~Oversized~~

* * *

Domestic Products
Parcel Return Service

2120.6 Prices

RNDC Entered

a. Machinable RNDC

Maximum Weight (pounds)	RNDC ($)
1	3.76
2	4.15
3	4.55
4	4.86
5	5.26
6	5.68
7	6.10
8	6.53
9	6.97
10	7.41
11	7.77
12	8.14
13	8.44
14	8.71
15	8.91
16	9.09
17	9.23
18	9.44
19	9.58
20	9.79
21	9.94
22	10.12
23	10.28
24	10.46
25	10.56

Domestic Products
Parcel Return Service

a. Machinable RNDC (Continued)

Maximum Weight (pounds)	RNDC ($)
26	10.70
27	10.84
28	11.02
29	11.16
30	11.31
31	11.46
32	11.55
33	11.70
34	11.87
35	12.00

Domestic Products
Parcel Return Service

b. Nonmachinable RNDC

Maximum Weight (pounds)	RNDC ($)
1	6.26
2	6.65
3	7.05
4	7.36
5	7.76
6	8.18
7	8.60
8	9.03
9	9.47
10	9.91
11	10.27
12	10.64
13	10.94
14	11.21
15	11.41
16	11.59
17	11.73
18	11.94
19	12.08
20	12.29
21	12.44
22	12.62
23	12.78
24	12.96
25	13.06

Domestic Products
Parcel Return Service

b. Nonmachinable RNDC (Continued)

Maximum Weight (pounds)	RNDC ($)
26	13.20
27	13.34
28	13.52
29	13.66
30	13.81
31	13.96
32	14.05
33	14.20
34	14.37
35	14.50
36	14.60
37	14.76
38	14.87
39	15.02
40	15.16
41	15.25
42	15.37
43	15.50
44	15.62
45	15.74
46	15.86
47	16.01
48	16.13
49	16.24
50	16.38

b. Nonmachinable RNDC (Continued)

Maximum Weight (pounds)	RNDC ($)
51	16.52
52	16.59
53	16.69
54	16.82
55	16.94
56	17.03
57	17.15
58	17.27
59	17.38
60	17.53
61	17.64
62	17.75
63	17.85
64	17.96
65	18.09
66	18.19
67	18.32
68	18.42
69	18.50
70	18.66
Oversized	41.80

c. Balloon Price

RNDC entered pieces exceeding 84 inches in length and girth combined, but not more than 108 inches, and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Domestic Products
Parcel Return Service

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

Domestic Products
Parcel Return Service

RSCF Entered

a. Machinable RSCF

Maximum Weight (pounds)	RSCF ($)
1	3.03
2	3.42
3	3.69
4	3.97
5	4.23
6	4.57
7	4.88
8	5.19
9	5.54
10	5.86
11	6.18
12	6.51
13	6.77
14	7.02
15	7.20
16	7.40
17	7.56
18	7.78
19	7.95
20	8.16
21	8.32
22	8.51
23	8.67
24	8.85
25	8.95

Domestic Products
Parcel Return Service

a. Machinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
26	9.09
27	9.24
28	9.41
29	9.55
30	9.72
31	9.89
32	10.01
33	10.18
34	10.38
35	10.55

Domestic Products
Parcel Return Service

b. Nonmachinable RSCF

Maximum Weight (pounds)	RSCF ($)
1	5.53
2	5.92
3	6.19
4	6.47
5	6.73
6	7.07
7	7.38
8	7.69
9	8.04
10	8.36
11	8.68
12	9.01
13	9.27
14	9.52
15	9.70
16	9.90
17	10.06
18	10.28
19	10.45
20	10.66
21	10.82
22	11.01
23	11.17
24	11.35
25	11.45

Domestic Products
Parcel Return Service

b. Nonmachinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
26	11.59
27	11.74
28	11.91
29	12.05
30	12.22
31	12.39
32	12.51
33	12.68
34	12.88
35	13.05
36	13.20
37	13.39
38	13.53
39	13.68
40	13.84
41	13.97
42	14.13
43	14.29
44	14.41
45	14.53
46	14.65
47	14.79
48	14.88
49	14.97
50	15.08

b. Nonmachinable RSCF (Continued)

Maximum Weight (pounds)	RSCF ($)
51	15.20
52	15.26
53	15.34
54	15.46
55	15.57
56	15.66
57	15.77
58	15.88
59	15.98
60	16.11
61	16.21
62	16.32
63	16.42
64	16.50
65	16.61
66	16.69
67	16.80
68	16.88
69	16.96
70	17.07
Oversized	30.44

c. Balloon Price

RSCF entered pieces exceeding 84 inches in length and girth combined, but not more than 108 inches, and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

d. Oversized Pieces

Domestic Products
Parcel Return Service

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

Domestic Products
Parcel Return Service

RDU Entered

a. Machinable RDU

Maximum Weight (pounds)	RDU ($)
1	2.44
2	2.49
3	2.53
4	2.57
5	2.62
6	2.66
7	2.70
8	2.75
9	2.79
10	2.84
11	2.88
12	2.92
13	2.97
14	3.01
15	3.06
16	3.10
17	3.14
18	3.19
19	3.23
20	3.28
21	3.32
22	3.36
23	3.41
24	3.45
25	3.50

Domestic Products
Parcel Return Service

a. Machinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
26	3.54
27	3.58
28	3.63
29	3.67
30	3.72
31	3.76
32	3.80
33	3.85
34	3.89
35	3.94

Domestic Products
Parcel Return Service

b. Nonmachinable RDU

Maximum Weight (pounds)	RDU ($)
1	2.44
2	2.49
3	2.53
4	2.57
5	2.62
6	2.66
7	2.70
8	2.75
9	2.79
10	2.84
11	2.88
12	2.92
13	2.97
14	3.01
15	3.06
16	3.10
17	3.14
18	3.19
19	3.23
20	3.28
21	3.32
22	3.36
23	3.41
24	3.45
25	3.50

Domestic Products
Parcel Return Service

b. Nonmachinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
26	3.54
27	3.58
28	3.63
29	3.67
30	3.72
31	3.76
32	3.80
33	3.85
34	3.89
35	3.94
36	3.98
37	4.02
38	4.07
39	4.11
40	4.16
41	4.20
42	4.24
43	4.29
44	4.33
45	4.38
46	4.42
47	4.46
48	4.51
49	4.55
50	4.59

b. Nonmachinable RDU (Continued)

Maximum Weight (pounds)	RDU ($)
51	4.64
52	4.68
53	4.73
54	4.77
55	4.81
56	4.86
57	4.90
58	4.95
59	4.99
60	5.03
61	5.08
62	5.12
63	5.17
64	5.21
65	5.25
66	5.30
67	5.34
68	5.39
69	5.43
70	5.47
Oversized	9.09

c. Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

Domestic Products
Parcel Return Service

~~*PRS Full Network*~~

~~a. PRS Full Network~~

~~Maximum Weight (pounds)~~	~~Zones 1 & 2 ($)~~	~~Zone 3 ($)~~	~~Zone 4 ($)~~	~~Zone 5 ($)~~	~~Zone 6 ($)~~	~~Zone 7 ($)~~	~~Zone 8 ($)~~
~~1~~	~~4.69~~	~~4.96~~	~~5.04~~	~~5.24~~	~~5.46~~	~~5.53~~	~~5.62~~
~~2~~	~~4.96~~	~~5.26~~	~~5.66~~	~~5.76~~	~~6.06~~	~~6.17~~	~~6.36~~
~~3~~	~~5.03~~	~~5.46~~	~~5.92~~	~~6.09~~	~~6.39~~	~~6.55~~	~~6.98~~
~~4~~	~~5.14~~	~~5.61~~	~~6.19~~	~~6.45~~	~~6.68~~	~~6.95~~	~~7.44~~
~~5~~	~~5.28~~	~~5.68~~	~~6.43~~	~~6.69~~	~~6.92~~	~~7.22~~	~~7.81~~
~~6~~	~~5.41~~	~~5.83~~	~~6.52~~	~~6.84~~	~~7.02~~	~~7.42~~	~~7.98~~
~~7~~	~~5.65~~	~~5.99~~	~~6.64~~	~~7.00~~	~~7.22~~	~~7.60~~	~~8.22~~
~~8~~	~~5.86~~	~~6.13~~	~~6.80~~	~~7.12~~	~~7.42~~	~~7.92~~	~~8.66~~
~~9~~	~~5.96~~	~~6.28~~	~~6.90~~	~~7.26~~	~~7.56~~	~~8.31~~	~~9.17~~
~~10~~	~~8.18~~	~~8.39~~	~~9.37~~	~~9.96~~	~~10.51~~	~~11.86~~	~~13.08~~
~~11~~	~~8.88~~	~~9.18~~	~~9.98~~	~~10.66~~	~~11.45~~	~~13.24~~	~~14.57~~
~~12~~	~~9.11~~	~~9.43~~	~~10.15~~	~~10.82~~	~~11.93~~	~~14.00~~	~~15.52~~
~~13~~	~~9.34~~	~~9.66~~	~~10.27~~	~~11.06~~	~~12.44~~	~~14.82~~	~~16.49~~
~~14~~	~~9.52~~	~~9.93~~	~~10.44~~	~~11.30~~	~~13.12~~	~~15.56~~	~~17.40~~
~~15~~	~~9.69~~	~~10.23~~	~~10.61~~	~~11.55~~	~~13.75~~	~~16.34~~	~~18.33~~
~~16~~	~~9.84~~	~~10.36~~	~~10.68~~	~~11.76~~	~~14.26~~	~~16.90~~	~~19.06~~
~~17~~	~~9.93~~	~~10.68~~	~~11.00~~	~~12.22~~	~~14.98~~	~~17.78~~	~~20.04~~
~~18~~	~~10.06~~	~~10.87~~	~~11.31~~	~~12.83~~	~~15.65~~	~~18.54~~	~~21.03~~
~~19~~	~~10.18~~	~~11.23~~	~~11.72~~	~~13.37~~	~~16.31~~	~~19.31~~	~~22.03~~
~~20~~	~~10.36~~	~~11.58~~	~~12.10~~	~~13.94~~	~~17.01~~	~~20.08~~	~~23.01~~
~~21~~	~~10.52~~	~~11.89~~	~~12.46~~	~~14.51~~	~~17.67~~	~~20.86~~	~~23.92~~
~~22~~	~~10.76~~	~~12.24~~	~~12.90~~	~~15.03~~	~~18.38~~	~~21.65~~	~~24.94~~
~~23~~	~~10.99~~	~~12.61~~	~~13.29~~	~~15.54~~	~~19.05~~	~~22.42~~	~~25.93~~
~~24~~	~~11.19~~	~~12.91~~	~~13.69~~	~~16.04~~	~~19.76~~	~~23.17~~	~~26.92~~
~~25~~	~~15.34~~	~~17.26~~	~~18.59~~	~~22.00~~	~~27.47~~	~~33.08~~	~~38.41~~

Domestic Products
Parcel Return Service

~~a. PRS Full Network (Continued)~~

~~Maximum Weight (pounds)~~	~~Zones 1 & 2 ($)~~	~~Zone 3 ($)~~	~~Zone 4 ($)~~	~~Zone 5 ($)~~	~~Zone 6 ($)~~	~~Zone 7 ($)~~	~~Zone 8 ($)~~
~~26~~	~~15.70~~	~~18.08~~	~~19.31~~	~~22.73~~	~~28.31~~	~~33.01~~	~~38.57~~
~~27~~	~~16.04~~	~~18.50~~	~~19.75~~	~~23.40~~	~~29.23~~	~~34.06~~	~~39.88~~
~~28~~	~~16.32~~	~~18.93~~	~~20.36~~	~~24.10~~	~~30.13~~	~~35.05~~	~~41.23~~
~~29~~	~~16.64~~	~~19.29~~	~~20.92~~	~~24.65~~	~~30.97~~	~~35.91~~	~~42.46~~
~~30~~	~~17.04~~	~~19.74~~	~~21.54~~	~~25.35~~	~~31.91~~	~~36.90~~	~~43.78~~
~~31~~	~~17.29~~	~~20.05~~	~~22.01~~	~~26.02~~	~~32.77~~	~~37.88~~	~~44.99~~
~~32~~	~~17.41~~	~~20.46~~	~~22.58~~	~~26.75~~	~~33.69~~	~~38.90~~	~~46.33~~
~~33~~	~~17.74~~	~~20.92~~	~~23.13~~	~~27.44~~	~~34.56~~	~~39.92~~	~~47.58~~
~~34~~	~~17.90~~	~~21.38~~	~~23.63~~	~~28.13~~	~~35.50~~	~~40.95~~	~~48.91~~
~~35~~	~~18.20~~	~~21.84~~	~~24.16~~	~~28.79~~	~~36.39~~	~~41.98~~	~~50.17~~
~~36~~	~~18.45~~	~~22.05~~	~~24.58~~	~~29.49~~	~~37.27~~	~~43.00~~	~~51.25~~
~~37~~	~~18.77~~	~~22.54~~	~~25.04~~	~~30.13~~	~~38.07~~	~~43.98~~	~~52.23~~
~~38~~	~~19.05~~	~~22.87~~	~~25.59~~	~~30.83~~	~~38.90~~	~~45.03~~	~~53.18~~
~~39~~	~~19.31~~	~~23.32~~	~~26.16~~	~~31.46~~	~~40.13~~	~~46.49~~	~~54.25~~
~~40~~	~~19.50~~	~~23.84~~	~~26.72~~	~~32.10~~	~~40.92~~	~~47.46~~	~~55.14~~
~~41~~	~~19.75~~	~~24.16~~	~~27.18~~	~~32.71~~	~~41.63~~	~~48.35~~	~~55.88~~
~~42~~	~~20.05~~	~~24.44~~	~~27.68~~	~~33.30~~	~~42.29~~	~~49.23~~	~~56.74~~
~~43~~	~~20.29~~	~~24.85~~	~~28.23~~	~~33.99~~	~~43.06~~	~~50.24~~	~~57.72~~
~~44~~	~~20.55~~	~~25.27~~	~~28.70~~	~~34.59~~	~~43.82~~	~~51.27~~	~~58.32~~
~~45~~	~~20.77~~	~~25.66~~	~~29.23~~	~~35.26~~	~~44.56~~	~~52.29~~	~~59.28~~
~~46~~	~~20.98~~	~~26.02~~	~~29.58~~	~~35.90~~	~~45.27~~	~~53.33~~	~~60.25~~
~~47~~	~~21.15~~	~~26.22~~	~~30.03~~	~~36.49~~	~~45.89~~	~~54.34~~	~~61.21~~
~~48~~	~~21.36~~	~~26.50~~	~~30.42~~	~~37.09~~	~~46.55~~	~~55.38~~	~~62.18~~
~~49~~	~~21.54~~	~~26.78~~	~~30.81~~	~~37.72~~	~~47.14~~	~~56.39~~	~~63.12~~
~~50~~	~~21.71~~	~~27.02~~	~~31.17~~	~~37.84~~	~~47.38~~	~~56.98~~	~~64.08~~

Domestic Products
Parcel Return Service

~~a. PRS Full Network (Continued)~~

~~Maximum Weight (pounds)~~	~~Zones 1 & 2 ($)~~	~~Zone 3 ($)~~	~~Zone 4 ($)~~	~~Zone 5 ($)~~	~~Zone 6 ($)~~	~~Zone 7 ($)~~	~~Zone 8 ($)~~
~~51~~	~~21.83~~	~~27.20~~	~~31.39~~	~~38.07~~	~~47.79~~	~~57.73~~	~~64.44~~
~~52~~	~~22.01~~	~~27.37~~	~~31.61~~	~~38.57~~	~~48.26~~	~~58.50~~	~~65.38~~
~~53~~	~~22.17~~	~~27.64~~	~~31.75~~	~~39.05~~	~~48.73~~	~~59.10~~	~~66.33~~
~~54~~	~~22.36~~	~~27.85~~	~~32.12~~	~~39.56~~	~~49.23~~	~~59.53~~	~~67.17~~
~~55~~	~~22.55~~	~~28.03~~	~~32.39~~	~~40.14~~	~~49.58~~	~~59.73~~	~~67.94~~
~~56~~	~~22.70~~	~~28.31~~	~~32.69~~	~~40.69~~	~~49.88~~	~~59.82~~	~~68.78~~
~~57~~	~~22.98~~	~~28.55~~	~~32.96~~	~~41.26~~	~~50.40~~	~~60.26~~	~~69.48~~
~~58~~	~~23.20~~	~~28.79~~	~~33.26~~	~~41.69~~	~~50.96~~	~~60.63~~	~~70.04~~
~~59~~	~~23.40~~	~~29.07~~	~~33.62~~	~~42.09~~	~~51.42~~	~~60.96~~	~~70.56~~
~~60~~	~~23.63~~	~~29.34~~	~~33.95~~	~~42.39~~	~~51.87~~	~~61.28~~	~~71.01~~
~~61~~	~~23.87~~	~~29.57~~	~~34.23~~	~~42.87~~	~~52.32~~	~~61.64~~	~~71.42~~
~~62~~	~~24.04~~	~~29.78~~	~~34.47~~	~~43.24~~	~~52.68~~	~~61.99~~	~~71.85~~
~~63~~	~~24.22~~	~~30.06~~	~~34.72~~	~~43.60~~	~~53.02~~	~~62.39~~	~~72.29~~
~~64~~	~~24.44~~	~~30.38~~	~~35.00~~	~~43.90~~	~~53.39~~	~~62.80~~	~~72.70~~
~~65~~	~~24.63~~	~~30.71~~	~~35.37~~	~~44.19~~	~~53.84~~	~~63.11~~	~~73.12~~
~~66~~	~~24.83~~	~~31.07~~	~~35.76~~	~~44.49~~	~~54.38~~	~~63.43~~	~~73.65~~
~~67~~	~~25.02~~	~~31.39~~	~~36.11~~	~~44.74~~	~~54.82~~	~~63.74~~	~~73.85~~
~~68~~	~~25.20~~	~~31.70~~	~~36.44~~	~~45.00~~	~~55.11~~	~~64.10~~	~~74.01~~
~~69~~	~~25.43~~	~~31.94~~	~~36.78~~	~~45.24~~	~~55.40~~	~~64.42~~	~~74.21~~
~~70~~	~~25.59~~	~~32.22~~	~~37.02~~	~~45.41~~	~~55.52~~	~~64.64~~	~~74.86~~
~~Oversized~~	~~66.02~~	~~69.06~~	~~70.43~~	~~72.51~~	~~97.11~~	~~103.41~~	~~114.45~~

~~b. Balloon Price~~

~~Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.~~

Domestic Products
Parcel Return Service

~~c. Oversized Pieces~~

~~Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.~~

IMpb Noncompliance Fee

Add $0.20 for each IMpb-noncompliant parcel paying commercial prices.

2125 First-Class Package Service

2125.1 Description

a. Any mailable matter may be mailed as First-Class Package Service Commercial Base mail, except matter that meets the definition of "letter" in 39 C.F.R. § 310.1 and does not fit within any of the exceptions or suspensions to the Private Express Statutes in 39 C.F.R. Parts 310 and 320.

b. Any mailable matter may be mailed as First-Class Package Service Retail or Commercial Plus mail.

c. First-Class Package Service Commercial Base mail is not sealed against postal inspection. Mailing of matter as such constitutes consent by the mailer to postal inspection of the contents, regardless of the physical closure.

d. First-Class Package Service pieces that are undeliverable-as-addressed are entitled to be forwarded or returned to the sender without additional charge.

e. An annual mailing fee is required to be paid at each office of mailing by any person who mails at presorted prices (1505.2). Payment of the fee allows the mailer to mail at the First-Class Package Service price.

Attachments and Enclosures

a. First-Class Mail or Standard Mail pieces may be attached to or enclosed in First-Class Package Service mail. Additional postage may be required.

2125.2 Size and Weight Limitations

Retail (Single-Piece)

	Length	Height	Thickness	Weight
Minimum	large enough to accommodate postage, address, and other required elements on the address side			none
Maximum	108 inches in combined length and girth			13 ounces

Retail (Keys and Identification Devices)

	Length	Height	Thickness	Weight
Minimum	not applicable			none
Maximum	not applicable			2 pounds

Commercial Base (Mixed ADC/Single-Piece, ADC, 3-Digit, and 5-Digit)

	Length	Height	Thickness	Weight
Minimum	3.5 inches	3.0 inches	0.05 inch	none
Maximum	18 inches	15 inches	22 inch	13 ounces

Commercial Plus (Mixed ADC/Single-Piece, ADC, 3-Digit, and 5-Digit)

	Length	Height	Thickness	Weight
Minimum	6.0 inches	3.0 inches	0.25 inch	3.5 ounces
Maximum	18 inches	15 inches	22 inch	<16 ounces

2125.3 Minimum Volume Requirements

		Minimum Volume Requirements
Retail/Keys and Identification Devices)		none
Commercial Base		
	Mixed ADC/ Single-Piece	none
	ADC	500 pieces per mailing
	3-Digit	500 pieces per mailing
	5-Digit	500 pieces per mailing
Commercial Plus		5,000 pieces per year commitment, and:
	Mixed ADC/ Single-Piece	200 pieces or 50 pounds per mailing
	ADC	500 pieces per mailing
	3-Digit	500 pieces per mailing
	5-Digit	500 pieces per mailing

2125.4 Price Categories

The following price categories are available for the product specified in this section:

- Commercial Plus
  - 5-Digit
  - 3-Digit
  - ADC
  - Mixed ADC/Single-Piece

- Commercial Base
  - 5-Digit
  - 3-Digit
  - ADC
  - Mixed ADC/Single-Piece

- Retail
  - Single-Piece
  - Keys and Identification Devices – Payment is due on delivery unless an active business reply mail advance deposit account is used.

2125.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Ancillary Services (1505)
  - Address Correction Service (1505.1)
  - Business Reply Mail (1505.3)
  - Certified Mail (1505.5)
  - Certificate of Mailing (1505.6)
  - Collect on Delivery (1505.7)
  - USPS Tracking (1505.8)
  - Insurance (1505.9)
  - Merchandise Return Service (1505.10)
  - Registered Mail (1505.12)
  - Return Receipt (1505.13)
  - ~~Restricted Delivery (1505.15)~~
  - Signature Confirmation (1505.17)
  - Special Handling (1505.18)

- Competitive Ancillary Services (2645)
  - Package Intercept Service (2645.2)

2125.6 Prices

Commercial Plus

Maximum Weight (ounces)	5-Digit ($)	3-Digit ($)	ADC ($)	Single-Piece ($)
≥3.5 and <16	3.37	3.57	3.77	4.05

Commercial Base

Maximum Weight (ounces)	5-Digit ($)	3-Digit ($)	ADC ($)	Mixed ADC/Single-Piece ($)
1	1.54	1.67	1.79	2.04
2	1.54	1.67	1.79	2.04
3	1.54	1.67	1.79	2.04
4	1.63	1.76	1.88	2.13

Domestic Products
First-Class Package Service

5	1.72	1.85	1.97	2.22
6	1.85	1.98	2.10	2.35
7	2.03	2.16	2.28	2.53
8	2.21	2.34	2.46	2.71
9	2.39	2.52	2.64	2.89
10	2.57	2.70	2.82	3.07
11	2.75	2.88	3.01	3.25
12	2.93	3.06	3.20	3.44
13	3.11	3.25	3.39	3.63

Retail[1]

Maximum Weight (ounces)	Single-Piece ($)
1	2.94
2	2.94
3	2.94
4	3.12
5	3.30
6	3.48
7	3.66
8	3.84
9	4.02
10	4.20
11	4.38
12	4.56
13	4.74

Notes

1. A handling charge of $0.01 per piece applies to foreign-origin, inbound direct entry mail tendered by foreign postal operators, subject to the terms of an authorization arrangement.

Keys and Identification Devices

Maximum Weight (ounces)	Keys and Identification Devices ($)
1	$3.15
2	$3.15
3	$3.15
4	$3.33
5	$3.51
6	$3.69
7	$3.87
8	$4.05
9	$4.23
10	$4.41
11	$4.59
12	$4.77
13	$4.95
1 (pound)	Priority Mail Retail Zone 4 postage plus $0.83
2 (pounds)	Priority Mail Retail Zone 4 postage plus $0.83

Irregular Commercial Base Parcel Surcharge

Add $0.20 for each irregularly shaped Commercial Base parcel (such as rolls, tubes, and triangles), unless the parcel is prepared in 5-Digit/scheme containers.

IMpb Noncompliance Fee

Add $0.20 for each IMpb-noncompliant parcel paying commercial prices.

2135 Standard Post

* * *

2135.5 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- Pickup On Demand Service

- Ancillary Services (1505)
  - Address Correction Service (1505.1)
  - Certificate of Mailing (1505.6)
  - Collect on Delivery (1505.7)
  - USPS Tracking (1505.8)
  - Insurance (1505.9)
  - Merchandise Return Service (1505.10)
  - Return Receipt (1505.13)
  - Return Receipt for Merchandise (1505.14)
  - ~~Restricted Delivery (1505.15)~~
  - Signature Confirmation (1505.17)
  - Special Handling (1505.18)

- Competitive Ancillary Services (2645)
  - Package Intercept Service (2645.2)

* * *

Domestic Products
Standard Post

2135.6 Prices

Standard Post[1]

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
1	5.75	5.85	6.00	6.14	6.37	6.62	7.09
2	5.95	6.35	7.05	7.68	8.70	9.66	10.99
3	6.70	7.70	8.85	10.17	10.98	12.54	14.27
4	7.55	9.00	10.15	11.09	12.25	13.54	15.36
5	8.95	9.95	11.30	12.62	13.72	14.85	16.57
6	9.60	10.80	12.10	14.15	15.44	16.73	18.70
7	10.20	11.70	13.05	15.32	16.85	18.39	20.76
8	10.95	12.35	13.60	17.16	19.06	21.03	23.98
9	11.45	12.70	14.10	18.64	20.96	23.30	26.79
10	12.15	12.75	14.35	20.29	22.82	25.40	29.22
11	13.00	13.25	14.50	21.96	24.84	27.82	32.17
12	13.40	13.65	14.70	23.57	26.74	29.92	34.69
13	13.55	14.00	14.90	24.89	28.00	31.18	35.98
14	13.75	14.40	15.10	26.43	29.60	32.79	37.76
15	14.00	14.85	15.30	27.84	30.85	33.88	38.73
16	14.80	15.90	16.80	29.47	32.62	35.84	40.97
17	15.55	16.90	18.30	31.18	34.06	36.97	41.89
18	16.30	17.90	19.80	32.71	35.75	38.79	43.95
19	17.05	18.90	21.30	33.37	36.42	39.56	44.79
20	17.80	19.90	22.80	34.01	37.13	40.28	45.67
21	18.55	20.90	24.30	34.53	37.70	40.90	46.36
22	19.30	21.90	26.30	35.15	38.39	41.64	47.20
23	20.05	22.90	28.30	36.30	39.43	42.80	48.51
24	20.80	24.15	30.30	37.72	40.68	44.12	50.03
25	22.20	27.00	33.80	39.18	41.88	45.41	51.48

Domestic Products
Standard Post

Standard Post (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
26	22.60	27.25	34.95	40.80	43.30	46.96	53.24
27	23.25	27.65	36.00	42.36	44.61	48.36	54.86
28	24.00	28.05	37.05	43.97	45.93	49.77	56.47
29	24.70	28.30	38.00	45.34	47.11	51.03	57.91
30	25.45	28.70	38.90	46.74	48.22	52.24	59.29
31	26.20	29.00	39.50	47.81	48.97	53.05	60.18
32	26.50	29.60	40.20	48.98	50.24	54.81	62.56
33	26.90	30.45	41.20	50.50	51.87	57.04	65.38
34	27.15	31.25	42.20	52.00	53.53	59.28	68.30
35	27.45	32.00	42.80	53.14	54.68	60.99	70.60
36	27.75	32.90	43.35	54.10	55.76	62.66	72.81
37	28.05	33.50	44.00	55.14	56.96	64.46	75.21
38	28.30	34.35	44.55	56.24	58.07	66.18	77.54
39	28.60	35.10	45.10	57.27	59.16	67.87	79.83
40	28.95	35.85	45.70	58.33	60.35	69.65	82.21
41	29.25	36.55	46.20	59.20	61.43	71.30	84.45
42	29.45	37.20	46.75	60.27	62.53	73.05	86.77
43	29.80	37.80	47.15	61.08	63.48	74.52	88.88
44	30.00	38.40	47.75	62.11	64.71	76.36	91.39
45	30.20	38.85	48.10	62.90	65.59	77.80	93.39
46	30.45	39.15	48.60	63.82	66.66	79.50	95.68
47	30.70	39.45	49.05	64.65	67.68	81.10	97.94
48	30.95	39.80	49.50	65.58	68.70	82.71	100.15
49	31.15	40.10	49.90	66.32	69.35	83.54	101.22
50	31.30	40.35	50.25	67.10	69.87	84.33	102.15

Standard Post (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)	Zone 6 ($)	Zone 7 ($)	Zone 8 ($)
51	31.45	40.70	50.70	68.06	70.58	85.22	103.33
52	31.85	40.95	51.05	68.71	71.11	85.89	104.16
53	32.35	41.25	51.40	69.47	71.62	86.59	105.06
54	32.80	41.45	51.75	70.36	72.16	87.33	105.98
55	33.35	41.75	52.00	70.83	72.56	87.83	106.62
56	33.80	41.95	52.30	71.26	73.26	88.47	107.39
57	34.30	42.10	52.65	71.78	74.08	89.17	108.34
58	34.85	42.30	52.95	72.10	74.83	89.74	108.98
59	35.40	42.50	53.20	72.43	75.54	90.26	109.66
60	35.85	42.70	53.75	73.09	76.71	91.30	111.01
61	36.40	42.90	54.70	74.29	78.39	92.98	113.06
62	36.80	43.00	55.40	75.25	79.79	94.21	114.62
63	37.50	43.20	56.30	76.42	81.40	95.85	116.65
64	37.85	43.30	57.10	77.43	82.94	97.31	118.44
65	38.35	43.40	57.90	78.51	84.45	98.75	120.25
66	38.85	43.60	58.80	79.65	86.09	100.31	122.14
67	39.45	43.70	59.80	80.99	87.98	102.04	124.35
68	39.95	43.80	60.60	81.19	89.49	103.48	126.13
69	40.50	43.85	61.30	81.38	90.59	104.12	126.71
70	40.90	43.95	62.30	81.63	92.10	105.23	127.93
Oversized	63.04	67.99	72.94	105.16	123.42	141.67	159.92

Notes

1. Except for oversized pieces, the Zone 1-4 prices are applicable only to parcels containing hazardous or other material not permitted to travel by air transportation.

Domestic Products
Standard Post

Limited Overland Routes

Pieces delivered to or from designated intra-Alaska ZIP Codes not connected by overland routes are eligible for the following prices.

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
1	5.75	5.85	6.00	6.12
2	5.95	6.35	6.56	6.78
3	6.41	7.07	7.39	7.71
4	7.05	7.46	7.88	8.29
5	7.34	7.85	8.36	8.87
6	7.63	8.24	8.84	9.45
7	7.93	8.63	9.33	10.03
8	8.22	9.02	9.81	10.61
9	8.52	9.41	10.30	11.19
10	8.81	9.80	10.78	11.77
11	9.10	10.18	11.27	12.35
12	9.40	10.57	11.75	12.93
13	9.69	10.96	12.23	13.51
14	9.99	11.35	12.72	14.08
15	10.28	11.74	13.20	14.66
16	10.57	12.13	13.69	15.24
17	10.87	12.52	14.17	15.82
18	11.16	12.91	14.66	16.40
19	11.46	13.30	15.14	16.98
20	11.75	13.69	15.62	17.56
21	12.04	14.08	16.11	18.14
22	12.34	14.46	16.59	18.72
23	12.63	14.85	17.08	19.30
24	12.93	15.24	17.56	19.88
25	13.22	15.63	18.04	20.46

Domestic Products
Standard Post

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
26	13.51	16.02	18.53	21.04
27	13.81	16.41	19.01	21.62
28	14.10	16.80	19.50	22.20
29	14.40	17.19	19.98	22.77
30	14.69	17.58	20.47	23.35
31	14.98	17.97	20.95	23.93
32	15.28	18.36	21.43	24.51
33	15.57	18.74	21.92	25.09
34	15.87	19.13	22.40	25.67
35	16.16	19.52	22.89	26.25
36	16.45	19.91	23.37	26.83
37	16.75	20.30	23.86	27.41
38	17.04	20.69	24.34	27.99
39	17.34	21.08	24.82	28.57
40	17.63	21.47	25.31	29.15
41	17.92	21.86	25.79	29.73
42	18.22	22.25	26.28	30.31
43	18.51	22.64	26.76	30.89
44	18.81	23.03	27.24	31.46
45	19.10	23.41	27.73	32.04
46	19.39	23.80	28.21	32.62
47	19.69	24.19	28.70	33.20
48	19.98	24.58	29.18	33.78
49	20.27	24.97	29.67	34.36
50	20.57	25.36	30.15	34.94

Domestic Products
Standard Post

Limited Overland Routes (Continued)

Maximum Weight (pounds)	Zones 1 & 2 ($)	Zone 3 ($)	Zone 4 ($)	Zone 5 ($)
51	20.86	25.75	30.63	35.52
52	21.16	26.14	31.12	36.10
53	21.45	26.53	31.60	36.68
54	21.74	26.92	32.09	37.26
55	22.04	27.31	32.57	37.84
56	22.33	27.69	33.06	38.42
57	22.63	28.08	33.54	39.00
58	22.92	28.47	34.02	39.58
59	23.21	28.86	34.51	40.15
60	23.51	29.25	34.99	40.73
61	23.80	29.64	35.48	41.31
62	24.10	30.03	35.96	41.89
63	24.39	30.42	36.44	42.47
64	24.68	30.81	36.93	43.05
65	24.98	31.20	37.41	43.63
66	25.27	31.59	37.90	44.21
67	25.57	31.97	38.38	44.79
68	25.86	32.36	38.87	45.37
69	26.15	32.75	39.35	45.95
70	26.44	33.14	39.83	46.52
Oversized	40.75	46.55	52.35	58.15

Balloon Price

Pieces exceeding 84 inches in length and girth combined (but not more than 108 inches) and weighing less than 20 pounds are subject to a price equal to that for a 20-pound parcel for the zone to which the parcel is addressed.

Domestic Products
Standard Post

Oversized Pieces

Regardless of weight, any piece that measures more than 108 inches (but not more than 130 inches) in length plus girth must pay the oversized price.

Pickup On Demand Service

Add $20.00 for each Pickup On Demand stop.

IMpb Noncompliance Fee

Add $0.20 for each IMpb-noncompliant parcel paying commercial prices.

2140 Round-Trip Mailer

2140.1 Description

a. Round-Trip Mailer service allows a mailer to send a letter-shaped or flat-shaped mailpiece to a subscriber and pay postage for the return of the contents of that mailpiece.

b. A mailer may either prepay postage for the return mailpiece by using Permit Reply Mail or only pay for mailpieces actually returned by using Business Reply Mail.

c. Qualifying pieces must include a standard 12 cm or smaller optical disc (containing encoded computer data to be run on compatible computer devices), and may include an invoice, receipt, instructional document, or advertisement that conforms to the exceptions/suspensions in the Private Express Statutes.

d. Qualifying pieces must weigh no more than two (2) ounces.

e. Round Trip Mailer items are not sealed against postal inspection. The mailing of matter as Round Trip Mailer items constitutes consent by the mailer to postal inspection of the contents, regardless of the physical closure.

f. Returned pieces must be picked up by the mailer at designated Postal Service facilities.

2140.2 Size and Weight Limitations

	Length	Height	Thickness	Weight
Minimum	7.25 inches	5.5 inches	0.009 inch	none
Maximum	11.5 inches	8.5 inches	0.25 inch	2 ounces

2140.3 Minimum Volume Requirements

	Minimum Volume Requirements
Outbound Pieces	500 pieces
Return Pieces	None

2140.4 Price Categories

Domestic Products

Outbound Pieces
Return Pieces

2140.5 Optional Features

The following additional services may be available in conjunction with Round Trip Mailer:

- Ancillary Services (1505)
  - Business Reply Mail (1505.3)

2140.6 Prices

Outbound Pieces

	($)
Residual Pieces	0.485
Nonautomation Presort	0.469
Automation	
Mixed AADC	0.439
AADC	0.416
3-Digit	0.416
5-Digit	0.392

Return Pieces

	($)
Single-Piece	0.49

2300 International Products

* * *

2305 Outbound International Expedited Services

* * *

2305.6 Prices

Global Express Guaranteed Retail Prices

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
0.5	55.85	61.50	71.25	116.50	78.50	82.95	61.50	95.95
1	65.75	67.05	80.75	132.35	91.15	94.15	72.95	107.75
2	70.20	73.01	86.90	146.60	97.40	101.50	81.80	120.20
3	74.65	78.96	93.05	160.85	103.65	108.85	90.65	132.65
4	79.10	84.92	99.20	175.10	109.90	116.20	99.50	145.10
5	83.50	90.87	105.35	189.35	116.15	123.55	108.35	157.55
6	87.90	96.42	110.80	203.50	122.30	130.90	114.10	169.80
7	92.30	101.97	116.25	217.65	128.45	138.25	119.85	182.05
8	96.70	107.52	121.70	231.80	134.60	145.60	125.60	194.30
9	101.10	113.07	127.15	245.95	140.75	152.95	131.35	206.55
10	105.50	118.62	132.60	260.10	146.90	160.30	137.10	218.80
11	109.75	121.97	137.05	274.25	151.25	166.45	141.75	228.15
12	114.00	125.32	141.50	288.40	155.60	172.60	146.40	237.50
13	118.25	128.67	145.95	302.55	159.95	178.75	151.05	246.85
14	122.50	132.02	150.40	316.70	164.30	184.90	155.70	256.20
15	126.75	135.37	154.85	330.85	168.65	191.05	160.35	265.55
16	131.00	138.72	159.30	345.00	173.00	197.20	165.00	274.90
17	135.25	142.07	163.75	359.15	177.35	203.35	169.65	284.25
18	139.50	145.42	168.20	373.30	181.70	209.50	174.30	293.60
19	143.75	148.77	172.65	387.45	186.05	215.65	178.95	302.95
20	148.00	152.12	177.10	401.60	190.40	221.80	183.60	312.30
21	152.25	154.47	181.55	412.75	194.75	227.95	188.25	321.65
22	156.50	156.82	186.00	423.90	199.10	234.10	192.90	331.00
23	160.75	159.17	190.45	435.05	203.45	240.25	197.55	340.35
24	165.00	161.52	194.90	446.20	207.80	246.40	202.20	349.70
25	169.25	163.87	199.35	457.35	212.15	252.55	206.85	359.05

Global Express Guaranteed Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
26	173.50	166.22	203.80	468.50	216.50	258.70	211.50	368.40
27	177.75	168.57	208.25	479.65	220.85	264.85	216.15	377.75
28	182.00	170.92	212.70	490.80	225.20	271.00	220.80	387.10
29	186.25	173.27	217.15	501.95	229.55	277.15	225.45	396.45
30	190.50	175.62	221.60	513.10	233.90	283.30	230.10	405.80
31	194.75	177.97	226.05	524.25	238.25	289.45	234.75	415.15
32	199.00	180.32	230.50	535.40	242.60	295.60	239.40	424.50
33	203.25	182.67	234.95	546.55	246.95	301.75	244.05	433.85
34	207.50	185.02	239.40	557.70	251.30	307.90	248.70	443.20
35	211.75	187.37	243.85	568.85	255.65	314.05	253.35	452.55
36	216.00	189.72	248.30	580.00	260.00	320.20	258.00	461.90
37	220.25	192.07	252.75	591.15	264.35	326.35	262.65	471.25
38	224.50	194.42	257.20	602.30	268.70	332.50	267.30	480.60
39	228.75	196.77	261.65	613.45	273.05	338.65	271.95	489.95
40	233.00	199.12	266.10	624.60	277.40	344.80	276.60	499.30
41	236.35	201.47	270.55	635.75	281.75	350.95	281.25	508.65
42	239.70	203.82	275.00	646.90	286.10	357.10	285.90	518.00
43	243.05	206.17	279.45	658.05	290.45	363.25	290.55	527.35
44	246.40	208.52	283.90	669.20	294.80	369.40	295.20	536.70
45	249.75	210.87	288.35	680.35	299.15	375.55	299.85	546.05
46	253.10	213.22	292.80	691.50	303.50	381.70	304.50	555.40
47	256.45	215.57	297.25	702.65	307.85	387.85	309.15	564.75
48	259.80	217.92	301.70	713.80	312.20	394.00	313.80	574.10
49	263.15	220.27	306.15	724.95	316.55	400.15	318.45	583.45
50	266.50	222.62	310.60	736.10	320.90	406.30	323.10	592.80

Global Express Guaranteed Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
51	269.85	224.97	315.05	747.25	325.25	412.45	327.75	602.15
52	273.20	227.32	319.50	758.40	329.60	418.60	332.40	611.50
53	276.55	229.67	323.95	769.55	333.95	424.75	337.05	620.85
54	279.90	232.02	328.40	780.70	338.30	430.90	341.70	630.20
55	283.25	234.37	332.85	791.85	342.65	437.05	346.35	639.55
56	286.60	236.72	337.30	803.00	347.00	443.20	351.00	648.90
57	289.95	239.07	341.75	814.15	351.35	449.35	355.65	658.25
58	293.30	241.42	346.20	825.30	355.70	455.50	360.30	667.60
59	296.65	243.77	350.65	836.45	360.05	461.65	364.95	676.95
60	300.00	246.12	355.10	847.60	364.40	467.80	369.60	686.30
61	303.35	248.47	359.55	858.75	368.75	473.95	374.25	695.65
62	306.70	250.82	364.00	869.90	373.10	480.10	378.90	705.00
63	310.05	253.17	368.45	881.05	377.45	486.25	383.55	714.35
64	313.40	255.52	372.90	892.20	381.80	492.40	388.20	723.70
65	316.75	257.87	377.35	903.35	386.15	498.55	392.85	733.05
66	320.10	260.22	381.80	914.50	390.50	504.70	397.50	742.40
67	323.45	262.57	386.25	925.65	394.85	510.85	402.15	751.75
68	326.80	264.92	390.70	936.80	399.20	517.00	406.80	761.10
69	330.15	267.27	395.15	947.95	403.55	523.15	411.45	770.45
70	333.50	269.62	399.60	959.10	407.90	529.30	416.10	779.80

Global Express Guaranteed Commercial Base Prices

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
0.5	46.91	51.66	59.85	97.86	65.94	69.68	51.66	80.60
1	55.23	56.32	67.83	111.17	76.57	79.09	61.28	90.51
2	58.97	61.33	73.00	123.14	81.82	85.26	68.71	100.97
3	62.71	66.33	78.16	135.11	87.07	91.43	76.15	111.43
4	66.44	71.33	83.33	147.08	92.32	97.61	83.58	121.88
5	70.14	76.33	88.49	159.05	97.57	103.78	91.01	132.34
6	73.84	80.99	93.07	170.94	102.73	109.96	95.84	142.63
7	77.53	85.65	97.65	182.83	107.90	116.13	100.67	152.92
8	81.23	90.32	102.23	194.71	113.06	122.30	105.50	163.21
9	84.92	94.98	106.81	206.60	118.23	128.48	110.33	173.50
10	88.62	99.64	111.38	218.48	123.40	134.65	115.16	183.79
11	92.19	102.45	115.12	230.37	127.05	139.82	119.07	191.65
12	95.76	105.27	118.86	242.26	130.70	144.98	122.98	199.50
13	99.33	108.08	122.60	254.14	134.36	150.15	126.88	207.35
14	102.90	110.90	126.34	266.03	138.01	155.32	130.79	215.21
15	106.47	113.71	130.07	277.91	141.67	160.48	134.69	223.06
16	110.04	116.52	133.81	289.80	145.32	165.65	138.60	230.92
17	113.61	119.34	137.55	301.69	148.97	170.81	142.51	238.77
18	117.18	122.15	141.29	313.57	152.63	175.98	146.41	246.62
19	120.75	124.97	145.03	325.46	156.28	181.15	150.32	254.48
20	124.32	127.78	148.76	337.34	159.94	186.31	154.22	262.33
21	127.89	129.75	152.50	346.71	163.59	191.48	158.13	270.19
22	131.46	131.73	156.24	356.08	167.24	196.64	162.04	278.04
23	135.03	133.70	159.98	365.44	170.90	201.81	165.94	285.89
24	138.60	135.68	163.72	374.81	174.55	206.98	169.85	293.75
25	142.17	137.65	167.45	384.17	178.21	212.14	173.75	301.60

Global Express Guaranteed Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
26	145.74	139.62	171.19	393.54	181.86	217.31	177.66	309.46
27	149.31	141.60	174.93	402.91	185.51	222.47	181.57	317.31
28	152.88	143.57	178.67	412.27	189.17	227.64	185.47	325.16
29	156.45	145.55	182.41	421.64	192.82	232.81	189.38	333.02
30	160.02	147.52	186.14	431.00	196.48	237.97	193.28	340.87
31	163.59	149.49	189.88	440.37	200.13	243.14	197.19	348.73
32	167.16	151.47	193.62	449.74	203.78	248.30	201.10	356.58
33	170.73	153.44	197.36	459.10	207.44	253.47	205.00	364.43
34	174.30	155.42	201.10	468.47	211.09	258.64	208.91	372.29
35	177.87	157.39	204.83	477.83	214.75	263.80	212.81	380.14
36	181.44	159.36	208.57	487.20	218.40	268.97	216.72	388.00
37	185.01	161.34	212.31	496.57	222.05	274.13	220.63	395.85
38	188.58	163.31	216.05	505.93	225.71	279.30	224.53	403.70
39	192.15	165.29	219.79	515.30	229.36	284.47	228.44	411.56
40	195.72	167.26	223.52	524.66	233.02	289.63	232.34	419.41
41	198.53	169.23	227.26	534.03	236.67	294.80	236.25	427.27
42	201.35	171.21	231.00	543.40	240.32	299.96	240.16	435.12
43	204.16	173.18	234.74	552.76	243.98	305.13	244.06	442.97
44	206.98	175.16	238.48	562.13	247.63	310.30	247.97	450.83
45	209.79	177.13	242.21	571.49	251.29	315.46	251.87	458.68
46	212.60	179.10	245.95	580.86	254.94	320.63	255.78	466.54
47	215.42	181.08	249.69	590.23	258.59	325.79	259.69	474.39
48	218.23	183.05	253.43	599.59	262.25	330.96	263.59	482.24
49	221.05	185.03	257.17	608.96	265.90	336.13	267.50	490.10
50	223.86	187.00	260.90	618.32	269.56	341.29	271.40	497.95

Global Express Guaranteed Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
51	226.67	188.97	264.64	627.69	273.21	346.46	275.31	505.81
52	229.49	190.95	268.38	637.06	276.86	351.62	279.22	513.66
53	232.30	192.92	272.12	646.42	280.52	356.79	283.12	521.51
54	235.12	194.90	275.86	655.79	284.17	361.96	287.03	529.37
55	237.93	196.87	279.59	665.15	287.83	367.12	290.93	537.22
56	240.74	198.84	283.33	674.52	291.48	372.29	294.84	545.08
57	243.56	200.82	287.07	683.89	295.13	377.45	298.75	552.93
58	246.37	202.79	290.81	693.25	298.79	382.62	302.65	560.78
59	249.19	204.77	294.55	702.62	302.44	387.79	306.56	568.64
60	252.00	206.74	298.28	711.98	306.10	392.95	310.46	576.49
61	254.81	208.71	302.02	721.35	309.75	398.12	314.37	584.35
62	257.63	210.69	305.76	730.72	313.40	403.28	318.28	592.20
63	260.44	212.66	309.50	740.08	317.06	408.45	322.18	600.05
64	263.26	214.64	313.24	749.45	320.71	413.62	326.09	607.91
65	266.07	216.61	316.97	758.81	324.37	418.78	329.99	615.76
66	268.88	218.58	320.71	768.18	328.02	423.95	333.90	623.62
67	271.70	220.56	324.45	777.55	331.67	429.11	337.81	631.47
68	274.51	222.53	328.19	786.91	335.33	434.28	341.71	639.32
69	277.33	224.51	331.93	796.28	338.98	439.45	345.62	647.18
70	280.14	226.48	335.66	805.64	342.64	444.61	349.52	655.03

Global Express Guaranteed Commercial Plus Prices

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
0.5	42.45	46.74	54.15	88.54	59.66	63.04	46.74	72.92
1	49.97	50.96	61.37	100.59	69.27	71.55	55.44	81.89
2	53.35	55.49	66.04	111.42	74.02	77.14	62.17	91.35
3	56.73	60.01	70.72	122.25	78.77	82.73	68.89	100.81
4	60.12	64.54	75.39	133.08	83.52	88.31	75.62	110.28
5	63.46	69.06	80.07	143.91	88.27	93.90	82.35	119.74
6	66.80	73.28	84.21	154.66	92.95	99.48	86.72	129.05
7	70.15	77.50	88.35	165.41	97.62	105.07	91.09	138.36
8	73.49	81.72	92.49	176.17	102.30	110.66	95.46	147.67
9	76.84	85.93	96.63	186.92	106.97	116.24	99.83	156.98
10	80.18	90.15	100.78	197.68	111.64	121.83	104.20	166.29
11	83.41	92.70	104.16	208.43	114.95	126.50	107.73	173.39
12	86.64	95.24	107.54	219.18	118.26	131.18	111.26	180.50
13	89.87	97.79	110.92	229.94	121.56	135.85	114.80	187.61
14	93.10	100.34	114.30	240.69	124.87	140.52	118.33	194.71
15	96.33	102.88	117.69	251.45	128.17	145.20	121.87	201.82
16	99.56	105.43	121.07	262.20	131.48	149.87	125.40	208.92
17	102.79	107.97	124.45	272.95	134.79	154.55	128.93	216.03
18	106.02	110.52	127.83	283.71	138.09	159.22	132.47	223.14
19	109.25	113.07	131.21	294.46	141.40	163.89	136.00	230.24
20	112.48	115.61	134.60	305.22	144.70	168.57	139.54	237.35
21	115.71	117.40	137.98	313.69	148.01	173.24	143.07	244.45
22	118.94	119.18	141.36	322.16	151.32	177.92	146.60	251.56
23	122.17	120.97	144.74	330.64	154.62	182.59	150.14	258.67
24	125.40	122.76	148.12	339.11	157.93	187.26	153.67	265.77
25	128.63	124.54	151.51	347.59	161.23	191.94	157.21	272.88

Global Express Guaranteed Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
26	131.86	126.33	154.89	356.06	164.54	196.61	160.74	279.98
27	135.09	128.11	158.27	364.53	167.85	201.29	164.27	287.09
28	138.32	129.90	161.65	373.01	171.15	205.96	167.81	294.20
29	141.55	131.69	165.03	381.48	174.46	210.63	171.34	301.30
30	144.78	133.47	168.42	389.96	177.76	215.31	174.88	308.41
31	148.01	135.26	171.80	398.43	181.07	219.98	178.41	315.51
32	151.24	137.04	175.18	406.90	184.38	224.66	181.94	322.62
33	154.47	138.83	178.56	415.38	187.68	229.33	185.48	329.73
34	157.70	140.62	181.94	423.85	190.99	234.00	189.01	336.83
35	160.93	142.40	185.33	432.33	194.29	238.68	192.55	343.94
36	164.16	144.19	188.71	440.80	197.60	243.35	196.08	351.04
37	167.39	145.97	192.09	449.27	200.91	248.03	199.61	358.15
38	170.62	147.76	195.47	457.75	204.21	252.70	203.15	365.26
39	173.85	149.55	198.85	466.22	207.52	257.37	206.68	372.36
40	177.08	151.33	202.24	474.70	210.82	262.05	210.22	379.47
41	179.63	153.12	205.62	483.17	214.13	266.72	213.75	386.57
42	182.17	154.90	209.00	491.64	217.44	271.40	217.28	393.68
43	184.72	156.69	212.38	500.12	220.74	276.07	220.82	400.79
44	187.26	158.48	215.76	508.59	224.05	280.74	224.35	407.89
45	189.81	160.26	219.15	517.07	227.35	285.42	227.89	415.00
46	192.36	162.05	222.53	525.54	230.66	290.09	231.42	422.10
47	194.90	163.83	225.91	534.01	233.97	294.77	234.95	429.21
48	197.45	165.62	229.29	542.49	237.27	299.44	238.49	436.32
49	199.99	167.41	232.67	550.96	240.58	304.11	242.02	443.42
50	202.54	169.19	236.06	559.44	243.88	308.79	245.56	450.53

Global Express Guaranteed Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)
51	205.09	170.98	239.44	567.91	247.19	313.46	249.09	457.63
52	207.63	172.76	242.82	576.38	250.50	318.14	252.62	464.74
53	210.18	174.55	246.20	584.86	253.80	322.81	256.16	471.85
54	212.72	176.34	249.58	593.33	257.11	327.48	259.69	478.95
55	215.27	178.12	252.97	601.81	260.41	332.16	263.23	486.06
56	217.82	179.91	256.35	610.28	263.72	336.83	266.76	493.16
57	220.36	181.69	259.73	618.75	267.03	341.51	270.29	500.27
58	222.91	183.48	263.11	627.23	270.33	346.18	273.83	507.38
59	225.45	185.27	266.49	635.70	273.64	350.85	277.36	514.48
60	228.00	187.05	269.88	644.18	276.94	355.53	280.90	521.59
61	230.55	188.84	273.26	652.65	280.25	360.20	284.43	528.69
62	233.09	190.62	276.64	661.12	283.56	364.88	287.96	535.80
63	235.64	192.41	280.02	669.60	286.86	369.55	291.50	542.91
64	238.18	194.20	283.40	678.07	290.17	374.22	295.03	550.01
65	240.73	195.98	286.79	686.55	293.47	378.90	298.57	557.12
66	243.28	197.77	290.17	695.02	296.78	383.57	302.10	564.22
67	245.82	199.55	293.55	703.49	300.09	388.25	305.63	571.33
68	248.37	201.34	296.93	711.97	303.39	392.92	309.17	578.44
69	250.91	203.13	300.31	720.44	306.70	397.59	312.70	585.54
70	253.46	204.91	303.70	728.92	310.00	402.27	316.24	592.65

Priority Mail Express International Flat Rate Retail Prices

	Country Price Group	
	Canada (Price Group 1) ($)	**All Other Countries (Price Groups 2 through 17) ($)**
Flat Rate Envelope	38.50	49.95
Flat Rate Box	71.50	90.95

Priority Mail Express International Flat Rate Commercial Base Prices

	Country Price Group	
	Canada (Price Group 1) ($)	**All Other Countries (Price Groups 2 through 17) ($)**
Flat Rate Envelope	35.50	45.95
Flat Rate Box	65.75	83.75

Priority Mail Express International Flat Rate Commercial Plus Prices

	Country Price Group	
	Canada (Price Group 1) ($)	**All Other Countries (Price Groups 2 through 17) ($)**
Flat Rate Envelope	35.50	45.95
Flat Rate Box	65.75	83.75

Priority Mail Express International Retail Prices

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
0.5	38.00	48.50	50.95	59.00	54.25	54.25	55.00	52.00	50.00
1	41.75	50.35	54.80	60.25	55.95	57.50	60.00	56.75	54.25
2	46.20	53.90	59.85	65.00	59.60	61.85	65.95	61.50	58.50
3	50.65	57.45	64.90	69.75	63.25	66.20	71.90	66.25	62.75
4	55.10	61.00	69.95	74.50	66.90	70.55	77.85	71.00	67.00
5	59.55	64.55	75.00	79.25	70.55	74.90	83.80	75.75	71.25
6	64.00	67.20	78.70	84.10	74.20	79.25	89.75	80.30	75.30
7	68.45	69.85	82.40	88.95	77.85	83.60	95.70	84.85	79.35
8	72.90	72.50	86.10	93.80	81.50	87.95	101.65	89.40	83.40
9	77.35	75.15	89.80	98.65	85.15	92.30	107.60	93.95	87.45
10	81.80	77.80	93.50	103.50	88.80	96.65	113.55	98.50	91.50
11	86.05	80.35	96.70	108.25	92.45	101.00	119.40	103.15	95.55
12	90.30	82.90	99.90	113.00	96.10	105.35	125.25	107.80	99.60
13	94.55	85.45	103.10	117.75	99.75	109.70	131.10	112.45	103.65
14	98.80	88.00	106.30	122.50	103.40	114.05	136.95	117.10	107.70
15	103.05	90.55	109.50	127.25	107.05	118.40	142.80	121.75	111.75
16	107.30	93.10	112.70	132.00	110.70	122.75	148.65	126.40	115.80
17	111.55	95.65	115.90	136.75	114.35	127.10	154.50	131.05	119.85
18	115.80	98.20	119.10	141.50	118.00	131.45	160.35	135.70	123.90
19	120.05	100.75	122.30	146.25	121.65	135.80	166.20	140.35	127.95
20	124.30	103.30	125.50	151.00	125.30	140.15	172.05	145.00	132.00
21	128.55	105.85	128.70	155.75	128.95	144.50	177.90	149.65	136.05
22	132.80	108.40	131.90	160.50	132.60	148.85	183.75	154.30	140.10
23	137.05	110.95	135.10	165.25	136.25	153.20	189.60	158.95	144.15
24	141.30	113.50	138.30	170.00	139.90	157.55	195.45	163.60	148.20
25	145.55	116.05	141.50	174.75	143.55	161.90	201.30	168.25	152.25

Priority Mail Express International Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
0.5	58.50	56.50	55.50	56.50	56.00	57.00	56.50	56.50
1	61.25	58.50	61.75	58.25	57.50	59.95	57.75	57.95
2	66.90	62.50	66.70	61.20	63.05	63.90	60.50	60.50
3	72.55	66.50	71.65	64.15	68.60	67.85	63.25	63.05
4	78.20	70.50	76.60	67.10	74.15	71.80	66.00	65.60
5	83.85	74.50	81.55	70.05	79.70	75.75	68.75	68.15
6	89.70	77.50	86.00	73.00	85.35	79.70	71.50	70.70
7	95.55	80.50	90.45	75.95	91.00	83.65	74.25	73.25
8	101.40	83.50	94.90	78.90	96.65	87.60	77.00	75.80
9	107.25	86.50	99.35	81.85	102.30	91.55	79.75	78.35
10	113.10	89.50	103.80	84.80	107.95	95.50	82.50	80.90
11	118.95	92.50	107.65	87.85	113.90	99.45	85.75	84.05
12	124.80	95.50	111.50	90.90	119.85	103.40	89.00	87.20
13	130.65	98.50	115.35	93.95	125.80	107.35	92.25	90.35
14	136.50	101.50	119.20	97.00	131.75	111.30	95.50	93.50
15	142.35	104.50	123.05	100.05	137.70	115.25	98.75	96.65
16	148.20	107.50	126.90	103.10	143.65	119.20	102.00	99.80
17	154.05	110.50	130.75	106.15	149.60	123.15	105.25	102.95
18	159.90	113.50	134.60	109.20	155.55	127.10	108.50	106.10
19	165.75	116.50	138.45	112.25	161.50	131.05	111.75	109.25
20	171.60	119.50	142.30	115.30	167.45	135.00	115.00	112.40
21	177.45	122.50	146.15	118.35	172.70	138.95	118.25	115.55
22	183.30	125.50	150.00	121.40	177.95	142.90	121.50	118.70
23	189.15	128.50	153.85	124.45	183.20	146.85	124.75	121.85
24	195.00	131.50	157.70	127.50	188.45	150.80	128.00	125.00
25	200.85	134.50	161.55	130.55	193.70	154.75	131.25	128.15

Priority Mail Express International Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
26	149.80	118.60	144.70	179.50	147.20	166.25	207.15	172.90	156.30
27	154.05	121.15	147.90	184.25	150.85	170.60	213.00	177.55	160.35
28	158.30	123.70	151.10	189.00	154.50	174.95	218.85	182.20	164.40
29	162.55	126.25	154.30	193.75	158.15	179.30	224.70	186.85	168.45
30	166.80	128.80	157.50	198.50	161.80	183.65	230.55	191.50	172.50
31	170.45	131.35	160.70	203.25	165.45	188.00	236.40	196.15	176.55
32	174.10	133.90	163.90	208.00	169.10	192.35	242.25	200.80	180.60
33	177.75	136.45	167.10	212.75	172.75	196.70	248.10	205.45	184.65
34	181.40	139.00	170.30	217.50	176.40	201.05	253.95	210.10	188.70
35	185.05	141.55	173.50	222.25	180.05	205.40	259.80	214.75	192.75
36	188.70	144.10	176.70	227.00	183.70	209.75	265.65	219.40	196.80
37	192.35	146.65	179.90	231.75	187.35	214.10	271.50	224.05	200.85
38	196.00	149.20	183.10	236.50	191.00	218.45	277.35	228.70	204.90
39	199.65	151.75	186.30	241.25	194.65	222.80	283.20	233.35	208.95
40	203.30	154.30	189.50	246.00	198.30	227.15	289.05	238.00	213.00
41	206.95	156.85	192.70	250.75	201.95	231.50	294.90	242.65	217.05
42	210.60	159.40	195.90	255.50	205.60	235.85	300.75	247.30	221.10
43	214.25	161.95	199.10	260.25	209.25	240.20	306.60	251.95	225.15
44	217.90	164.50	202.30	265.00	212.90	244.55	312.45	256.60	229.20
45	221.55	167.05	205.50	269.75	216.55	248.90	318.30	261.25	233.25
46	225.20	169.60	208.70	274.50	220.20	253.25	324.15	265.90	237.30
47	228.85	172.15	211.90	279.25	223.85	257.60	330.00	270.55	241.35
48	232.50	174.70	215.10	284.00	227.50	261.95	335.85	275.20	245.40
49	236.15	177.25	218.30	288.75	231.15	266.30	341.70	279.85	249.45
50	239.80	179.80	221.50	293.50	234.80	270.65	347.55	284.50	253.50

Priority Mail Express International Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
26	206.70	137.50	165.40	133.60	198.95	158.70	134.50	131.30
27	212.55	140.50	169.25	136.65	204.20	162.65	137.75	134.45
28	218.40	143.50	173.10	139.70	209.45	166.60	141.00	137.60
29	224.25	146.50	176.95	142.75	214.70	170.55	144.25	140.75
30	230.10	149.50	180.80	145.80	219.95	174.50	147.50	143.90
31	235.95	152.50	184.65	148.85	225.20	178.45	150.75	147.05
32	241.80	155.50	188.50	151.90	230.45	182.40	154.00	150.20
33	247.65	158.50	192.35	154.95	235.70	186.35	157.25	153.35
34	253.50	161.50	196.20	158.00	240.95	190.30	160.50	156.50
35	259.35	164.50	200.05	161.05	246.20	194.25	163.75	159.65
36	265.20	167.50	203.90	164.10	251.45	198.20	167.00	162.80
37	271.05	170.50	207.75	167.15	256.70	202.15	170.25	165.95
38	276.90	173.50	211.60	170.20	261.95	206.10	173.50	169.10
39	282.75	176.50	215.45	173.25	267.20	210.05	176.75	172.25
40	288.60	179.50	219.30	176.30	272.45	214.00	180.00	175.40
41	294.45	182.50	223.15	179.35	277.70	217.95	183.25	178.55
42	300.30	185.50	227.00	182.40	282.95	221.90	186.50	181.70
43	306.15	188.50	230.85	185.45	288.20	225.85	189.75	184.85
44	312.00	191.50	234.70	188.50	293.45	229.80	193.00	188.00
45	317.85	194.50	238.55	191.55	298.70	233.75	196.25	191.15
46	323.70	197.50	242.40	194.60	303.95	237.70	199.50	194.30
47	329.55	200.50	246.25	197.65	309.20	241.65	202.75	197.45
48	335.40	203.50	250.10	200.70	314.45	245.60	206.00	200.60
49	341.25	206.50	253.95	203.75	319.70	249.55	209.25	203.75
50	347.10	209.50	257.80	206.80	324.95	253.50	212.50	206.90

Priority Mail Express International Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
51	243.45	182.35	224.70	298.25	238.45	275.00	353.40	289.15	257.55
52	247.10	184.90	227.90	303.00	242.10	279.35	359.25	293.80	261.60
53	250.75	187.45	231.10	307.75	245.75	283.70	365.10	298.45	265.65
54	254.40	190.00	234.30	312.50	249.40	288.05	370.95	303.10	269.70
55	258.05	192.55	237.50	317.25	253.05	292.40	376.80	307.75	273.75
56	261.70	195.10	240.70	322.00	256.70	296.75	382.65	312.40	277.80
57	265.35	197.65	243.90	326.75	260.35	301.10	388.50	317.05	281.85
58	269.00	200.20	247.10	331.50	264.00	305.45	394.35	321.70	285.90
59	272.65	202.75	250.30	336.25	267.65	309.80	400.20	326.35	289.95
60	276.30	205.30	253.50	341.00	271.30	314.15	406.05	331.00	294.00
61	279.95	207.85	256.70	345.75	274.95	318.50	411.90	335.65	298.05
62	283.60	210.40	259.90	350.50	278.60	322.85	417.75	340.30	302.10
63	287.25	212.95	263.10	355.25	282.25	327.20	423.60	344.95	306.15
64	290.90	215.50	266.30	360.00	285.90	331.55	429.45	349.60	310.20
65	294.55	218.05	269.50	364.75	289.55	335.90	435.30	354.25	314.25
66	298.20	220.60	272.70	369.50	293.20	340.25	441.15	358.90	318.30
67	-	223.15	275.90	374.25	296.85	344.60	447.00	363.55	322.35
68	-	225.70	279.10	379.00	300.50	348.95	452.85	368.20	326.40
69	-	228.25	282.30	383.75	304.15	353.30	458.70	372.85	330.45
70	-	230.80	285.50	388.50	307.80	357.65	464.55	377.50	334.50

Priority Mail Express International Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
51	352.95	212.50	261.65	209.85	330.20	257.45	215.75	210.05
52	358.80	215.50	265.50	212.90	335.45	261.40	219.00	213.20
53	364.65	218.50	269.35	215.95	340.70	265.35	222.25	216.35
54	370.50	221.50	273.20	219.00	345.95	269.30	225.50	219.50
55	376.35	224.50	277.05	222.05	351.20	273.25	228.75	222.65
56	382.20	227.50	280.90	225.10	356.45	277.20	232.00	225.80
57	388.05	230.50	284.75	228.15	361.70	281.15	235.25	228.95
58	393.90	233.50	288.60	231.20	366.95	285.10	238.50	232.10
59	399.75	236.50	292.45	234.25	372.20	289.05	241.75	235.25
60	405.60	239.50	296.30	237.30	377.45	293.00	245.00	238.40
61	411.45	242.50	300.15	240.35	382.70	296.95	248.25	241.55
62	417.30	245.50	304.00	243.40	387.95	300.90	251.50	244.70
63	423.15	248.50	307.85	246.45	393.20	304.85	254.75	247.85
64	429.00	251.50	311.70	249.50	398.45	308.80	258.00	251.00
65	434.85	254.50	315.55	252.55	403.70	312.75	261.25	254.15
66	440.70	257.50	319.40	255.60	408.95	316.70	264.50	257.30
67	-	-	-	-	-	-	-	-
68	-	-	-	-	-	-	-	-
69	-	-	-	-	-	-	-	-
70	-	-	-	-	-	-	-	-

Priority Mail Express International Commercial Base Prices

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
0.5	35.53	45.35	47.64	55.17	50.72	50.72	51.43	48.62	46.75
1	39.04	47.08	51.24	56.33	52.31	53.76	56.10	53.06	50.72
2	42.00	49.00	54.40	59.09	54.18	56.22	59.95	55.90	53.18
3	46.04	52.22	58.99	63.40	57.49	60.18	65.36	60.22	57.04
4	50.09	55.45	63.58	67.72	60.81	64.13	70.77	64.54	60.90
5	54.13	58.68	68.18	72.04	64.13	68.08	76.17	68.86	64.77
6	56.51	59.34	69.49	74.26	65.52	69.98	79.25	70.90	66.49
7	60.44	61.68	72.76	78.54	68.74	73.82	84.50	74.92	70.07
8	64.37	64.02	76.03	82.83	71.96	77.66	89.76	78.94	73.64
9	68.30	66.36	79.29	87.11	75.19	81.50	95.01	82.96	77.22
10	72.23	68.70	82.56	91.39	78.41	85.34	100.26	86.98	80.79
11	75.98	70.95	85.39	95.58	81.63	89.18	105.43	91.08	84.37
12	79.73	73.20	88.21	99.78	84.86	93.02	110.60	95.19	87.95
13	83.49	75.45	91.04	103.97	88.08	96.87	115.76	99.29	91.52
14	87.24	77.70	93.86	108.17	91.30	100.71	120.93	103.40	95.10
15	90.99	79.96	96.69	112.36	94.53	104.55	126.09	107.51	98.68
16	94.75	82.21	99.51	116.56	97.75	108.39	131.26	111.61	102.25
17	98.50	84.46	102.34	120.75	100.97	112.23	136.42	115.72	105.83
18	102.25	86.71	105.17	124.94	104.19	116.07	141.59	119.82	109.40
19	106.00	88.96	107.99	129.14	107.42	119.91	146.75	123.93	112.98
20	109.76	91.21	110.82	133.33	110.64	123.75	151.92	128.04	116.56
21	111.84	92.09	111.97	135.50	112.19	125.72	154.77	130.20	118.36
22	115.54	94.31	114.75	139.64	115.36	129.50	159.86	134.24	121.89
23	119.23	96.53	117.54	143.77	118.54	133.28	164.95	138.29	125.41
24	122.93	98.75	120.32	147.90	121.71	137.07	170.04	142.33	128.93
25	126.63	100.96	123.11	152.03	124.89	140.85	175.13	146.38	132.46

Priority Mail Express International Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
0.5	54.70	52.83	51.89	52.83	52.36	53.30	52.83	52.83
1	57.27	54.70	57.74	54.46	53.76	56.05	54.00	54.18
2	60.81	56.81	60.63	55.63	57.31	58.09	54.99	54.99
3	65.95	60.45	65.13	58.31	62.36	61.68	57.49	57.31
4	71.08	64.08	69.63	60.99	67.40	65.27	59.99	59.63
5	76.22	67.72	74.13	63.68	72.45	68.86	62.49	61.95
6	79.21	68.43	75.94	64.46	75.36	70.38	63.13	62.43
7	84.37	71.08	79.87	67.06	80.35	73.86	65.56	64.68
8	89.54	73.73	83.80	69.67	85.34	77.35	67.99	66.93
9	94.70	76.38	87.73	72.27	90.33	80.84	70.42	69.18
10	99.87	79.03	91.66	74.88	95.32	84.33	72.85	71.43
11	105.03	81.68	95.05	77.57	100.57	87.81	75.72	74.22
12	110.20	84.33	98.45	80.26	105.83	91.30	78.59	77.00
13	115.36	86.98	101.85	82.96	111.08	94.79	81.46	79.78
14	120.53	89.62	105.25	85.65	116.34	98.28	84.33	82.56
15	125.70	92.27	108.65	88.34	121.59	101.77	87.20	85.34
16	130.86	94.92	112.05	91.04	126.84	105.25	90.07	88.12
17	136.03	97.57	115.45	93.73	132.10	108.74	92.94	90.90
18	141.19	100.22	118.85	96.42	137.35	112.23	95.81	93.69
19	146.36	102.87	122.25	99.12	142.60	115.72	98.68	96.47
20	151.52	105.52	125.65	101.81	147.86	119.21	101.55	99.25
21	154.38	106.58	127.15	102.96	150.25	120.89	102.88	100.53
22	159.47	109.19	130.50	105.62	154.82	124.32	105.71	103.27
23	164.56	111.80	133.85	108.27	159.38	127.76	108.53	106.01
24	169.65	114.41	137.20	110.93	163.95	131.20	111.36	108.75
25	174.74	117.02	140.55	113.58	168.52	134.63	114.19	111.49

Priority Mail Express International Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
26	130.33	103.18	125.89	156.17	128.06	144.64	180.22	150.42	135.98
27	134.02	105.40	128.67	160.30	131.24	148.42	185.31	154.47	139.50
28	137.72	107.62	131.46	164.43	134.42	152.21	190.40	158.51	143.03
29	141.42	109.84	134.24	168.56	137.59	155.99	195.49	162.56	146.55
30	145.12	112.06	137.03	172.70	140.77	159.78	200.58	166.61	150.08
31	148.29	114.27	139.81	176.83	143.94	163.56	205.67	170.65	153.60
32	151.47	116.49	142.59	180.96	147.12	167.34	210.76	174.70	157.12
33	154.64	118.71	145.38	185.09	150.29	171.13	215.85	178.74	160.65
34	157.82	120.93	148.16	189.23	153.47	174.91	220.94	182.79	164.17
35	160.99	123.15	150.95	193.36	156.64	178.70	226.03	186.83	167.69
36	164.17	125.37	153.73	197.49	159.82	182.48	231.12	190.88	171.22
37	167.34	127.59	156.51	201.62	162.99	186.27	236.21	194.92	174.74
38	170.52	129.80	159.30	205.76	166.17	190.05	241.29	198.97	178.26
39	173.70	132.02	162.08	209.89	169.35	193.84	246.38	203.01	181.79
40	176.87	134.24	164.87	214.02	172.52	197.62	251.47	207.06	185.31
41	180.05	136.46	167.65	218.15	175.70	201.41	256.56	211.11	188.83
42	183.22	138.68	170.43	222.29	178.87	205.19	261.65	215.15	192.36
43	186.40	140.90	173.22	226.42	182.05	208.97	266.74	219.20	195.88
44	189.57	143.12	176.00	230.55	185.22	212.76	271.83	223.24	199.40
45	192.75	145.33	178.79	234.68	188.40	216.54	276.92	227.29	202.93
46	195.92	147.55	181.57	238.82	191.57	220.33	282.01	231.33	206.45
47	199.10	149.77	184.35	242.95	194.75	224.11	287.10	235.38	209.97
48	202.28	151.99	187.14	247.08	197.93	227.90	292.19	239.42	213.50
49	205.45	154.21	189.92	251.21	201.10	231.68	297.28	243.47	217.02
50	208.63	156.43	192.71	255.35	204.28	235.47	302.37	247.52	220.55

Priority Mail Express International Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
26	179.83	119.63	143.90	116.23	173.09	138.07	117.02	114.23
27	184.92	122.24	147.25	118.89	177.65	141.51	119.84	116.97
28	190.01	124.85	150.60	121.54	182.22	144.94	122.67	119.71
29	195.10	127.46	153.95	124.19	186.79	148.38	125.50	122.45
30	200.19	130.07	157.30	126.85	191.36	151.82	128.33	125.19
31	205.28	132.68	160.65	129.50	195.92	155.25	131.15	127.93
32	210.37	135.29	164.00	132.15	200.49	158.69	133.98	130.67
33	215.46	137.90	167.34	134.81	205.06	162.12	136.81	133.41
34	220.55	140.51	170.69	137.46	209.63	165.56	139.64	136.16
35	225.63	143.12	174.04	140.11	214.19	169.00	142.46	138.90
36	230.72	145.73	177.39	142.77	218.76	172.43	145.29	141.64
37	235.81	148.34	180.74	145.42	223.33	175.87	148.12	144.38
38	240.90	150.95	184.09	148.07	227.90	179.31	150.95	147.12
39	245.99	153.56	187.44	150.73	232.46	182.74	153.77	149.86
40	251.08	156.17	190.79	153.38	237.03	186.18	156.60	152.60
41	256.17	158.78	194.14	156.03	241.60	189.62	159.43	155.34
42	261.26	161.39	197.49	158.69	246.17	193.05	162.26	158.08
43	266.35	164.00	200.84	161.34	250.73	196.49	165.08	160.82
44	271.44	166.61	204.19	164.00	255.30	199.93	167.91	163.56
45	276.53	169.22	207.54	166.65	259.87	203.36	170.74	166.30
46	281.62	171.83	210.89	169.30	264.44	206.80	173.57	169.04
47	286.71	174.44	214.24	171.96	269.00	210.24	176.39	171.78
48	291.80	177.05	217.59	174.61	273.57	213.67	179.22	174.52
49	296.89	179.66	220.94	177.26	278.14	217.11	182.05	177.26
50	301.98	182.27	224.29	179.92	282.71	220.55	184.88	180.00

Priority Mail Express International Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
51	211.80	158.64	195.49	259.48	207.45	239.25	307.46	251.56	224.07
52	214.98	160.86	198.27	263.61	210.63	243.03	312.55	255.61	227.59
53	218.15	163.08	201.06	267.74	213.80	246.82	317.64	259.65	231.12
54	221.33	165.30	203.84	271.88	216.98	250.60	322.73	263.70	234.64
55	224.50	167.52	206.63	276.01	220.15	254.39	327.82	267.74	238.16
56	227.68	169.74	209.41	280.14	223.33	258.17	332.91	271.79	241.69
57	230.85	171.96	212.19	284.27	226.50	261.96	338.00	275.83	245.21
58	234.03	174.17	214.98	288.41	229.68	265.74	343.08	279.88	248.73
59	237.21	176.39	217.76	292.54	232.86	269.53	348.17	283.92	252.26
60	240.38	178.61	220.55	296.67	236.03	273.31	353.26	287.97	255.78
61	243.56	180.83	223.33	300.80	239.21	277.10	358.35	292.02	259.30
62	246.73	183.05	226.11	304.94	242.38	280.88	363.44	296.06	262.83
63	249.91	185.27	228.90	309.07	245.56	284.66	368.53	300.11	266.35
64	253.08	187.49	231.68	313.20	248.73	288.45	373.62	304.15	269.87
65	256.26	189.70	234.47	317.33	251.91	292.23	378.71	308.20	273.40
66	259.43	191.92	237.25	321.47	255.08	296.02	383.80	312.24	276.92
67	-	194.14	240.03	325.60	258.26	299.80	388.89	316.29	280.44
68	-	196.36	242.82	329.73	261.44	303.59	393.98	320.33	283.97
69	-	198.58	245.60	333.86	264.61	307.37	399.07	324.38	287.49
70	-	200.80	248.39	338.00	267.79	311.16	404.16	328.43	291.02

Priority Mail Express International Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
51	307.07	184.88	227.64	182.57	287.27	223.98	187.70	182.74
52	312.16	187.49	230.99	185.22	291.84	227.42	190.53	185.48
53	317.25	190.10	234.33	187.88	296.41	230.85	193.36	188.22
54	322.34	192.71	237.68	190.53	300.98	234.29	196.19	190.97
55	327.42	195.32	241.03	193.18	305.54	237.73	199.01	193.71
56	332.51	197.93	244.38	195.84	310.11	241.16	201.84	196.45
57	337.60	200.54	247.73	198.49	314.68	244.60	204.67	199.19
58	342.69	203.15	251.08	201.14	319.25	248.04	207.50	201.93
59	347.78	205.76	254.43	203.80	323.81	251.47	210.32	204.67
60	352.87	208.37	257.78	206.45	328.38	254.91	213.15	207.41
61	357.96	210.98	261.13	209.10	332.95	258.35	215.98	210.15
62	363.05	213.59	264.48	211.76	337.52	261.78	218.81	212.89
63	368.14	216.20	267.83	214.41	342.08	265.22	221.63	215.63
64	373.23	218.81	271.18	217.07	346.65	268.66	224.46	218.37
65	378.32	221.42	274.53	219.72	351.22	272.09	227.29	221.11
66	383.41	224.03	277.88	222.37	355.79	275.53	230.12	223.85
67	-	-	-	-	-	-	-	-
68	-	-	-	-	-	-	-	-
69	-	-	-	-	-	-	-	-
70	-	-	-	-	-	-	-	-

Priority Mail Express International Commercial Plus Prices

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
0.5	31.85	40.65	42.71	49.46	45.47	45.47	46.10	43.59	41.91
1	35.00	42.21	45.94	50.50	46.90	48.20	50.29	47.57	45.47
2	38.73	45.18	50.17	54.49	49.96	51.84	55.28	51.55	49.04
3	40.22	45.62	51.54	55.39	50.23	52.57	57.10	52.61	49.83
4	43.76	48.44	55.55	59.16	53.13	56.03	61.82	56.38	53.21
5	47.29	51.26	59.56	62.93	56.03	59.48	66.55	60.15	56.58
6	48.00	50.40	59.03	63.08	55.65	59.44	67.31	60.23	56.48
7	51.34	52.39	61.80	66.71	58.39	62.70	71.78	63.64	59.51
8	54.68	54.38	64.58	70.35	61.13	65.96	76.24	67.05	62.55
9	58.01	56.36	67.35	73.99	63.86	69.23	80.70	70.46	65.59
10	61.35	58.35	70.13	77.63	66.60	72.49	85.16	73.88	68.63
11	64.54	60.26	72.53	81.19	69.34	75.75	89.55	77.36	71.66
12	67.73	62.18	74.93	84.75	72.08	79.01	93.94	80.85	74.70
13	70.91	64.09	77.33	88.31	74.81	82.28	98.33	84.34	77.74
14	74.10	66.00	79.73	91.88	77.55	85.54	102.71	87.83	80.78
15	77.29	67.91	82.13	95.44	80.29	88.80	107.10	91.31	83.81
16	80.48	69.83	84.53	99.00	83.03	92.06	111.49	94.80	86.85
17	83.66	71.74	86.93	102.56	85.76	95.32	115.88	98.29	89.89
18	86.85	73.65	89.33	106.13	88.50	98.59	120.26	101.78	92.93
19	90.04	75.56	91.73	109.69	91.24	101.85	124.65	105.26	95.96
20	93.23	77.48	94.13	113.25	93.98	105.11	129.04	108.75	99.00
21	96.41	79.39	96.53	116.81	96.71	108.38	133.43	112.24	102.04
22	99.60	81.30	98.93	120.38	99.45	111.64	137.81	115.73	105.08
23	102.79	83.21	101.33	123.94	102.19	114.90	142.20	119.21	108.11
24	105.98	85.13	103.73	127.50	104.93	118.16	146.59	122.70	111.15
25	109.16	87.04	106.13	131.06	107.66	121.43	150.98	126.19	114.19

Priority Mail Express International Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
0.5	49.04	47.36	46.52	47.36	46.94	47.78	47.36	47.36
1	51.34	49.04	51.76	48.83	48.20	50.25	48.41	48.58
2	56.08	52.39	55.91	51.30	52.85	53.56	50.71	50.71
3	57.61	52.81	56.90	50.94	54.48	53.88	50.23	50.07
4	62.10	55.99	60.83	53.29	58.88	57.02	52.41	52.09
5	66.59	59.16	64.76	55.63	63.29	60.15	54.60	54.12
6	67.28	58.13	64.50	54.75	64.01	59.78	53.63	53.03
7	71.66	60.38	67.84	56.96	68.25	62.74	55.69	54.94
8	76.05	62.63	71.18	59.18	72.49	65.70	57.75	56.85
9	80.44	64.88	74.51	61.39	76.73	68.66	59.81	58.76
10	84.83	67.13	77.85	63.60	80.96	71.63	61.88	60.68
11	89.21	69.38	80.74	65.89	85.43	74.59	64.31	63.04
12	93.60	71.63	83.63	68.18	89.89	77.55	66.75	65.40
13	97.99	73.88	86.51	70.46	94.35	80.51	69.19	67.76
14	102.38	76.13	89.40	72.75	98.81	83.48	71.63	70.13
15	106.76	78.38	92.29	75.04	103.28	86.44	74.06	72.49
16	111.15	80.63	95.18	77.33	107.74	89.40	76.50	74.85
17	115.54	82.88	98.06	79.61	112.20	92.36	78.94	77.21
18	119.93	85.13	100.95	81.90	116.66	95.33	81.38	79.58
19	124.31	87.38	103.84	84.19	121.13	98.29	83.81	81.94
20	128.70	89.63	106.73	86.48	125.59	101.25	86.25	84.30
21	133.09	91.88	109.61	88.76	129.53	104.21	88.69	86.66
22	137.48	94.13	112.50	91.05	133.46	107.18	91.13	89.03
23	141.86	96.38	115.39	93.34	137.40	110.14	93.56	91.39
24	146.25	98.63	118.28	95.63	141.34	113.10	96.00	93.75
25	150.64	100.88	121.16	97.91	145.28	116.06	98.44	96.11

Priority Mail Express International Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
26	112.35	88.95	108.53	134.63	110.40	124.69	155.36	129.68	117.23
27	115.54	90.86	110.93	138.19	113.14	127.95	159.75	133.16	120.26
28	118.73	92.78	113.33	141.75	115.88	131.21	164.14	136.65	123.30
29	121.91	94.69	115.73	145.31	118.61	134.48	168.53	140.14	126.34
30	125.10	96.60	118.13	148.88	121.35	137.74	172.91	143.63	129.38
31	127.84	98.51	120.53	152.44	124.09	141.00	177.30	147.11	132.41
32	130.58	100.43	122.93	156.00	126.83	144.26	181.69	150.60	135.45
33	133.31	102.34	125.33	159.56	129.56	147.53	186.08	154.09	138.49
34	136.05	104.25	127.73	163.13	132.30	150.79	190.46	157.58	141.53
35	138.79	106.16	130.13	166.69	135.04	154.05	194.85	161.06	144.56
36	141.53	108.08	132.53	170.25	137.78	157.31	199.24	164.55	147.60
37	144.26	109.99	134.93	173.81	140.51	160.58	203.63	168.04	150.64
38	147.00	111.90	137.33	177.38	143.25	163.84	208.01	171.53	153.68
39	149.74	113.81	139.73	180.94	145.99	167.10	212.40	175.01	156.71
40	152.48	115.73	142.13	184.50	148.73	170.36	216.79	178.50	159.75
41	155.21	117.64	144.53	188.06	151.46	173.63	221.18	181.99	162.79
42	157.95	119.55	146.93	191.63	154.20	176.89	225.56	185.48	165.83
43	160.69	121.46	149.33	195.19	156.94	180.15	229.95	188.96	168.86
44	163.43	123.38	151.73	198.75	159.68	183.41	234.34	192.45	171.90
45	166.16	125.29	154.13	202.31	162.41	186.68	238.73	195.94	174.94
46	168.90	127.20	156.53	205.88	165.15	189.94	243.11	199.43	177.98
47	171.64	129.11	158.93	209.44	167.89	193.20	247.50	202.91	181.01
48	174.38	131.03	161.33	213.00	170.63	196.46	251.89	206.40	184.05
49	177.11	132.94	163.73	216.56	173.36	199.73	256.28	209.89	187.09
50	179.85	134.85	166.13	220.13	176.10	202.99	260.66	213.38	190.13

Priority Mail Express International Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
26	155.03	103.13	124.05	100.20	149.21	119.03	100.88	98.48
27	159.41	105.38	126.94	102.49	153.15	121.99	103.31	100.84
28	163.80	107.63	129.83	104.78	157.09	124.95	105.75	103.20
29	168.19	109.88	132.71	107.06	161.03	127.91	108.19	105.56
30	172.58	112.13	135.60	109.35	164.96	130.88	110.63	107.93
31	176.96	114.38	138.49	111.64	168.90	133.84	113.06	110.29
32	181.35	116.63	141.38	113.93	172.84	136.80	115.50	112.65
33	185.74	118.88	144.26	116.21	176.78	139.76	117.94	115.01
34	190.13	121.13	147.15	118.50	180.71	142.73	120.38	117.38
35	194.51	123.38	150.04	120.79	184.65	145.69	122.81	119.74
36	198.90	125.63	152.93	123.08	188.59	148.65	125.25	122.10
37	203.29	127.88	155.81	125.36	192.53	151.61	127.69	124.46
38	207.68	130.13	158.70	127.65	196.46	154.58	130.13	126.83
39	212.06	132.38	161.59	129.94	200.40	157.54	132.56	129.19
40	216.45	134.63	164.48	132.23	204.34	160.50	135.00	131.55
41	220.84	136.88	167.36	134.51	208.28	163.46	137.44	133.91
42	225.23	139.13	170.25	136.80	212.21	166.43	139.88	136.28
43	229.61	141.38	173.14	139.09	216.15	169.39	142.31	138.64
44	234.00	143.63	176.03	141.38	220.09	172.35	144.75	141.00
45	238.39	145.88	178.91	143.66	224.03	175.31	147.19	143.36
46	242.78	148.13	181.80	145.95	227.96	178.28	149.63	145.73
47	247.16	150.38	184.69	148.24	231.90	181.24	152.06	148.09
48	251.55	152.63	187.58	150.53	235.84	184.20	154.50	150.45
49	255.94	154.88	190.46	152.81	239.78	187.16	156.94	152.81
50	260.33	157.13	193.35	155.10	243.71	190.13	159.38	155.18

Priority Mail Express International Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
51	182.59	136.76	168.53	223.69	178.84	206.25	265.05	216.86	193.16
52	185.33	138.68	170.93	227.25	181.58	209.51	269.44	220.35	196.20
53	188.06	140.59	173.33	230.81	184.31	212.78	273.83	223.84	199.24
54	190.80	142.50	175.73	234.38	187.05	216.04	278.21	227.33	202.28
55	193.54	144.41	178.13	237.94	189.79	219.30	282.60	230.81	205.31
56	196.28	146.33	180.53	241.50	192.53	222.56	286.99	234.30	208.35
57	199.01	148.24	182.93	245.06	195.26	225.83	291.38	237.79	211.39
58	201.75	150.15	185.33	248.63	198.00	229.09	295.76	241.28	214.43
59	204.49	152.06	187.73	252.19	200.74	232.35	300.15	244.76	217.46
60	207.23	153.98	190.13	255.75	203.48	235.61	304.54	248.25	220.50
61	209.96	155.89	192.53	259.31	206.21	238.88	308.93	251.74	223.54
62	212.70	157.80	194.93	262.88	208.95	242.14	313.31	255.23	226.58
63	215.44	159.71	197.33	266.44	211.69	245.40	317.70	258.71	229.61
64	218.18	161.63	199.73	270.00	214.43	248.66	322.09	262.20	232.65
65	220.91	163.54	202.13	273.56	217.16	251.93	326.48	265.69	235.69
66	223.65	165.45	204.53	277.13	219.90	255.19	330.86	269.18	238.73
67	-	167.36	206.93	280.69	222.64	258.45	335.25	272.66	241.76
68	-	169.28	209.33	284.25	225.38	261.71	339.64	276.15	244.80
69	-	171.19	211.73	287.81	228.11	264.98	344.03	279.64	247.84
70	-	173.10	214.13	291.38	230.85	268.24	348.41	283.13	250.88

Priority Mail Express International Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
51	264.71	159.38	196.24	157.39	247.65	193.09	161.81	157.54
52	269.10	161.63	199.13	159.68	251.59	196.05	164.25	159.90
53	273.49	163.88	202.01	161.96	255.53	199.01	166.69	162.26
54	277.88	166.13	204.90	164.25	259.46	201.98	169.13	164.63
55	282.26	168.38	207.79	166.54	263.40	204.94	171.56	166.99
56	286.65	170.63	210.68	168.83	267.34	207.90	174.00	169.35
57	291.04	172.88	213.56	171.11	271.28	210.86	176.44	171.71
58	295.43	175.13	216.45	173.40	275.21	213.83	178.88	174.08
59	299.81	177.38	219.34	175.69	279.15	216.79	181.31	176.44
60	304.20	179.63	222.23	177.98	283.09	219.75	183.75	178.80
61	308.59	181.88	225.11	180.26	287.03	222.71	186.19	181.16
62	312.98	184.13	228.00	182.55	290.96	225.68	188.63	183.53
63	317.36	186.38	230.89	184.84	294.90	228.64	191.06	185.89
64	321.75	188.63	233.78	187.13	298.84	231.60	193.50	188.25
65	326.14	190.88	236.66	189.41	302.78	234.56	195.94	190.61
66	330.53	193.13	239.55	191.70	306.71	237.53	198.38	192.98
67	-	-	-	-	-	-	-	-
68	-	-	-	-	-	-	-	-
69	-	-	-	-	-	-	-	-
70	-	-	-	-	-	-	-	-

Pickup On Demand Service

Add $20.00 for each Pickup On Demand stop.

2315 Outbound Priority Mail International

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2315.7 Prices

Priority Mail International Flat Rate Retail Prices

	Country Price Group	
	Canada (Price Group 1) ($)	**All Other Countries (Price Groups 2 through 17) ($)**
Flat Rate Envelopes	21.95	26.50
Letter Post Flat Rate Boxes	21.95	26.50
Medium Flat Rate Boxes	45.25	66.25
Large Flat Rate Boxes	59.75	86.25

Priority Mail International Flat Rate Commercial Base Prices[1]

	Country Price Group	
	Canada (Price Group 1) ($)	**All Other Countries (Price Groups 2 through 17) ($)**
Flat Rate Envelopes	20.85	25.25
Letter Post Flat Rate Boxes	20.85	25.25
Medium Flat Rate Boxes	42.95	62.95
Large Flat Rate Boxes	56.75	81.95

Notes

1. Electronic USPS Delivery Confirmation International, which is optionally provided at no charge, offers scan events for customers using select software or online tools. It is available for certain Priority Mail International Flat Rate Envelopes and Small Flat Rate Box offerings to select destinations.

International Products
Outbound Priority Mail International

Priority Mail International Flat Rate Commercial Plus Prices[1]

	Country Price Group	
	Canada (Price Group 1) ($)	**All Other Countries (Price Groups 2 through 17) ($)**
Flat Rate Envelopes	20.85	25.25
Letter Post Flat Rate Boxes	20.85	25.25
Medium Flat Rate Boxes	42.95	62.95
Large Flat Rate Boxes	56.75	81.95

Notes

1. Electronic USPS Delivery Confirmation International, which is optionally provided at no charge, offers scan events for customers using select software or online tools. It is available for certain Priority Mail International Flat Rate Envelopes and Small Flat Rate Box offerings to select destinations.

International Products
Outbound Priority Mail International

Priority Mail International Parcels Retail Prices

	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
1	30.75	31.75	34.00	35.75	36.50	37.00	37.50
2	33.20	34.30	36.75	38.70	39.45	39.95	40.55
3	35.65	36.85	39.50	41.65	42.40	42.90	43.60
4	38.10	39.40	42.25	44.60	45.35	45.85	46.65
5	40.55	41.95	45.00	47.55	48.30	48.80	49.70
6	43.00	44.60	47.85	50.40	51.15	51.85	52.75
7	45.45	47.25	50.70	53.25	54.00	54.90	55.80
8	47.90	49.90	53.55	56.10	56.85	57.95	58.85
9	50.35	52.55	56.40	58.95	59.70	61.00	61.90
10	52.80	55.20	59.25	61.80	62.55	64.05	64.95
11	55.15	57.85	61.90	64.45	65.20	67.00	68.00
12	57.50	60.50	64.55	67.10	67.85	69.95	70.95
13	59.85	63.15	67.20	69.75	70.50	72.90	73.90
14	62.20	65.80	69.85	72.40	73.15	75.85	76.85
15	64.55	68.45	72.50	75.05	75.80	78.80	79.80
16	66.90	71.10	75.15	77.70	78.45	81.75	82.75
17	69.25	73.75	77.80	80.35	81.10	84.70	85.70
18	71.60	76.40	80.45	83.00	83.75	87.65	88.65
19	73.95	79.05	83.10	85.65	86.40	90.60	91.60
20	76.30	81.70	85.75	88.30	89.05	93.55	94.55
21	78.65	84.35	88.40	90.95	91.70	96.50	97.50
22	81.00	87.00	91.05	93.60	94.35	99.45	100.45
23	83.35	89.65	93.70	96.25	97.00	102.40	103.40
24	85.70	92.30	96.35	98.90	99.65	105.35	106.35
25	87.75	94.95	99.00	101.55	102.30	108.30	109.30

Priority Mail International Parcels Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	37.50	40.50	46.50	42.75	44.25	45.50	41.25	40.25
2	40.90	45.35	51.45	45.60	48.10	50.80	45.60	44.50
3	44.30	50.20	56.40	48.45	51.95	56.10	49.95	48.75
4	47.70	55.05	61.35	51.30	55.80	61.40	54.30	53.00
5	51.10	59.90	66.30	54.15	59.65	66.70	58.65	57.25
6	53.65	62.95	70.75	56.90	63.40	72.10	62.30	60.40
7	56.20	66.00	75.20	59.65	67.15	77.50	65.95	63.55
8	58.75	69.05	79.65	62.40	70.90	82.90	69.60	66.70
9	61.30	72.10	84.10	65.15	74.65	88.30	73.25	69.85
10	63.85	75.15	88.55	67.90	78.40	93.70	76.90	73.00
11	66.00	78.20	93.00	70.45	82.15	99.40	80.55	76.15
12	68.15	81.25	97.45	73.00	85.90	105.10	84.20	79.30
13	70.30	84.30	101.90	75.55	89.65	110.80	87.85	82.45
14	72.45	87.35	106.35	78.10	93.40	116.50	91.50	85.60
15	74.60	90.40	110.80	80.65	97.15	122.20	95.15	88.75
16	76.75	93.45	115.25	83.20	100.90	127.90	98.80	91.80
17	78.90	96.50	119.70	85.75	104.65	133.60	102.45	94.85
18	81.05	99.55	124.15	88.30	108.40	139.30	106.10	97.90
19	83.20	102.60	128.60	90.85	112.15	145.00	109.75	100.95
20	85.35	105.65	133.05	93.40	115.90	150.70	113.40	104.00
21	87.50	108.70	137.50	95.95	119.65	156.40	117.05	107.05
22	89.65	111.75	141.95	98.50	123.40	162.10	120.70	110.10
23	91.80	114.80	146.40	101.05	127.15	167.80	124.35	113.15
24	93.95	117.85	150.85	103.60	130.90	173.50	128.00	116.20
25	96.10	120.90	155.30	106.15	134.65	179.20	131.65	119.25

International Products
Outbound Priority Mail International

Priority Mail International Parcels Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
1	45.00	47.00	46.75	39.75	45.75	41.95	39.50	39.50
2	49.45	51.15	49.90	43.10	50.10	45.40	42.75	42.85
3	53.90	55.30	53.05	46.45	54.45	48.85	46.00	46.20
4	58.35	59.45	56.20	49.80	58.80	52.30	49.25	49.55
5	62.80	63.60	59.35	53.15	63.15	55.75	52.50	52.90
6	67.55	66.85	62.20	56.00	66.40	59.20	55.55	55.55
7	72.30	70.10	65.05	58.85	69.65	62.65	58.60	58.20
8	77.05	73.35	67.90	61.70	72.90	66.10	61.65	60.85
9	81.80	76.60	70.75	64.55	76.15	69.55	64.70	63.50
10	86.55	79.85	73.60	67.40	79.40	73.00	67.75	66.15
11	91.20	82.80	76.45	69.95	82.65	76.75	69.80	68.60
12	95.85	85.75	79.30	72.50	85.90	80.50	71.85	71.05
13	100.50	88.70	82.15	75.05	89.15	84.25	73.90	73.50
14	105.15	91.65	85.00	77.60	92.40	88.00	75.95	75.95
15	109.80	94.60	87.85	80.15	95.65	91.75	78.00	78.40
16	114.45	97.55	90.70	82.70	98.80	95.50	80.05	80.85
17	119.10	100.50	93.55	85.25	101.95	99.25	82.10	83.30
18	123.75	103.45	96.40	87.80	105.10	103.00	84.15	85.75
19	128.40	106.40	99.25	90.35	108.25	106.75	86.20	88.20
20	133.05	109.35	102.10	92.90	111.40	110.50	88.25	90.65
21	137.70	112.30	104.95	95.45	114.55	114.25	90.30	93.10
22	142.35	115.25	107.80	98.00	117.70	118.00	92.35	95.55
23	147.00	118.20	110.65	100.55	120.85	121.75	94.40	98.00
24	151.65	121.15	113.50	103.10	124.00	125.50	96.45	100.45
25	156.30	124.10	116.35	105.65	127.15	129.25	98.50	102.90

International Products
Outbound Priority Mail International

Priority Mail International Parcels Retail Prices (Continued)

	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
26	89.80	97.60	101.65	104.20	104.95	111.25	112.25
27	91.85	100.25	104.30	106.85	107.60	114.20	115.20
28	93.90	102.90	106.95	109.50	110.25	117.15	118.15
29	95.95	105.55	109.60	112.15	112.90	120.10	121.10
30	98.00	108.20	112.25	114.80	115.55	123.05	124.05
31	100.05	110.85	114.90	117.45	118.20	126.00	127.00
32	102.10	113.50	117.55	120.10	120.85	128.95	129.95
33	104.15	116.15	120.20	122.75	123.50	131.90	132.90
34	106.20	118.80	122.85	125.40	126.15	134.85	135.85
35	108.25	121.45	125.50	128.05	128.80	137.80	138.80
36	110.30	124.10	128.15	130.70	131.45	140.75	141.75
37	112.35	126.75	130.80	133.35	134.10	143.70	144.70
38	114.40	129.40	133.45	136.00	136.75	146.65	147.65
39	116.45	132.05	136.10	138.65	139.40	149.60	150.60
40	118.50	134.70	138.75	141.30	142.05	152.55	153.55
41	120.55	137.35	141.40	143.95	144.70	155.50	156.50
42	122.60	140.00	144.05	146.60	147.35	158.45	159.45
43	124.65	142.65	146.70	149.25	150.00	161.40	162.40
44	126.70	145.30	149.35	151.90	152.65	164.35	165.35
45	128.75	147.95	152.00	154.55	155.30	167.30	168.30
46	130.80	150.60	154.65	157.20	157.95	170.25	171.25
47	132.85	153.25	157.30	159.85	160.60	173.20	174.20
48	134.90	155.90	159.95	162.50	163.25	176.15	177.15
49	136.95	158.55	162.60	165.15	165.90	179.10	180.10
50	139.00	161.20	165.25	167.80	168.55	182.05	183.05

International Products
Outbound Priority Mail International

Priority Mail International Parcels Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
26	98.25	123.95	159.75	108.70	138.40	184.90	135.30	122.30
27	100.40	127.00	164.20	111.25	142.15	190.60	138.95	125.35
28	102.55	130.05	168.65	113.80	145.90	196.30	142.60	128.40
29	104.70	133.10	173.10	116.35	149.65	202.00	146.25	131.45
30	106.85	136.15	177.55	118.90	153.40	207.70	149.90	134.50
31	109.00	139.20	182.00	121.45	157.15	213.40	153.55	137.55
32	111.15	142.25	186.45	124.00	160.90	219.10	157.20	140.60
33	113.30	145.30	190.90	126.55	164.65	224.80	160.85	143.65
34	115.45	148.35	195.35	129.10	168.40	230.50	164.50	146.70
35	117.60	151.40	199.80	131.65	172.15	236.20	168.15	149.75
36	119.75	154.45	204.25	134.20	175.90	241.90	171.80	152.80
37	121.90	157.50	208.70	136.75	179.65	247.60	175.45	155.85
38	124.05	160.55	213.15	139.30	183.40	253.30	179.10	158.90
39	126.20	163.60	217.60	141.85	187.15	259.00	182.75	161.95
40	128.35	166.65	222.05	144.40	190.90	264.70	186.40	165.00
41	130.50	169.70	226.50	146.95	194.65	270.40	190.05	168.05
42	132.65	172.75	230.95	149.50	198.40	276.10	193.70	171.10
43	134.80	175.80	235.40	152.05	202.15	281.80	197.35	174.15
44	136.95	178.85	239.85	154.60	205.90	287.50	201.00	177.20
45	139.10	181.90	244.30	157.15	209.65	293.20	204.65	180.25
46	141.25	184.95	248.75	159.70	213.40	298.90	208.30	183.30
47	143.40	188.00	253.20	162.25	217.15	304.60	211.95	186.35
48	145.55	191.05	257.65	164.80	220.90	310.30	215.60	189.40
49	147.70	194.10	262.10	167.35	224.65	316.00	219.25	192.45
50	149.85	197.15	266.55	169.90	228.40	321.70	222.90	195.50

International Products
Outbound Priority Mail International

Priority Mail International Parcels Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
26	160.95	127.05	119.20	108.20	130.30	133.00	100.55	105.35
27	165.60	130.00	122.05	110.75	133.45	136.75	102.60	107.80
28	170.25	132.95	124.90	113.30	136.60	140.50	104.65	110.25
29	174.90	135.90	127.75	115.85	139.75	144.25	106.70	112.70
30	179.55	138.85	130.60	118.40	142.90	148.00	108.75	115.15
31	184.20	141.80	133.45	120.95	146.05	151.75	110.80	117.60
32	188.85	144.75	136.30	123.50	149.20	155.50	112.85	120.05
33	193.50	147.70	139.15	126.05	152.35	159.25	114.90	122.50
34	198.15	150.65	142.00	128.60	155.50	163.00	116.95	124.95
35	202.80	153.60	144.85	131.15	158.65	166.75	119.00	127.40
36	207.45	156.55	147.70	133.70	161.80	170.50	121.05	129.85
37	212.10	159.50	150.55	136.25	164.95	174.25	123.10	132.30
38	216.75	162.45	153.40	138.80	168.10	178.00	125.15	134.75
39	221.40	165.40	156.25	141.35	171.25	181.75	127.20	137.20
40	226.05	168.35	159.10	143.90	174.40	185.50	129.25	139.65
41	230.70	171.20	161.95	146.45	177.55	189.25	131.30	142.10
42	235.35	174.05	164.80	149.00	180.70	193.00	133.35	144.55
43	240.00	176.90	167.65	151.55	183.85	196.75	135.40	147.00
44	244.65	179.75	170.50	154.10	187.00	200.50	137.45	149.45
45	249.30	182.60	173.35	156.65	190.15	204.25	139.50	151.90
46	253.95	185.45	176.20	159.20	193.30	208.00	141.55	154.35
47	258.60	188.30	179.05	161.75	196.45	211.75	143.60	156.80
48	263.25	191.15	181.90	164.30	199.60	215.50	145.65	159.25
49	267.90	194.00	184.75	166.85	202.75	219.25	147.70	161.70
50	272.55	196.85	187.60	169.40	205.90	223.00	149.75	164.15

International Products
Outbound Priority Mail International

Priority Mail International Parcels Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
51	141.05	$163.85	$167.90	$170.35	$171.20	$185.00	$186.00
52	143.10	$166.50	$170.55	$172.90	$173.85	$187.95	$188.95
53	145.15	$169.15	$173.20	$175.45	$176.50	$190.90	$191.90
54	147.20	$171.80	$175.85	$178.00	$179.15	$193.85	$194.85
55	149.25	$174.45	$178.50	$180.55	$181.80	$196.80	$197.80
56	151.30	$177.10	$181.15	$183.10	$184.45	$199.75	$200.75
57	153.35	$179.75	$183.80	$185.65	$187.10	$202.70	$203.70
58	155.40	$182.40	$186.45	$188.20	$189.75	$205.65	$206.65
59	157.45	$185.05	$189.10	$190.75	$192.40	$208.60	$209.60
60	159.50	$187.70	$191.75	$193.30	$195.05	$211.55	$212.55
61	161.55	$190.35	$194.40	$195.85	$197.70	$214.50	$215.50
62	163.60	$193.00	$197.05	$198.40	$200.35	$217.45	$218.45
63	165.65	$195.65	$199.70	$200.95	$203.00	$220.40	$221.40
64	167.70	$198.30	$202.35	$203.50	$205.65	$223.35	$224.35
65	169.75	$200.95	$205.00	$206.05	$208.30	$226.30	$227.30
66	171.80	$203.60	$207.65	$208.60	$210.95	$229.25	$230.25
67	-	-	-	-	-	-	-
68	-	-	-	-	-	-	-
69	-	-	-	-	-	-	-
70	-	-	-	-	-	-	-

Priority Mail International Parcels Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
51	152.00	200.20	271.00	172.45	232.15	327.40	226.55	198.55
52	154.15	203.25	275.45	175.00	235.90	333.10	230.20	201.60
53	156.30	206.30	279.90	177.55	239.65	338.80	233.85	204.65
54	158.45	209.35	284.35	180.10	243.40	344.50	237.50	207.70
55	160.60	212.40	288.80	182.65	247.15	350.20	241.15	210.75
56	162.75	215.45	293.25	185.20	250.90	355.90	244.80	213.80
57	164.90	218.50	297.70	187.75	254.65	361.60	248.45	216.85
58	167.05	221.55	302.15	190.30	258.40	367.30	252.10	219.90
59	169.20	224.60	306.60	192.85	262.15	373.00	255.75	222.95
60	171.35	227.65	311.05	195.40	265.90	378.70	259.40	226.00
61	173.50	230.70	315.50	197.95	269.65	384.40	263.05	229.05
62	175.65	233.75	319.95	200.50	273.40	390.10	266.70	232.10
63	177.80	236.80	324.40	203.05	277.15	395.80	270.35	235.15
64	179.95	239.85	328.85	205.60	280.90	401.50	274.00	238.20
65	182.10	242.90	333.30	208.15	284.65	407.20	277.65	241.25
66	184.25	245.95	337.75	210.70	288.40	412.90	281.30	244.30
67	186.40	249.00	342.20	213.25	292.15	418.60	284.95	247.35
68	188.55	252.05	346.65	215.80	295.90	424.30	288.60	250.40
69	190.70	255.10	351.10	218.35	299.65	430.00	292.25	253.45
70	192.85	258.15	355.55	220.90	303.40	435.70	295.90	256.50

International Products
Outbound Priority Mail International

Priority Mail International Parcels Retail Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
51	277.20	199.70	190.45	171.95	209.05	226.75	151.80	166.60
52	281.85	202.55	193.30	174.50	212.20	230.50	153.85	169.05
53	286.50	205.40	196.15	177.05	215.35	234.25	155.90	171.50
54	291.15	208.25	199.00	179.60	218.50	238.00	157.95	173.95
55	295.80	211.10	201.85	182.15	221.65	241.75	160.00	176.40
56	300.45	213.95	204.70	184.70	224.80	245.50	162.05	178.85
57	305.10	216.80	207.55	187.25	227.95	249.25	164.10	181.30
58	309.75	219.65	210.40	189.80	231.10	253.00	166.15	183.75
59	314.40	222.50	213.25	192.35	234.25	256.75	168.20	186.20
60	319.05	225.35	216.10	194.90	237.40	260.50	170.25	188.65
61	323.70	228.20	218.95	197.45	240.55	264.25	172.30	191.10
62	328.35	231.05	221.80	200.00	243.70	268.00	174.35	193.55
63	333.00	233.90	224.65	202.55	246.85	271.75	176.40	196.00
64	337.65	236.75	227.50	205.10	250.00	275.50	178.45	198.45
65	342.30	239.60	230.35	207.65	253.15	279.25	180.50	200.90
66	346.95	242.45	233.20	210.20	256.30	283.00	182.55	203.35
67	-	-	-	-	-	-	184.60	-
68	-	-	-	-	-	-	186.65	-
69	-	-	-	-	-	-	188.70	-
70	-	-	-	-	-	-	190.75	-

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Base Prices

	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
1	26.75	27.62	29.58	31.10	31.76	32.19	32.63
2	28.88	29.84	31.97	33.67	34.32	34.76	35.68
3	31.02	32.06	34.37	36.24	36.89	37.32	38.73
4	33.15	34.28	36.76	38.80	39.45	39.89	41.78
5	35.28	36.50	39.15	41.37	42.02	42.46	44.83
6	37.41	38.80	41.63	43.85	44.50	45.11	47.88
7	39.54	41.11	44.11	46.33	46.98	47.76	50.93
8	41.67	43.41	46.59	48.81	49.46	50.42	53.98
9	43.80	45.72	49.07	51.29	51.94	53.07	57.03
10	45.94	48.02	51.55	53.77	54.42	55.72	60.08
11	47.98	50.33	53.85	56.07	56.72	58.29	63.13
12	50.03	52.64	56.16	58.38	59.03	60.86	66.08
13	52.07	54.94	58.46	60.68	61.34	63.42	69.03
14	54.11	57.25	60.77	62.99	63.64	65.99	71.98
15	56.16	59.55	63.08	65.29	65.95	68.56	74.93
16	58.20	61.86	65.38	67.60	68.25	71.12	77.88
17	60.25	64.16	67.69	69.90	70.56	73.69	80.83
18	62.29	66.47	69.99	72.21	72.86	76.26	83.78
19	64.34	68.77	72.30	74.52	75.17	78.82	86.73
20	66.38	71.08	74.60	76.82	77.47	81.39	89.68
21	68.43	73.38	76.91	79.13	79.78	83.96	92.63
22	70.47	75.69	79.21	81.43	82.08	86.52	95.58
23	72.51	78.00	81.52	83.74	84.39	89.09	98.53
24	74.56	80.30	83.82	86.04	86.70	91.65	101.48
25	76.34	82.61	86.13	88.35	89.00	94.22	104.43

Priority Mail International Parcels Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	32.63	35.24	40.46	37.19	38.50	39.59	35.89	35.02
2	35.58	39.45	44.76	39.67	41.85	44.20	39.67	38.72
3	38.54	43.67	49.07	42.15	45.20	48.81	43.46	42.41
4	41.50	47.89	53.37	44.63	48.55	53.42	47.24	46.11
5	44.46	52.11	57.68	47.11	51.90	58.03	51.03	49.81
6	46.68	54.77	61.55	49.50	55.16	62.73	54.20	52.55
7	48.89	57.42	65.42	51.90	58.42	67.43	57.38	55.29
8	51.11	60.07	69.30	54.29	61.68	72.12	60.55	58.03
9	53.33	62.73	73.17	56.68	64.95	76.82	63.73	60.77
10	55.55	65.38	77.04	59.07	68.21	81.52	66.90	63.51
11	57.42	68.03	80.91	61.29	71.47	86.48	70.08	66.25
12	59.29	70.69	84.78	63.51	74.73	91.44	73.25	68.99
13	61.16	73.34	88.65	65.73	78.00	96.40	76.43	71.73
14	63.03	75.99	92.52	67.95	81.26	101.36	79.61	74.47
15	64.90	78.65	96.40	70.17	84.52	106.31	82.78	77.21
16	66.77	81.30	100.27	72.38	87.78	111.27	85.96	79.87
17	68.64	83.96	104.14	74.60	91.05	116.23	89.13	82.52
18	70.51	86.61	108.01	76.82	94.31	121.19	92.31	85.17
19	72.38	89.26	111.88	79.04	97.57	126.15	95.48	87.83
20	74.25	91.92	115.75	81.26	100.83	131.11	98.66	90.48
21	76.13	94.57	119.63	83.48	104.10	136.07	101.83	93.13
22	78.00	97.22	123.50	85.70	107.36	141.03	105.01	95.79
23	79.87	99.88	127.37	87.91	110.62	145.99	108.18	98.44
24	81.74	102.53	131.24	90.13	113.88	150.95	111.36	101.09
25	83.61	105.18	135.11	92.35	117.15	155.90	114.54	103.75

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
1	39.15	40.89	40.67	34.58	39.80	36.50	34.37	34.37
2	43.02	44.50	43.41	37.50	43.59	39.50	37.19	37.28
3	46.89	48.11	46.15	40.41	47.37	42.50	40.02	40.19
4	50.76	51.72	48.89	43.33	51.16	45.50	42.85	43.11
5	54.64	55.33	51.63	46.24	54.94	48.50	45.68	46.02
6	58.77	58.16	54.11	48.72	57.77	51.50	48.33	48.33
7	62.90	60.99	56.59	51.20	60.60	54.51	50.98	50.63
8	67.03	63.81	59.07	53.68	63.42	57.51	53.64	52.94
9	71.17	66.64	61.55	56.16	66.25	60.51	56.29	55.25
10	75.30	69.47	64.03	58.64	69.08	63.51	58.94	57.55
11	79.34	72.04	66.51	60.86	71.91	66.77	60.73	59.68
12	83.39	74.60	68.99	63.08	74.73	70.04	62.51	61.81
13	87.44	77.17	71.47	65.29	77.56	73.30	64.29	63.95
14	91.48	79.74	73.95	67.51	80.39	76.56	66.08	66.08
15	95.53	82.30	76.43	69.73	83.22	79.82	67.86	68.21
16	99.57	84.87	78.91	71.95	85.96	83.09	69.64	70.34
17	103.62	87.44	81.39	74.17	88.70	86.35	71.43	72.47
18	107.66	90.00	83.87	76.39	91.44	89.61	73.21	74.60
19	111.71	92.57	86.35	78.60	94.18	92.87	74.99	76.73
20	115.75	95.13	88.83	80.82	96.92	96.14	76.78	78.87
21	119.80	97.70	91.31	83.04	99.66	99.40	78.56	81.00
22	123.84	100.27	93.79	85.26	102.40	102.66	80.34	83.13
23	127.89	102.83	96.27	87.48	105.14	105.92	82.13	85.26
24	131.94	105.40	98.74	89.70	107.88	109.19	83.91	87.39
25	135.98	107.97	101.22	91.92	110.62	112.45	85.70	89.52

Priority Mail International Parcels Commercial Base Prices (Continued)

	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
26	78.13	84.91	88.44	90.65	91.31	96.79	107.38
27	79.91	87.22	90.74	92.96	93.61	99.35	110.33
28	81.69	89.52	93.05	95.27	95.92	101.92	113.28
29	83.48	91.83	95.35	97.57	98.22	104.49	116.23
30	85.26	94.13	97.66	99.88	100.53	107.05	119.18
31	87.04	96.44	99.96	102.18	102.83	109.62	122.13
32	88.83	98.75	102.27	104.49	105.14	112.19	125.08
33	90.61	101.05	104.57	106.79	107.45	114.75	128.03
34	92.39	103.36	106.88	109.10	109.75	117.32	130.98
35	94.18	105.66	109.19	111.40	112.06	119.89	133.93
36	95.96	107.97	111.49	113.71	114.36	122.45	136.88
37	97.74	110.27	113.80	116.01	116.67	125.02	139.83
38	99.53	112.58	116.10	118.32	118.97	127.59	142.78
39	101.31	114.88	118.41	120.63	121.28	130.15	145.73
40	103.10	117.19	120.71	122.93	123.58	132.72	148.68
41	104.88	119.49	123.02	125.24	125.89	135.29	151.63
42	106.66	121.80	125.32	127.54	128.19	137.85	154.58
43	108.45	124.11	127.63	129.85	130.50	140.42	157.53
44	110.23	126.41	129.93	132.15	132.81	142.98	160.48
45	112.01	128.72	132.24	134.46	135.11	145.55	163.43
46	113.80	131.02	134.55	136.76	137.42	148.12	166.38
47	115.58	133.33	136.85	139.07	139.72	150.68	169.33
48	117.36	135.63	139.16	141.38	142.03	153.25	172.28
49	119.15	137.94	141.46	143.68	144.33	155.82	175.23
50	120.93	140.24	143.77	145.99	146.64	158.38	178.18

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
26	85.48	107.84	138.98	94.57	120.41	160.86	117.71	106.40
27	87.35	110.49	142.85	96.79	123.67	165.82	120.89	109.05
28	89.22	113.14	146.73	99.01	126.93	170.78	124.06	111.71
29	91.09	115.80	150.60	101.22	130.20	175.74	127.24	114.36
30	92.96	118.45	154.47	103.44	133.46	180.70	130.41	117.02
31	94.83	121.10	158.34	105.66	136.72	185.66	133.59	119.67
32	96.70	123.76	162.21	107.88	139.98	190.62	136.76	122.32
33	98.57	126.41	166.08	110.10	143.25	195.58	139.94	124.98
34	100.44	129.06	169.95	112.32	146.51	200.54	143.12	127.63
35	102.31	131.72	173.83	114.54	149.77	205.49	146.29	130.28
36	104.18	134.37	177.70	116.75	153.03	210.45	149.47	132.94
37	106.05	137.03	181.57	118.97	156.30	215.41	152.64	135.59
38	107.92	139.68	185.44	121.19	159.56	220.37	155.82	138.24
39	109.79	142.33	189.31	123.41	162.82	225.33	158.99	140.90
40	111.66	144.99	193.18	125.63	166.08	230.29	162.17	143.55
41	113.54	147.64	197.06	127.85	169.35	235.25	165.34	146.20
42	115.41	150.29	200.93	130.07	172.61	240.21	168.52	148.86
43	117.28	152.95	204.80	132.28	175.87	245.17	171.69	151.51
44	119.15	155.60	208.67	134.50	179.13	250.13	174.87	154.16
45	121.02	158.25	212.54	136.72	182.40	255.08	178.05	156.82
46	122.89	160.91	216.41	138.94	185.66	260.04	181.22	159.47
47	124.76	163.56	220.28	141.16	188.92	265.00	184.40	162.12
48	126.63	166.21	224.16	143.38	192.18	269.96	187.57	164.78
49	128.50	168.87	228.03	145.59	195.45	274.92	190.75	167.43
50	130.37	171.52	231.90	147.81	198.71	279.88	193.92	170.09

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
26	140.03	110.53	103.70	94.13	113.36	115.71	87.48	91.65
27	144.07	113.10	106.18	96.35	116.10	118.97	89.26	93.79
28	148.12	115.67	108.66	98.57	118.84	122.24	91.05	95.92
29	152.16	118.23	111.14	100.79	121.58	125.50	92.83	98.05
30	156.21	120.80	113.62	103.01	124.32	128.76	94.61	100.18
31	160.25	123.37	116.10	105.23	127.06	132.02	96.40	102.31
32	164.30	125.93	118.58	107.45	129.80	135.29	98.18	104.44
33	168.35	128.50	121.06	109.66	132.54	138.55	99.96	106.58
34	172.39	131.07	123.54	111.88	135.29	141.81	101.75	108.71
35	176.44	133.63	126.02	114.10	138.03	145.07	103.53	110.84
36	180.48	136.20	128.50	116.32	140.77	148.34	105.31	112.97
37	184.53	138.77	130.98	118.54	143.51	151.60	107.10	115.10
38	188.57	141.33	133.46	120.76	146.25	154.86	108.88	117.23
39	192.62	143.90	135.94	122.97	148.99	158.12	110.66	119.36
40	196.66	146.46	138.42	125.19	151.73	161.39	112.45	121.50
41	200.71	148.94	140.90	127.41	154.47	164.65	114.23	123.63
42	204.75	151.42	143.38	129.63	157.21	167.91	116.01	125.76
43	208.80	153.90	145.86	131.85	159.95	171.17	117.80	127.89
44	212.85	156.38	148.34	134.07	162.69	174.44	119.58	130.02
45	216.89	158.86	150.81	136.29	165.43	177.70	121.37	132.15
46	220.94	161.34	153.29	138.50	168.17	180.96	123.15	134.28
47	224.98	163.82	155.77	140.72	170.91	184.22	124.93	136.42
48	229.03	166.30	158.25	142.94	173.65	187.49	126.72	138.55
49	233.07	168.78	160.73	145.16	176.39	190.75	128.50	140.68
50	237.12	171.26	163.21	147.38	179.13	194.01	130.28	142.81

Priority Mail International Parcels Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
51	122.71	142.55	146.07	148.20	148.94	160.95	181.13
52	124.50	144.86	148.38	150.42	151.25	163.52	184.08
53	126.28	147.16	150.68	152.64	153.56	166.08	187.03
54	128.06	149.47	152.99	154.86	155.86	168.65	189.98
55	129.85	151.77	155.30	157.08	158.17	171.22	192.93
56	131.63	154.08	157.60	159.30	160.47	173.78	195.88
57	133.41	156.38	159.91	161.52	162.78	176.35	198.83
58	135.20	158.69	162.21	163.73	165.08	178.92	201.78
59	136.98	160.99	164.52	165.95	167.39	181.48	204.73
60	138.77	163.30	166.82	168.17	169.69	184.05	207.68
61	140.55	165.60	169.13	170.39	172.00	186.62	210.63
62	142.33	167.91	171.43	172.61	174.30	189.18	213.58
63	144.12	170.22	173.74	174.83	176.61	191.75	216.53
64	145.90	172.52	176.04	177.05	178.92	194.31	219.48
65	147.68	174.83	178.35	179.26	181.22	196.88	222.43
66	149.47	177.13	180.66	181.48	183.53	199.45	225.38
67	-	-	-	-	-	-	-
68	-	-	-	-	-	-	-
69	-	-	-	-	-	-	-
70	-	-	-	-	-	-	-

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
51	132.24	174.17	235.77	150.03	201.97	284.84	197.10	172.74
52	134.11	176.83	239.64	152.25	205.23	289.80	200.27	175.39
53	135.98	179.48	243.51	154.47	208.50	294.76	203.45	178.05
54	137.85	182.13	247.38	156.69	211.76	299.72	206.63	180.70
55	139.72	184.79	251.26	158.91	215.02	304.67	209.80	183.35
56	141.59	187.44	255.13	161.12	218.28	309.63	212.98	186.01
57	143.46	190.10	259.00	163.34	221.55	314.59	216.15	188.66
58	145.33	192.75	262.87	165.56	224.81	319.55	219.33	191.31
59	147.20	195.40	266.74	167.78	228.07	324.51	222.50	193.97
60	149.07	198.06	270.61	170.00	231.33	329.47	225.68	196.62
61	150.95	200.71	274.49	172.22	234.60	334.43	228.85	199.27
62	152.82	203.36	278.36	174.44	237.86	339.39	232.03	201.93
63	154.69	206.02	282.23	176.65	241.12	344.35	235.20	204.58
64	156.56	208.67	286.10	178.87	244.38	349.31	238.38	207.23
65	158.43	211.32	289.97	181.09	247.65	354.26	241.56	209.89
66	160.30	213.98	293.84	183.31	250.91	359.22	244.73	212.54
67	162.17	216.63	297.71	185.53	254.17	364.18	247.91	215.19
68	164.04	219.28	301.59	187.75	257.43	369.14	251.08	217.85
69	165.91	221.94	305.46	189.96	260.70	374.10	254.26	220.50
70	167.78	224.59	309.33	192.18	263.96	379.06	257.43	223.16

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Base Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
51	241.16	173.74	165.69	149.60	181.87	197.27	132.07	144.94
52	245.21	176.22	168.17	151.82	184.61	200.54	133.85	147.07
53	249.26	178.70	170.65	154.03	187.35	203.80	135.63	149.21
54	253.30	181.18	173.13	156.25	190.10	207.06	137.42	151.34
55	257.35	183.66	175.61	158.47	192.84	210.32	139.20	153.47
56	261.39	186.14	178.09	160.69	195.58	213.59	140.98	155.60
57	265.44	188.62	180.57	162.91	198.32	216.85	142.77	157.73
58	269.48	191.10	183.05	165.13	201.06	220.11	144.55	159.86
59	273.53	193.58	185.53	167.34	203.80	223.37	146.33	161.99
60	277.57	196.05	188.01	169.56	206.54	226.64	148.12	164.13
61	281.62	198.53	190.49	171.78	209.28	229.90	149.90	166.26
62	285.66	201.01	192.97	174.00	212.02	233.16	151.68	168.39
63	289.71	203.49	195.45	176.22	214.76	236.42	153.47	170.52
64	293.76	205.97	197.93	178.44	217.50	239.69	155.25	172.65
65	297.80	208.45	200.40	180.66	220.24	242.95	157.04	174.78
66	301.85	210.93	202.88	182.87	222.98	246.21	158.82	176.91
67	-	-	-	-	-	-	160.60	-
68	-	-	-	-	-	-	162.39	-
69	-	-	-	-	-	-	164.17	-
70	-	-	-	-	-	-	165.95	-

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Plus Prices

	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
1	24.29	25.08	26.86	28.24	28.84	29.23	29.63
2	26.23	27.10	29.03	30.57	31.17	31.56	32.03
3	28.16	29.11	31.21	32.90	33.50	33.89	34.44
4	30.10	31.13	33.38	35.23	35.83	36.22	36.85
5	32.03	33.14	35.55	37.56	38.16	38.55	39.26
6	33.97	35.23	37.80	39.82	40.41	40.96	41.67
7	35.91	37.33	40.05	42.07	42.66	43.37	44.08
8	37.84	39.42	42.30	44.32	44.91	45.78	46.49
9	39.78	41.51	44.56	46.57	47.16	48.19	48.90
10	41.71	43.61	46.81	48.82	49.41	50.60	51.31
11	43.57	45.70	48.90	50.92	51.51	52.93	53.72
12	45.43	47.80	50.99	53.01	53.60	55.26	56.05
13	47.28	49.89	53.09	55.10	55.70	57.59	58.38
14	49.14	51.98	55.18	57.20	57.79	59.92	60.71
15	50.99	54.08	57.28	59.29	59.88	62.25	63.04
16	52.85	56.17	59.37	61.38	61.98	64.58	65.37
17	54.71	58.26	61.46	63.48	64.07	66.91	67.70
18	56.56	60.36	63.56	65.57	66.16	69.24	70.03
19	58.42	62.45	65.65	67.66	68.26	71.57	72.36
20	60.28	64.54	67.74	69.76	70.35	73.90	74.69
21	62.13	66.64	69.84	71.85	72.44	76.24	77.03
22	63.99	68.73	71.93	73.94	74.54	78.57	79.36
23	65.85	70.82	74.02	76.04	76.63	80.90	81.69
24	67.70	72.92	76.12	78.13	78.72	83.23	84.02
25	69.32	75.01	78.21	80.22	80.82	85.56	86.35

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	29.63	32.00	36.74	33.77	34.96	35.95	32.59	31.80
2	32.31	35.83	40.65	36.02	38.00	40.13	36.02	35.16
3	35.00	39.66	44.56	38.28	41.04	44.32	39.46	38.51
4	37.68	43.49	48.47	40.53	44.08	48.51	42.90	41.87
5	40.37	47.32	52.38	42.78	47.12	52.69	46.33	45.23
6	42.38	49.73	55.89	44.95	50.09	56.96	49.22	47.72
7	44.40	52.14	59.41	47.12	53.05	61.23	52.10	50.20
8	46.41	54.55	62.92	49.30	56.01	65.49	54.98	52.69
9	48.43	56.96	66.44	51.47	58.97	69.76	57.87	55.18
10	50.44	59.37	69.95	53.64	61.94	74.02	60.75	57.67
11	52.14	61.78	73.47	55.66	64.90	78.53	63.63	60.16
12	53.84	64.19	76.99	57.67	67.86	83.03	66.52	62.65
13	55.54	66.60	80.50	59.68	70.82	87.53	69.40	65.14
14	57.24	69.01	84.02	61.70	73.79	92.04	72.29	67.62
15	58.93	71.42	87.53	63.71	76.75	96.54	75.17	70.11
16	60.63	73.83	91.05	65.73	79.71	101.04	78.05	72.52
17	62.33	76.24	94.56	67.74	82.67	105.54	80.94	74.93
18	64.03	78.64	98.08	69.76	85.64	110.05	83.82	77.34
19	65.73	81.05	101.59	71.77	88.60	114.55	86.70	79.75
20	67.43	83.46	105.11	73.79	91.56	119.05	89.59	82.16
21	69.13	85.87	108.63	75.80	94.52	123.56	92.47	84.57
22	70.82	88.28	112.14	77.82	97.49	128.06	95.35	86.98
23	72.52	90.69	115.66	79.83	100.45	132.56	98.24	89.39
24	74.22	93.10	119.17	81.84	103.41	137.07	101.12	91.80
25	75.92	95.51	122.69	83.86	106.37	141.57	104.00	94.21

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
1	35.55	37.13	36.93	31.40	36.14	33.14	31.21	31.21
2	39.07	40.41	39.42	34.05	39.58	35.87	33.77	33.85
3	42.58	43.69	41.91	36.70	43.02	38.59	36.34	36.50
4	46.10	46.97	44.40	39.34	46.45	41.32	38.91	39.14
5	49.61	50.24	46.89	41.99	49.89	44.04	41.48	41.79
6	53.36	52.81	49.14	44.24	52.46	46.77	43.88	43.88
7	57.12	55.38	51.39	46.49	55.02	49.49	46.29	45.98
8	60.87	57.95	53.64	48.74	57.59	52.22	48.70	48.07
9	64.62	60.51	55.89	50.99	60.16	54.94	51.11	50.17
10	68.37	63.08	58.14	53.25	62.73	57.67	53.52	52.26
11	72.05	65.41	60.40	55.26	65.29	60.63	55.14	54.19
12	75.72	67.74	62.65	57.28	67.86	63.60	56.76	56.13
13	79.40	70.07	64.90	59.29	70.43	66.56	58.38	58.07
14	83.07	72.40	67.15	61.30	73.00	69.52	60.00	60.00
15	86.74	74.73	69.40	63.32	75.56	72.48	61.62	61.94
16	90.42	77.06	71.65	65.33	78.05	75.45	63.24	63.87
17	94.09	79.40	73.90	67.35	80.54	78.41	64.86	65.81
18	97.76	81.73	76.16	69.36	83.03	81.37	66.48	67.74
19	101.44	84.06	78.41	71.38	85.52	84.33	68.10	69.68
20	105.11	86.39	80.66	73.39	88.01	87.30	69.72	71.61
21	108.78	88.72	82.91	75.41	90.49	90.26	71.34	73.55
22	112.46	91.05	85.16	77.42	92.98	93.22	72.96	75.48
23	116.13	93.38	87.41	79.43	95.47	96.18	74.58	77.42
24	119.80	95.71	89.66	81.45	97.96	99.15	76.20	79.36
25	123.48	98.04	91.92	83.46	100.45	102.11	77.82	81.29

Priority Mail International Parcels Commercial Plus Prices (Continued)

	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
26	70.94	77.10	80.30	82.32	82.91	87.89	88.68
27	72.56	79.20	82.40	84.41	85.00	90.22	91.01
28	74.18	81.29	84.49	86.51	87.10	92.55	93.34
29	75.80	83.38	86.58	88.60	89.19	94.88	95.67
30	77.42	85.48	88.68	90.69	91.28	97.21	98.00
31	79.04	87.57	90.77	92.79	93.38	99.54	100.33
32	80.66	89.67	92.86	94.88	95.47	101.87	102.66
33	82.28	91.76	94.96	96.97	97.57	104.20	104.99
34	83.90	93.85	97.05	99.07	99.66	106.53	107.32
35	85.52	95.95	99.15	101.16	101.75	108.86	109.65
36	87.14	98.04	101.24	103.25	103.85	111.19	111.98
37	88.76	100.13	103.33	105.35	105.94	113.52	114.31
38	90.38	102.23	105.43	107.44	108.03	115.85	116.64
39	92.00	104.32	107.52	109.53	110.13	118.18	118.97
40	93.62	106.41	109.61	111.63	112.22	120.51	121.30
41	95.23	108.51	111.71	113.72	114.31	122.85	123.64
42	96.85	110.60	113.80	115.81	116.41	125.18	125.97
43	98.47	112.69	115.89	117.91	118.50	127.51	128.30
44	100.09	114.79	117.99	120.00	120.59	129.84	130.63
45	101.71	116.88	120.08	122.09	122.69	132.17	132.96
46	103.33	118.97	122.17	124.19	124.78	134.50	135.29
47	104.95	121.07	124.27	126.28	126.87	136.83	137.62
48	106.57	123.16	126.36	128.38	128.97	139.16	139.95
49	108.19	125.25	128.45	130.47	131.06	141.49	142.28
50	109.81	127.35	130.55	132.56	133.15	143.82	144.61

Priority Mail International Parcels Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
26	77.62	97.92	126.20	85.87	109.34	146.07	106.89	96.62
27	79.32	100.33	129.72	87.89	112.30	150.57	109.77	99.03
28	81.01	102.74	133.23	89.90	115.26	155.08	112.65	101.44
29	82.71	105.15	136.75	91.92	118.22	159.58	115.54	103.85
30	84.41	107.56	140.26	93.93	121.19	164.08	118.42	106.26
31	86.11	109.97	143.78	95.95	124.15	168.59	121.30	108.66
32	87.81	112.38	147.30	97.96	127.11	173.09	124.19	111.07
33	89.51	114.79	150.81	99.97	130.07	177.59	127.07	113.48
34	91.21	117.20	154.33	101.99	133.04	182.10	129.96	115.89
35	92.90	119.61	157.84	104.00	136.00	186.60	132.84	118.30
36	94.60	122.02	161.36	106.02	138.96	191.10	135.72	120.71
37	96.30	124.43	164.87	108.03	141.92	195.60	138.61	123.12
38	98.00	126.83	168.39	110.05	144.89	200.11	141.49	125.53
39	99.70	129.24	171.90	112.06	147.85	204.61	144.37	127.94
40	101.40	131.65	175.42	114.08	150.81	209.11	147.26	130.35
41	103.10	134.06	178.94	116.09	153.77	213.62	150.14	132.76
42	104.79	136.47	182.45	118.11	156.74	218.12	153.02	135.17
43	106.49	138.88	185.97	120.12	159.70	222.62	155.91	137.58
44	108.19	141.29	189.48	122.13	162.66	227.13	158.79	139.99
45	109.89	143.70	193.00	124.15	165.62	231.63	161.67	142.40
46	111.59	146.11	196.51	126.16	168.59	236.13	164.56	144.81
47	113.29	148.52	200.03	128.18	171.55	240.63	167.44	147.22
48	114.98	150.93	203.54	130.19	174.51	245.14	170.32	149.63
49	116.68	153.34	207.06	132.21	177.47	249.64	173.21	152.04
50	118.38	155.75	210.57	134.22	180.44	254.14	176.09	154.45

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
26	127.15	100.37	94.17	85.48	102.94	105.07	79.43	83.23
27	130.82	102.70	96.42	87.49	105.43	108.03	81.05	85.16
28	134.50	105.03	98.67	89.51	107.91	111.00	82.67	87.10
29	138.17	107.36	100.92	91.52	110.40	113.96	84.29	89.03
30	141.84	109.69	103.17	93.54	112.89	116.92	85.91	90.97
31	145.52	112.02	105.43	95.55	115.38	119.88	87.53	92.90
32	149.19	114.35	107.68	97.57	117.87	122.85	89.15	94.84
33	152.87	116.68	109.93	99.58	120.36	125.81	90.77	96.78
34	156.54	119.01	112.18	101.59	122.85	128.77	92.39	98.71
35	160.21	121.34	114.43	103.61	125.33	131.73	94.01	100.65
36	163.89	123.67	116.68	105.62	127.82	134.70	95.63	102.58
37	167.56	126.01	118.93	107.64	130.31	137.66	97.25	104.52
38	171.23	128.34	121.19	109.65	132.80	140.62	98.87	106.45
39	174.91	130.67	123.44	111.67	135.29	143.58	100.49	108.39
40	178.58	133.00	125.69	113.68	137.78	146.55	102.11	110.32
41	182.25	135.25	127.94	115.70	140.26	149.51	103.73	112.26
42	185.93	137.50	130.19	117.71	142.75	152.47	105.35	114.19
43	189.60	139.75	132.44	119.72	145.24	155.43	106.97	116.13
44	193.27	142.00	134.70	121.74	147.73	158.40	108.59	118.07
45	196.95	144.25	136.95	123.75	150.22	161.36	110.21	120.00
46	200.62	146.51	139.20	125.77	152.71	164.32	111.82	121.94
47	204.29	148.76	141.45	127.78	155.20	167.28	113.44	123.87
48	207.97	151.01	143.70	129.80	157.68	170.25	115.06	125.81
49	211.64	153.26	145.95	131.81	160.17	173.21	116.68	127.74
50	215.31	155.51	148.20	133.83	162.66	176.17	118.30	129.68

Priority Mail International Parcels Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group						
	1.1 &1.2 ($)	1.3 ($)	1.4 ($)	1.5 ($)	1.6 ($)	1.7 ($)	1.8 ($)
51	111.43	129.44	132.64	134.58	135.25	146.15	146.94
52	113.05	131.54	134.73	136.59	137.34	148.48	149.27
53	114.67	133.63	136.83	138.61	139.44	150.81	151.60
54	116.29	135.72	138.92	140.62	141.53	153.14	153.93
55	117.91	137.82	141.02	142.63	143.62	155.47	156.26
56	119.53	139.91	143.11	144.65	145.72	157.80	158.59
57	121.15	142.00	145.20	146.66	147.81	160.13	160.92
58	122.77	144.10	147.30	148.68	149.90	162.46	163.25
59	124.39	146.19	149.39	150.69	152.00	164.79	165.58
60	126.01	148.28	151.48	152.71	154.09	167.12	167.91
61	127.62	150.38	153.58	154.72	156.18	169.46	170.25
62	129.24	152.47	155.67	156.74	158.28	171.79	172.58
63	130.86	154.56	157.76	158.75	160.37	174.12	174.91
64	132.48	156.66	159.86	160.77	162.46	176.45	177.24
65	134.10	158.75	161.95	162.78	164.56	178.78	179.57
66	135.72	160.84	164.04	164.79	166.65	181.11	181.90
67	-	-	-	-	-	-	-
68	-	-	-	-	-	-	-
69	-	-	-	-	-	-	-
70	-	-	-	-	-	-	-

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
51	120.08	158.16	214.09	136.24	183.40	258.65	178.97	156.85
52	121.78	160.57	217.61	138.25	186.36	263.15	181.86	159.26
53	123.48	162.98	221.12	140.26	189.32	267.65	184.74	161.67
54	125.18	165.39	224.64	142.28	192.29	272.16	187.63	164.08
55	126.87	167.80	228.15	144.29	195.25	276.66	190.51	166.49
56	128.57	170.21	231.67	146.31	198.21	281.16	193.39	168.90
57	130.27	172.62	235.18	148.32	201.17	285.66	196.28	171.31
58	131.97	175.02	238.70	150.34	204.14	290.17	199.16	173.72
59	133.67	177.43	242.21	152.35	207.10	294.67	202.04	176.13
60	135.37	179.84	245.73	154.37	210.06	299.17	204.93	178.54
61	137.07	182.25	249.25	156.38	213.02	303.68	207.81	180.95
62	138.76	184.66	252.76	158.40	215.99	308.18	210.69	183.36
63	140.46	187.07	256.28	160.41	218.95	312.68	213.58	185.77
64	142.16	189.48	259.79	162.42	221.91	317.19	216.46	188.18
65	143.86	191.89	263.31	164.44	224.87	321.69	219.34	190.59
66	145.56	194.30	266.82	166.45	227.84	326.19	222.23	193.00
67	147.26	196.71	270.34	168.47	230.80	330.69	225.11	195.41
68	148.95	199.12	273.85	170.48	233.76	335.20	227.99	197.82
69	150.65	201.53	277.37	172.50	236.72	339.70	230.88	200.23
70	152.35	203.94	280.88	174.51	239.69	344.20	233.76	202.64

International Products
Outbound Priority Mail International

Priority Mail International Parcels Commercial Plus Prices (Continued)

Maximum Weight (pounds)	Country Price Group							
	10 ($)	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)
51	218.99	157.76	150.46	135.84	165.15	179.13	119.92	131.61
52	222.66	160.01	152.71	137.86	167.64	182.10	121.54	133.55
53	226.34	162.27	154.96	139.87	170.13	185.06	123.16	135.49
54	230.01	164.52	157.21	141.88	172.62	188.02	124.78	137.42
55	233.68	166.77	159.46	143.90	175.10	190.98	126.40	139.36
56	237.36	169.02	161.71	145.91	177.59	193.95	128.02	141.29
57	241.03	171.27	163.96	147.93	180.08	196.91	129.64	143.23
58	244.70	173.52	166.22	149.94	182.57	199.87	131.26	145.16
59	248.38	175.78	168.47	151.96	185.06	202.83	132.88	147.10
60	252.05	178.03	170.72	153.97	187.55	205.80	134.50	149.03
61	255.72	180.28	172.97	155.99	190.03	208.76	136.12	150.97
62	259.40	182.53	175.22	158.00	192.52	211.72	137.74	152.90
63	263.07	184.78	177.47	160.01	195.01	214.68	139.36	154.84
64	266.74	187.03	179.73	162.03	197.50	217.65	140.98	156.78
65	270.42	189.28	181.98	164.04	199.99	220.61	142.60	158.71
66	274.09	191.54	184.23	166.06	202.48	223.57	144.21	160.65
67	-	-	-	-	-	-	145.83	-
68	-	-	-	-	-	-	147.45	-
69	-	-	-	-	-	-	149.07	-
70	-	-	-	-	-	-	150.69	-

Pickup On Demand Service

Add 20.00 for each Pickup On Demand stop.

2320 International Priority Airmail (IPA)

* * *

2320.6 Prices

International Priority Airmail Letters and Postcards

The price to be paid is the applicable per-piece price plus the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the container minus the tare weight of the container) of the mail for the specific Country Price Group.

a. Presort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers	0.54	0.17	0.54	0.55	0.54	0.53	0.57	0.50	0.45	0.20
Mixed Country Containers	—	—	—	—	—	—	—	—	0.54	0.22

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers	0.19	0.49	0.45	0.17	0.50	0.20	0.20	0.19	0.15
Mixed Country Containers	0.20	0.51	0.49	0.18	0.54	0.22	0.22	0.20	0.17

International Products
International Priority Airmail (IPA)

ii. Per Pound

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers (Full Service)	6.91	8.30	8.53	8.90	8.68	9.36	8.90	9.04	9.49	10.48
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	4.68	5.19	6.33	6.71	6.50	7.01	6.65	6.53	7.10	6.92
Mixed Country Containers (ISC Drop Shipment)	—	—	—	—	—	—	—	—	7.45	7.26

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers (Full Service)	9.27	9.00	9.12	9.74	9.04	9.37	10.48	9.27	10.28
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	7.05	6.60	6.65	7.54	6.53	6.99	6.92	7.05	8.10
Mixed Country Containers (ISC Drop Shipment)	7.35	6.95	7.03	7.89	7.01	7.04	7.26	7.35	8.51

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Containers	0.60

ii. Per Pound

	($)
Worldwide Nonpresorted Containers (Full Service)	12.01
Worldwide Nonpresorted Containers (ISC Drop Shipment)	9.46

International Priority Airmail Large Envelopes (Flats)

The price to be paid is the applicable per-piece price plus the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the container minus the tare weight of the container) of the mail for the specific Country Price Group.

a. Presort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	Price Group									
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)	10 ($)
Direct Country Containers	0.54	0.17	0.54	0.55	0.54	0.53	0.57	0.50	0.45	0.20
Mixed Country Containers	—	—	—	—	—	—	—	—	0.54	0.22

International Products
International Priority Airmail (IPA)

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers	0.19	0.49	0.45	0.17	0.50	0.20	0.20	0.19	0.15
Mixed Country Containers	0.20	0.51	0.49	0.18	0.54	0.22	0.22	0.20	0.17

ii. Per Pound

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers (Full Service)	5.87	7.05	7.26	7.59	7.40	7.98	7.58	7.69	8.08	8.91
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	3.99	4.42	5.40	5.72	5.54	5.97	5.66	5.55	6.04	5.89
Mixed Country Containers (ISC Drop Shipment)	—	—	—	—	—	—	—	—	6.33	6.19

International Products
International Priority Airmail (IPA)

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers (Full Service)	7.89	7.65	7.76	8.30	9.04	9.37	10.48	9.27	10.28
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	6.01	5.63	5.66	6.42	6.53	6.99	6.92	7.05	8.10
Mixed Country Containers (ISC Drop Shipment)	6.26	5.91	5.99	6.72	7.01	7.04	7.26	7.35	8.51

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Containers	0.60

ii. Per Pound

	($)
Worldwide Nonpresorted Containers (Full Service)	12.01
Worldwide Nonpresorted Containers (ISC Drop Shipment)	9.46

International Priority Airmail Packages (Small Packets and Rolls)

The price to be paid is the applicable per-piece price plus the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the container minus the tare weight of the container) of the mail for the specific Country Price Group.

a. Presort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers	0.54	0.17	0.54	0.55	0.54	0.53	0.57	0.50	0.45	0.20
Mixed Country Containers	—	—	—	—	—	—	—	—	0.54	0.22

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers	0.19	0.49	0.45	0.17	0.50	0.20	0.20	0.19	0.15
Mixed Country Containers	0.20	0.51	0.49	0.18	0.54	0.22	0.22	0.20	0.17

International Products
International Priority Airmail (IPA)

ii. Per Pound

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers (Full Service)	5.58	6.71	6.90	7.19	7.01	7.58	7.19	7.30	7.67	8.46
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	3.78	4.21	5.12	5.42	5.26	5.67	5.37	5.28	5.73	5.59
Mixed Country Containers (ISC Drop Shipment)	—	—	—	—	—	—	—	—	6.03	5.86

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers (Full Service)	7.49	7.27	7.37	7.87	9.04	9.37	10.48	9.27	10.28
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	5.70	5.35	5.37	6.09	6.53	6.99	6.92	7.05	8.10
Mixed Country Containers (ISC Drop Shipment)	5.95	5.60	5.68	6.37	7.01	7.04	7.26	7.35	8.51

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Containers	0.60

ii. Per Pound

	($)
Worldwide Nonpresorted Containers (Full Service)	12.01
Worldwide Nonpresorted Containers (ISC Drop Shipment)	9.46

International Priority Airmail M-Bag

The price to be paid is the applicable per-pound price. The per-pound price applies to the total weight of the sack (M-bag) for the specific Country Price Group.

a. International Priority Airmail M-Bag (Full Service)

Maximum Weight (pounds)	**Price Group**									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
11	56.10	63.47	74.36	74.36	74.36	93.39	74.36	74.36	88.99	81.62
For each additional pound or fraction thereof	5.10	5.77	6.76	6.76	6.76	8.49	6.76	6.76	8.09	7.42

International Products
International Priority Airmail (IPA)

Maximum Weight (pounds)	Price Group								
	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)	18 ($)	19 ($)
11	90.86	77.00	74.36	90.53	74.36	84.15	81.62	90.86	89.54
For each additional pound or fraction thereof	8.26	7.00	6.76	8.23	6.76	7.65	7.42	8.26	8.14

b. International Priority Airmail M-Bag (ISC Drop Shipment)

Maximum Weight (pounds)	Price Group									
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)	10 ($)
5	21.99	27.20	34.15	34.15	34.15	49.76	34.15	34.15	45.55	43.15
6	22.38	27.97	35.28	35.28	35.28	51.62	35.28	35.28	47.21	43.98
7	22.78	28.75	36.41	36.41	36.41	53.48	36.41	36.41	48.87	44.82
8	23.18	29.52	37.54	37.54	37.54	55.34	37.54	37.54	50.54	45.66
9	23.58	30.29	38.67	38.67	38.67	57.20	38.67	38.67	52.20	46.49
10	23.97	31.07	39.79	39.79	39.79	59.06	39.79	39.79	53.86	47.33
11	24.37	31.84	40.92	40.92	40.92	60.92	40.92	40.92	55.52	48.16
For each additional pound or fraction thereof	2.22	2.89	3.72	3.72	3.72	5.54	3.72	3.72	5.05	4.38

International Products
International Priority Airmail (IPA)

Maximum Weight (pounds)	Price Group								
	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)	18 ($)	19 ($)
5	49.46	36.99	34.15	49.68	34.15	43.24	43.15	49.46	47.88
6	50.78	38.07	35.28	50.90	35.28	44.46	43.98	50.78	49.25
7	52.09	39.15	36.41	52.12	36.41	45.69	44.82	52.09	50.62
8	53.41	40.22	37.54	53.35	37.54	46.91	45.66	53.41	51.99
9	54.73	41.30	38.67	54.57	38.67	48.13	46.49	54.73	53.36
10	56.04	42.37	39.79	55.79	39.79	49.36	47.33	56.04	54.73
11	57.36	43.45	40.92	57.02	40.92	50.58	48.16	57.36	56.10
For each additional pound or fraction thereof	5.21	3.95	3.72	5.18	3.72	4.60	4.38	5.21	5.10

2325 International Surface Air Lift (ISAL)

2325.1 Description

* * *

d. Mailpieces are prepared for mailing in Direct Country containers (5 or more pounds of mail addressed to an individual country), Mixed Country ~~Package~~ containers (5 or more pounds of mail addressed to individual countries in the same Price Group), or Worldwide Nonpresort containers (mail that cannot be made up into Direct Country ~~of~~ or Mixed Country containers), as specified in the International Mail Manual. (See the International Mail Manual for additional mail preparation requirements.) International Direct Sacks—M-Bags (meeting the requirements of 2330) also may be mailed in conjunction with an International Surface Air Lift mailing.

* * *

2325.2 Size and Weight Limitations

* * *

c. Large Envelopes (Flats)

	Length	Height	Thickness	Weight
Minimum	5 inches	3.5 inches	0.007 inch	none
and at least one dimension exceeds	11.5 inches	6.125 inches	0.25 inch	
Maximum	15 inches	12 inches	0.75 inches	17.6 ~~pounds~~ ounces

* * *

2325.6 Prices

International Surface Air Lift Letters and Postcards

The price to be paid is the applicable per-piece price plus the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the container minus the tare weight of the container) of the mail for the specific price group.

a. Presort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers	0.49	0.15	0.47	0.50	0.50	0.47	0.51	0.45	0.40	0.19
Mixed Country Containers	—	—	—	—	—	—	—	—	0.49	0.20

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers	0.17	0.41	0.45	0.15	0.45	0.19	0.19	0.17	0.14
Mixed Country Containers	0.18	0.42	0.49	0.17	0.49	0.20	0.20	0.18	0.15

International Products
International Surface Air Lift (ISAL)

ii. Per Pound

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers (Full Service)	6.27	7.77	7.50	8.08	7.94	8.50	8.08	7.95	8.39	9.51
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	4.26	4.87	5.58	6.08	5.94	6.36	6.03	5.74	6.27	6.28
Mixed Country Containers (ISC Drop Shipment)	—	—	—	—	—	—	—	—	6.37	6.59

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers (Full Service)	8.19	8.03	7.95	8.81	7.95	8.53	9.51	8.19	9.34
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	6.24	5.87	5.74	6.84	5.74	6.35	6.28	6.24	7.36
Mixed Country Containers (ISC Drop Shipment)	6.46	6.18	6.37	7.01	6.37	6.40	6.59	6.46	7.48

International Products
International Surface Air Lift (ISAL)

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Containers	0.54

ii. Per Pound

	($)
Worldwide Nonpresorted Containers (Full Service)	10.83
Worldwide Nonpresorted Containers (ISC Drop Shipment)	8.53

International Surface Air Lift Large Envelopes (Flats)

The price to be paid is the applicable per-piece price plus the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the container minus the tare weight of the container) of the mail for the specific price group.

a. Presort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	Price Group									
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)	10 ($)
Direct Country Containers	0.49	0.15	0.47	0.50	0.50	0.47	0.51	0.45	0.40	0.19
Mixed Country Containers	—	—	—	—	—	—	—	—	0.49	0.20

International Products
International Surface Air Lift (ISAL)

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers	0.17	0.41	0.45	0.15	0.45	0.19	0.19	0.17	0.14
Mixed Country Containers	0.18	0.42	0.49	0.17	0.49	0.20	0.20	0.18	0.15

ii. Per Pound

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers (Full Service)	5.33	6.63	6.40	6.88	6.76	7.23	6.88	6.77	7.14	8.10
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	3.63	4.15	4.75	5.18	5.05	5.42	5.13	4.89	5.33	5.35
Mixed Country Containers (ISC Drop Shipment)	—	—	—	—	—	—	—	—	5.42	5.62

International Products
International Surface Air Lift (ISAL)

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers (Full Service)	6.98	6.82	6.77	7.50	7.95	8.53	9.51	8.19	9.34
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	5.32	5.01	4.89	5.82	5.74	6.35	6.28	6.24	7.36
Mixed Country Containers (ISC Drop Shipment)	5.51	5.26	5.42	5.97	6.37	6.40	6.59	6.46	7.48

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Containers	0.54

ii. Per Pound

	($)
Worldwide Nonpresorted Containers (Full Service)	10.83
Worldwide Nonpresorted Containers (ISC Drop Shipment)	8.53

International Surface Air Lift Packages (Small Packets and Rolls)

The price to be paid is the applicable per-piece price plus the applicable per-pound price. The per-piece price applies to each mailpiece regardless of weight. The per-pound price applies to the net weight (gross weight of the container minus the tare weight of the container) of the mail for the specific price group.

a. Presort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers	0.49	0.15	0.47	0.50	0.50	0.47	0.51	0.45	0.40	0.19
Mixed Country Containers	—	—	—	—	—	—	—	—	0.49	0.20

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers	0.17	0.41	0.45	0.15	0.45	0.19	0.19	0.17	0.14
Mixed Country Containers	0.18	0.42	0.49	0.17	0.49	0.20	0.20	0.18	0.15

International Products
International Surface Air Lift (ISAL)

ii. Per Pound

	Price Group									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
Direct Country Containers (Full Service)	5.06	6.28	6.07	6.53	6.41	6.87	6.53	6.42	6.77	7.69
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	3.44	3.94	4.50	4.91	4.79	5.14	4.87	4.64	5.06	5.08
Mixed Country Containers (ISC Drop Shipment)	—	—	—	—	—	—	—	—	5.14	5.33

	Price Group								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
Direct Country Containers (Full Service)	6.63	6.49	6.42	7.13	7.95	8.53	9.51	8.19	9.34
~~Mixed~~ Direct Country Containers (ISC Drop Shipment)	5.05	4.75	4.64	5.54	5.74	6.35	6.28	6.24	7.36
Mixed Country Containers (ISC Drop Shipment)	5.23	5.00	5.14	5.67	6.37	6.40	6.59	6.46	7.48

International Products
International Surface Air Lift (ISAL)

b. Worldwide Nonpresort Mail (Full Service and ISC Drop Shipment)

i. Per Piece

	($)
Worldwide Nonpresorted Containers	0.54

ii. Per Pound

	($)
Worldwide Nonpresorted Containers (Full Service)	10.83
Worldwide Nonpresorted Containers (ISC Drop Shipment)	8.53

International Surface Air Lift M-Bags

The price to be paid is applicable per-pound price. The per-pound price applies to the total weight of the sack (M-bag) for the specific price group.

a. International Priority Airmail M-Bag (Full Service)

Maximum Weight (pounds)	**Price Group**									
	1 ($)	**2 ($)**	**3 ($)**	**4 ($)**	**5 ($)**	**6 ($)**	**7 ($)**	**8 ($)**	**9 ($)**	**10 ($)**
11	19.58	20.79	24.42	24.42	24.42	33.99	24.42	24.86	31.79	28.60
For each additional pound or fraction thereof	1.78	1.89	2.22	2.22	2.22	3.09	2.22	2.26	2.89	2.60

Maximum Weight (pounds)	**Price Group**								
	11 ($)	**12 ($)**	**13 ($)**	**14 ($)**	**15 ($)**	**16 ($)**	**17 ($)**	**18 ($)**	**19 ($)**
11	31.79	25.63	24.86	33.44	24.86	28.60	28.60	31.79	39.71
For each additional pound or fraction thereof	2.89	2.33	2.26	3.04	2.26	2.60	2.60	2.89	3.61

International Products
International Surface Air Lift (ISAL)

b. International Priority Airmail M-Bag (ISC Drop Shipment)

Maximum Weight (pounds)	Price Group									
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)	10 ($)
5	17.64	16.22	12.67	12.67	12.67	17.93	12.67	12.87	17.38	16.36
6	17.77	16.77	14.12	14.12	14.12	20.35	14.12	14.37	19.29	17.89
7	17.89	17.33	15.57	15.57	15.57	22.76	15.57	15.86	21.20	19.42
8	18.02	17.88	17.02	17.02	17.02	25.17	17.02	17.36	23.12	20.94
9	18.14	18.43	18.48	18.48	18.48	27.59	18.48	18.85	25.03	22.47
10	18.27	18.99	19.93	19.93	19.93	30.00	19.93	20.35	26.94	23.99
11	18.39	19.54	21.38	21.38	21.38	32.42	21.38	21.84	28.85	25.52
For each additional pound or fraction thereof	1.67	1.78	1.94	1.94	1.94	2.95	1.94	1.99	2.62	2.32

Maximum Weight (pounds)	Price Group								
	11 ($)	12 ($)	13 ($)	14 ($)	15 ($)	16 ($)	17 ($)	18 ($)	19 ($)
5	13.76	13.55	12.87	14.42	12.87	14.80	16.36	13.76	18.56
6	16.24	15.07	14.37	17.08	14.37	16.58	17.89	16.24	21.56
7	18.72	16.58	15.86	19.73	15.86	18.37	19.42	18.72	24.56
8	21.19	18.10	17.36	22.38	17.36	20.16	20.94	21.19	27.56
9	23.67	19.61	18.85	25.04	18.85	21.95	22.47	23.67	30.56
10	26.15	21.13	20.35	27.69	20.35	23.73	23.99	26.15	33.55
11	28.62	22.65	21.84	30.35	21.84	25.52	25.52	28.62	36.55
For each additional pound or fraction thereof	2.60	2.06	1.99	2.76	1.99	2.32	2.32	2.60	3.32

2330 International Direct Sacks—Airmail M-Bags

* * *

2330.6 Prices

Outbound International Direct Sacks—Airmail M-Bags

The price is based on the applicable per-pound price. The per-pound price applies to the total weight of the sack (M-Bag) for the specific price group.

Maximum Weight (pounds)	Price Group[1]								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
11	40.70	37.40	73.70	59.40	47.30	69.85	59.95	57.75	56.10
For each additional pound or fraction thereof	3.70	3.40	6.70	5.40	4.30	6.35	5.45	5.25	5.10

Notes

1. Same as Price Groups 1-9 for Single-Piece First-Class Mail International (SPFCMI).

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2335 Outbound Single-Piece First-Class Package International Service

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2335.6 Prices

Outbound Single-Piece First-Class Package International Service Retail Prices

Maximum Weight (ounces)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10
2	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10	7.10
3	8.25	9.60	10.20	10.20	10.20	9.90	9.90	9.90	9.90
4	8.25	9.60	10.20	10.20	10.20	9.90	9.90	9.90	9.90
5	9.45	12.50	13.70	13.70	13.70	13.10	13.10	13.10	13.10
6	9.45	12.50	13.70	13.70	13.70	13.10	13.10	13.10	13.10
7	9.45	12.50	13.70	13.70	13.70	13.10	13.10	13.10	13.10
8	9.45	12.50	13.70	13.70	13.70	13.10	13.10	13.10	13.10
12	10.30	14.50	16.00	16.00	16.00	15.40	15.40	15.40	15.40
16	11.75	16.15	17.95	17.95	17.95	17.50	17.50	17.50	17.50
20	13.20	17.80	19.90	19.90	19.90	19.60	19.60	19.60	19.60
24	14.65	19.45	21.85	21.85	21.85	21.70	21.70	21.70	21.70
28	16.10	21.10	23.80	23.80	23.80	23.80	23.80	23.80	23.80
32	17.55	22.75	25.75	25.75	25.75	25.90	25.90	25.90	25.90
36	19.00	24.40	27.70	27.70	27.70	28.00	28.00	28.00	28.00
40	20.45	26.05	29.65	29.65	29.65	30.10	30.10	30.10	30.10
44	21.90	27.70	31.60	31.60	31.60	32.20	32.20	32.20	32.20
48	23.35	29.35	33.55	33.55	33.55	34.30	34.30	34.30	34.30
52	24.80	31.00	35.50	35.50	35.50	36.40	36.40	36.40	36.40
56	26.25	32.65	37.45	37.45	37.45	38.50	38.50	38.50	38.50
60	27.70	34.30	39.40	39.40	39.40	40.60	40.60	40.60	40.60
64	29.15	35.95	41.35	41.35	41.35	42.70	42.70	42.70	42.70

Outbound Single-Piece First-Class Package International Service Commercial Base Prices

Maximum Weight (ounces)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	6.39	6.39	6.39	6.39	6.39	6.39	6.39	6.39	6.39
2	6.39	6.39	6.39	6.39	6.39	6.39	6.39	6.39	6.39
3	7.43	8.64	9.18	9.18	9.18	8.91	8.91	8.91	8.91
4	7.43	8.64	9.18	9.18	9.18	8.91	8.91	8.91	8.91
5	8.51	11.25	12.33	12.33	12.33	11.79	11.79	11.79	11.79
6	8.51	11.25	12.33	12.33	12.33	11.79	11.79	11.79	11.79
7	8.51	11.25	12.33	12.33	12.33	11.79	11.79	11.79	11.79
8	8.51	11.25	12.33	12.33	12.33	11.79	11.79	11.79	11.79
12	9.27	13.05	14.40	14.40	14.40	13.86	13.86	13.86	13.86
16	10.58	14.54	16.16	16.16	16.16	15.75	15.75	15.75	15.75
20	11.88	16.02	17.91	17.91	17.91	17.64	17.64	17.64	17.64
24	13.19	17.51	19.67	19.67	19.67	19.53	19.53	19.53	19.53
28	14.49	18.99	21.42	21.42	21.42	21.42	21.42	21.42	21.42
32	15.80	20.48	23.18	23.18	23.18	23.31	23.31	23.31	23.31
36	17.10	21.96	24.93	24.93	24.93	25.20	25.20	25.20	25.20
40	18.41	23.45	26.69	26.69	26.69	27.09	27.09	27.09	27.09
44	19.71	24.93	28.44	28.44	28.44	28.98	28.98	28.98	28.98
48	21.02	26.42	30.20	30.20	30.20	30.87	30.87	30.87	30.87
52	22.32	27.90	31.95	31.95	31.95	32.76	32.76	32.76	32.76
56	23.63	29.39	33.71	33.71	33.71	34.65	34.65	34.65	34.65
60	24.93	30.87	35.46	35.46	35.46	36.54	36.54	36.54	36.54
64	26.24	32.36	37.22	37.22	37.22	38.43	38.43	38.43	38.43

Outbound Single-Piece First-Class Package International Service Commercial Plus Prices

Maximum Weight (ounces)	Country Price Group								
	1 ($)	2 ($)	3 ($)	4 ($)	5 ($)	6 ($)	7 ($)	8 ($)	9 ($)
1	6.30	5.96	5.96	5.96	5.96	5.96	5.96	5.96	5.96
2	6.30	5.96	5.96	5.96	5.96	5.96	5.96	5.96	5.96
3	7.31	8.06	8.57	8.57	8.57	8.32	8.32	8.32	8.32
4	7.31	8.06	8.57	8.57	8.57	8.32	8.32	8.32	8.32
5	7.73	10.50	11.51	11.51	11.51	11.00	11.00	11.00	11.00
6	7.73	10.50	11.51	11.51	11.51	11.00	11.00	11.00	11.00
7	7.73	10.50	11.51	11.51	11.51	11.00	11.00	11.00	11.00
8	7.73	10.50	11.51	11.51	11.51	11.00	11.00	11.00	11.00
12	8.37	12.18	13.44	13.44	13.44	12.94	12.94	12.94	12.94
16	9.56	13.57	15.08	15.08	15.08	14.70	14.70	14.70	14.70
20	10.75	14.95	16.72	16.72	16.72	16.46	16.46	16.46	16.46
24	11.94	16.34	18.35	18.35	18.35	18.23	18.23	18.23	18.23
28	13.13	17.72	19.99	19.99	19.99	19.99	19.99	19.99	19.99
32	14.32	19.11	21.63	21.63	21.63	21.76	21.76	21.76	21.76
36	15.51	20.50	23.27	23.27	23.27	23.52	23.52	23.52	23.52
40	16.70	21.88	24.91	24.91	24.91	25.28	25.28	25.28	25.28
44	17.89	23.27	26.54	26.54	26.54	27.05	27.05	27.05	27.05
48	19.08	24.65	28.18	28.18	28.18	28.81	28.81	28.81	28.81
52	20.27	26.04	29.82	29.82	29.82	30.58	30.58	30.58	30.58
56	21.46	27.43	31.46	31.46	31.46	32.34	32.34	32.34	32.34
60	22.65	28.81	33.10	33.10	33.10	34.10	34.10	34.10	34.10
64	23.84	30.20	34.73	34.73	34.73	35.87	35.87	35.87	35.87

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Pickup on Demand Service

Add $20.00 for each Pickup on Demand stop.

2510 Outbound International

* * *

2510.2 Negotiated Service Agreement Groups

- Global Expedited Package Services (GEPS) Contracts (2510.3)
- Global Direct Contracts (2510.4)
- Global Bulk Economy (GBE) Contracts (2510.5)
- Global Plus Contracts (2510.6)
- Global Reseller Expedited Package Contracts (2510.7)
- Global Expedited Package Services (GEPS)—Non-Published Rates (2510.8)
- Priority Mail International Regional Rate Boxes—Non-Published Rates (2510.9)
- Outbound Competitive International Merchandise Return Service Agreement with Royal Mail Group, Ltd. (2510.10)
- International Business Reply Service (IBRS) Competitive Contracts (2510.11)

* * *

2510.3 Global Expedited Packages Services (GEPS) Contracts

* * *

2510.3.6 Products Included in Group (Agreements)

Each product is followed by a list of agreements included within that product.

- GEPS 3
  Baseline Reference
  Docket Nos. CP2010-71 and MC2010-28
  PRC Order No. 503, July 29, 2010
  Included Agreements
  ~~CP2013-25, expires January 6, 2014~~
  ~~CP2013-26, expires February 28, 2014~~
  ~~CP2013-62, expires August 31, 2014~~
  ~~CP2013-67, expires August 31, 2014~~
  ~~CP2013-68, expires August 31, 2014~~
  ~~CP2013-71, expires July 31, 2014~~
  ~~CP2013-72, expries expires August 31, 2014~~
  ~~CP2013-76, expires September 30, 2014~~
  CP2014-18, expires January 31, 2015
  CP2014-19, expires January ~~20~~ 31, 2015
  CP2014-20, expires April 30, 2015
  CP2014-34, expires March 31, 2015
  CP2014-49, expires June 30, 2015
  CP2014-50, expires July 31, 2015
  CP2014-64, expires September 30, 2015
  CP2014-65, expires ~~September 1~~ August 31, 2015
  CP2014-66, expires September ~~1~~ 30, 2015
  CP2014-68, expires ~~September 1~~ August 31, 2015
  CP2014-69, expires ~~August 31~~ September 30, 2015
  CP2014-70, expires ~~TBD~~ August 31, 2015
  CP2014-77, expires September 30, 2015
  CP2014-78, expires September 30, 2015
  CP2014-79, expires September 30, 2016
  CP2015-2, expires October 31, 2015

* * *

2510.6 Global Plus Contracts

2510.6.1 Description

* * *

b. The contracts include all destinations served by IPA, and/or ISAL, and/or GBE, and/or GD, and/or GXG, and/or PMEI, and/or PMI, and/or CeP, and/or IBRS, as specified by the Postal Service. The preparation requirements are the same as for all IPA shipments, and/or ISAL shipments, and/or GBE shipments, and/or GXG shipments, and/or ~~EMI~~ PMEI shipments, and/or PMI shipments, and/or CeP shipments, and/or IBRS shipments. For GD shipments, the preparation requirements are the preparation requirements for the given product set by the receiving country. The mailer may use Postal Service-supplied labeling software, or a non-Postal Service supplied labeling software that has the same functionality as the Postal Service-supplied labeling software for PMEI and PMI shipments. The software allows for preparation of address labels and customs declarations and submission of electronic shipment information to the Postal Service, as well as prepayment of customs duties and taxes and pre-advice for foreign customs authorities by the Postal Service. The mailer may be required to prepare specific shipments according to country specific requirements.

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2510.7 Global Reseller Expedited Package Contracts

* * *

2510.7.6 Products Included in Group (Agreements)

Each product is followed by a list of agreements included within that product.

- Global Reseller Expedited Package Services 1
  Baseline Reference
  Docket Nos. MC2010-21 and CP2010-36
  PRC Order No. 445, April 22, 2010
  Included Agreements
  ~~CP2011-55, expires February 16, 2016~~
  ~~CP2012-14, expires August 31, 2014~~
  CP2013-49, expires TBD
  ~~CP2014-29, expires September 30, 2014~~
  CP2014-30, expires February 28, 2015

- Global Reseller Expedited Package Services 2
  Baseline Reference
  Docket Nos. MC2013-51 and CP2013-64
  PRC Order No. 1746, June 13, 2013
  Included Agreements
  ~~CP2013-64, expires August 31, 2014~~
  CP2014-51, expires June 31, 2015
  CP2014-71, expires August 31, 2015

- Global Reseller Expedited Package Services 3
  Baseline Reference
  Docket Nos. MC2013-64 and CP2013-84
  PRC Order No. 1870, November 7, 2013
  Included Agreements
  CP2013-84, expires November 30, 2014

- Global Reseller Expedited Package Contracts 4
  Baseline Reference
  Docket Nos. MC2014-38 and CP2014-67
  PRC Order No. 2170, August 25, 2014
  Included Agreements
  CP2014-67, expires February 5, 2020
  CP2014-80, expires September 30, 2015

* * *

Negotiated Service Agreements
Outbound International

2510.8 Global Expedited Package Services (GEPS)—Non-Published Rates

* * *

2510.8.7 Products Included in Group (Agreements)

Each product is followed by a list of agreements included within that product.

- Global Expedited Package Services (GEPS)—Non-Published Rates 2
  Baseline Reference
  Docket No. CP2011-45
  PRC Order No. 630, December 30, 2010
  Historical Reference
  Docket Nos. MC2010-29 and CP2010-72
  PRC Order No. 593, November 22, 2010

- Global Expedited Package Services (GEPS)—Non-Published Rates 3
  Baseline Reference
  Docket No. MC2012-4 and CP2012-8
  PRC Order Nos. 1161, January 20, 2012

- Global Expedited Package Services (GEPS)—Non-Published Rates 4
  Baseline Reference
  Docket No. MC2013-27 and CP2013-35
  PRC Order Nos. 1625, January 16, 2013

  Docket No. MC2013-27 and CP2014-22
  PRC Order No. 1959, January 10, 2014

* * *

2510.11 International Business Reply Service (IBRS) Competitive Contracts

2510.11.1 Description

a. International Business Reply Service (IBRS) Competitive Contracts provide a price for IBRS for Letter Post items returned to the mailer in the United States and not subject to the Private Express Statutes, with preparation requirements deviating from the standard, published requirements for cards and envelopes.

b. Preparation requirements are specified by the originating country in which the items are mailed.

c. The prices are dependent upon a volume or postage commitment on the part of the customer.

d. A mailer must be capable, on an annualized basis, of either tendering at least 5,000 pieces of international mail to the Postal Service or paying at least $100,000.00 in international postage to the Postal Service.

e. The contract must cover its attributable costs.

2510.11.2 Size and Weight Limitations

The mailer may be required to meet specific size and weight limitations set by the origination country in which the items are mailed and by the Postal Service.

2510.11.3 Minimum Volume or Revenue Requirements

Mailers must commit to tender varying minimum volumes or postage on an annualized basis. There is no minimum volume requirement per mailing.

2510.11.4 Optional Features

The following additional postal services may be available in conjunction with the product specified in this section:

- None

2510.11.5 Products Included in Group (Agreements)

Each product is followed by a list of agreements included within that product.

- International Business Reply Service Competitive Contract 1
  Baseline Reference
  Docket Nos. MC2009-14 and CP2009-20
  PRC Order No. 178
  Included Agreements
  ~~CP2012-5 (contingency pricing arrangement), expires TBD~~
  CP2013-28 (contingency pricing arrangement), expires TBD

- International Business Reply Service Competitive Contract 3
  Baseline Reference
  Docket Nos. MC2011-21, CP2011-59
  PRC Order No. 684
  Included Agreements
  CP2012-59 (contingency pricing arrangement), expires TBD
  ~~CP2013-57, expires April 22, 2014~~
  CP2013-58 (contingency pricing arrangement), expires ~~April 24, 2014~~ TBD
  CP2013-59 (contingency pricing arrangement), expires ~~May 31, 2014~~ November 30, 2014
  CP2013-78 (contingency pricing arrangement), expires ~~TBD~~ March 31, 2015
  CP2014-28, expires February 29, 2016
  CP2014-44, expires April 30, 2016

2515 Inbound International

* * *

2515.2 Negotiated Service Agreement Groups

- ~~International Business Reply Service (IBRS) Competitive Contracts (2515.3)~~
- Inbound Direct Entry Contracts with Customers (2515.4)
- Inbound Direct Entry Contracts with Foreign Postal Administrations (2515.5)
- Inbound EMS (2515.6)
- Inbound Air Parcel Post (at non-UPU rates) (2515.8)
- Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 (2515.10)

~~2515.3 International Business Reply Service (IBRS) Competitive Contracts~~

~~2515.3.1 Description~~

~~a. International Business Reply Service (IBRS) Competitive Contracts provide a price for IBRS for Letter Post items not subject to the Private Express Statutes, with preparation requirements deviating from the standard, published requirements for cards and envelopes.~~

~~b. Preparation requirements are specified by the originating country in which the items are mailed.~~

~~c. The prices are dependent upon a volume or postage commitment on the part of the customer.~~

~~d. A mailer must be capable, on an annualized basis, of either tendering at least 5,000 pieces of international mail to the Postal Service or paying at least $100,000.00 in international postage to the Postal Service.~~

~~e. The contract must cover its attributable costs.~~

~~2515.3.2 Size and Weight Limitations~~

~~The mailer may be required to meet specific size and weight limitations set by the origination country in which the items are mailed and by the Postal Service.~~

~~2515.3.3 Minimum Volume or Revenue Requirements~~

~~Mailers must commit to tender varying minimum volumes or postage on an annualized basis. There is no minimum volume requirement per mailing.~~

~~2515.3.4 Optional Features~~

~~The following additional postal services may be available in conjunction with the product specified in this section:~~

- ~~None~~

~~2515.3.5 Products Included in Group (Agreements)~~

~~Each product is followed by a list of agreements included within that product.~~

- ~~International Business Reply Service Competitive Contract 1~~
  ~~*Baseline Reference*~~
  ~~Docket Nos. MC2009-14 and CP2009-20~~
  ~~PRC Order No. 178~~
  ~~*Included Agreements*~~
  ~~CP2012-5 (contingency pricing arrangement), expires TBD~~
  ~~CP2013-28 (contingency pricing arrangement), expires TBD~~

- ~~International Business Reply Service Competitive Contract 3~~
  ~~*Baseline Reference*~~
  ~~Docket Nos. MC2011-21, CP2011-59~~
  ~~PRC Order No. 684~~
  ~~*Included Agreements*~~
  ~~CP2012-59 (contingency pricing arrangement), expires TBD~~
  ~~CP2013-50, expires February 28, 2014~~
  ~~CP2013-57, expires April 22, 2014~~
  ~~CP2013-58, expires April 24, 2014~~
  ~~CP2013-59, expires May 31, 2014~~
  ~~CP2013-78, expires TBD~~
  ~~CP2014-28, expires February 29, 2016~~
  ~~CP2014-44, expires April 30, 2016~~

* * *

2515.5 Inbound Direct Entry Contracts with Foreign Postal Administrations

* * *

2515.5.6 Products Included in Group (Agreements)

Each product is followed by a list of agreements included within that product.

- Inbound Direct Entry Contracts with Foreign Postal Administrations

  Baseline Reference
  Docket Nos. MC2008-6, CP2008-14, and CP2008-15
  PRC Order No. 105, September 4, 2008
  Included Agreements
  ~~Hongkong Post, CP2008-15, one year term, automatic renewal~~

  ~~P & T Express Mail Service Joint Stock Company (for Vietnam Post and Telecommunications Group), CP2009-41, expires TBD~~

- Inbound Direct Entry Contracts with Foreign Postal Administrations 1

  Baseline Reference
  Docket No. CP2009-62
  PRC Order No. 296, September 4, 2009
  Included Agreements
  New Zealand Post Limited, CP2009-62, expires N/A

* * *

2515.6 Inbound EMS

* * *

2515.6.6 Prices

Charges are set by bilateral and multilateral agreements based on announcements to the Universal Postal Union International Bureau.

* * *

2600 Special Services

2600.1 Group Description

Special Services are services offered by the Postal Service related to the delivery of mailpieces, including acceptance, collection, sorting, transportation, or other functions. Some Special Services products can be purchased on a stand-alone basis.

2600.2 Products Included in Group

- Address Enhancement Services (2605)
- Greeting Cards and Stationery (2610)
- International Ancillary Services (2615)
  - International Certificate of Mailing (2615.1)
  - Outbound Competitive International Registered Mail (2615.2)
  - Outbound International Return Receipt (2615.3)
  - Outbound International Insurance (2615.5)
  - Custom Clearance and Delivery Fee (2615.6)
- International Money Transfer Service—Outbound (2620)
- International Money Transfer Service—Inbound (2625)
- Premium Forwarding Service (2630)
- Shipping and Mailing Supplies (2635)
- Post Office Box Service (2640)
- Competitive Ancillary Services (2645)
  - Adult Signature (2645.1)
  - Package Intercept Service (2645.2)

2605 Address Enhancement Services

* * *

2605.2 Prices

	($)
AEC	
Per record processed	0.022
Minimum charge per list	22.00
AMS API Address Matching System Application Program Interface (per year, per platform) [1]	
Developer's Kit, one platform	4,900.00
Each Additional, per platform	1,750.00
Resell License, one platform	21,500.00
Each Additional, per platform	10,800.00
Additional Database License	
Number of Additional Licenses	
1-100	2,650.00
101-200	5,300.00
201-300	7,900.00
301-400	10,600.00
401-500	13,200.00
501-600	15,900.00
601-700	18,500.00
701-800	21,100.00
801-900	23,900.00
901-1,000	26,400.00
1,001-10,000	34,300.00
10,001-20,000	42,200.00
20,001-30,000	50,400.00
30,001-40,000	58,200.00

	($)
RDI API Developer's Kit[1]	
Each, per platform	390.00
Resell License, one platform	1,500.00
Each Additional, per platform	800.00
~~Additional Database~~	
~~AMS API: DPV, LACSLink and/or eLOT~~	~~12.50~~
~~IBIP version of above~~	~~12.50~~
~~Additional database, *e.g.,* City-State, ZIP+4, Five-Digit~~	~~12.50~~
~~Additional Copies of Database~~	
~~AMS-API: DPV and LACSLink API~~	~~28.00~~
~~eLOT~~	~~9.50~~
~~Additional database, *e.g.,* City-State, ZIP+4, Five Digit~~	~~9.50~~
TIGER/ZIP+4 (per year)*	
Per State	70.00
All States	900.00

Notes

* See AMS Price Table for Single Issues of Additional Copies appearing at the end of section 1515.2. TIGER/ZIP+4 is not a subscription service. Single issue pricing does not apply.

1. Above API License Fees prorated during the first year based on the date of the license agreement.

2615 International Ancillary Services

2615.1 International Certificate of Mailing

* * *

2615.1.2 Prices

Individual Pieces Prices

	($)
Original certificate of mailing for listed pieces of ordinary Outbound Single-Piece First-Class Package International Service or Priority Mail International parcels	1.35
Three or more pieces individually listed in a firm mailing book or an approved customer provided manifest (per piece)	0.49
Each additional copy of original certificate of mailing or firm mailing bills (each copy)	1.35

Multiple Pieces Prices

	($)
Up to 1,000 identical-weight pieces (one certificate for total number)	7.95
Each additional 1,000 identical-weight pieces or fraction thereof	0.99
Duplicate copy	1.35

2615.2 Outbound Competitive International Registered Mail

* * *

2615.2.2 Prices

	($)
Per Piece	13.95

2615.3 Outbound International Return Receipt

2615.3.1 Description

~~*Outbound International Return Receipt*~~

a. Outbound International Return Receipt service provides evidence to the mailer that an article has been received at the delivery address. It must be purchased at the time of mailing. The return receipt, which is attached to the article mailed, is signed at the point of delivery and is returned to the sender.

b. Outbound International Return Receipt service is subject to availability in the destination country for registered Outbound Single-Piece First-Class Package International Service, Priority Mail International Flat Rate Envelopes, Priority Mail International Small Flat Rate Boxes, and insured Priority Mail International parcels.

~~*Inbound International Return Receipt*~~

~~a. Inbound International Return Receipt service provides evidence to the mailer that an article has been received at the delivery address. A return receipt is signed at the point of delivery and is returned to the sender.~~

~~b. Inbound International Return Receipt service is available for insured air and surface parcels.~~

2615.3.2 Prices

~~*Outbound International Return Receipt*~~

	($)
Per Piece	3.85

~~*Inbound International Return Receipt*~~

~~No additional payment.~~

2615.5 Outbound International Insurance

2615.5.1 Description

~~*Outbound International Insurance*~~

a. Optional Outbound International Insurance may be purchased to protect against loss, damage, or missing contents for Priority Mail International parcels and Priority Mail International Large and Medium Flat Rate Boxes. When additional insurance is purchased for uninsured Priority Mail International parcels, it replaces the indemnity coverage.

b. Optional additional merchandise insurance may be purchased to protect against loss, damage, or missing contents for Priority Mail Express International.

c. Optional additional insurance may be purchased to protect against loss, damage, or missing contents for Global Express Guaranteed.

~~*Inbound International Insurance*~~

~~a. Inbound International Insurance is available for inbound air parcels and inbound surface parcels from countries which offer the service on a reciprocal basis. Indemnity limits vary by country as specified in the International Mail Manual. The maximum insurance limit available in the United States is $5,000.00.~~

* * *

Special Services
International Ancillary Services

2615.5.3 Prices

~~*Outbound International Insurance*~~

a. Priority Mail International Insurance and Priority Mail Express International Merchandise Insurance

Indemnity Limit Not Over ($)	**Price ($)**
50[1]	1.55
100[1]	2.70
200[1]	3.85
300	5.00
400	6.15
500	7.30
600	8.45
700	9.60
800	10.75
900	11.90
Over ~~7~~900	~~10.50~~11.90 plus 1.15 for each 100.00 or fraction thereof over ~~7~~900.00. Maximum indemnity varies by country.

[1] Applies only to Priority Mail International. There is no fee for Priority Mail Express International Merchandise Insurance up to $200.

~~b. Priority Mail Express International Merchandise Insurance~~

~~($)~~		~~($)~~	~~($)~~
~~Amount of coverage:~~			
~~0.01~~	~~to~~	~~100.00~~	~~0.00~~
~~100.01~~	~~to~~	~~200.00~~	~~0.00~~
~~200.01~~	~~to~~	~~500.00~~	~~2.35~~
~~500.01~~	~~to~~	~~1,000.00~~	~~3.85~~
~~1,000.01~~	~~to~~	~~1,500.00~~	~~5.35~~
~~1,500.01~~	~~to~~	~~2,000.00~~	~~6.85~~
~~2,000.01~~	~~to~~	~~2,500.00~~	~~8.35~~
~~2,500.01~~	~~to~~	~~3,000.00~~	~~9.85~~

Special Services
International Ancillary Services

~~3,000.01~~	~~to~~	~~3,500.00~~	~~11.35~~
~~3,500.01~~	~~to~~	~~4,000.00~~	~~12.85~~
~~4,000.01~~	~~to~~	~~4,500.00~~	~~14.35~~
~~4,500.01~~	~~to~~	~~5,000.00~~	~~15.85~~

~~c~~b. Global Express Guaranteed Insurance

($)		**($)**	**($)**
Amount of coverage:			
0.01	to	100.00	0.00
100.01	to	200.00	1.00
200.01	to	300.00	2.00
300.01	to	400.00	3.00
400.01	to	500.00	4.00
For document reconstruction insurance or non-document insurance coverage above 500.00, add 1.00 per 100.00 or fraction thereof, up to a maximum of 2,499.00 per shipment. Maximum indemnity varies by country.			
Up to		2,499.00	24.00

~~*Inbound International Insurance*~~

~~Payment is made in accordance with Part III of the Universal Postal Convention, associated UPU Parcel Post Regulations. This information is available in the Parcel Post Manual at www.upu.int. Other charges may be set under negotiated agreements.~~

* * *

Special Services
Post Office Box Service

2630 Premium Forwarding Service

* * *

2630.2 Prices

	($)
Online Enrollment (Commercial and Residential)	16.50
Retail Counter Enrollment (Residential Only)	18.00
Weekly Reshipment (Residential Only)	18.00

* * *

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2645 Competitive Ancillary Services

2645.1 Adult Signature

2645.1.1 Description

a. Adult Signature service may be requested at the time of mailing and provides electronic confirmation of the delivery or attempted delivery of the mailpiece, and, upon request, the recipient's signature, with two options:

- Adult Signature Required, which requires the signature of anyone 21 years of age or older at the recipient address; and
- Adult Signature Restricted Delivery, which requires the signature of the addressee (a natural person) only, who must be 21 years of age or older.

b. Photo identification of the mail recipient showing date of birth is required prior to delivery.

c. The Postal Service maintains a record of delivery (which includes the recipient's signature) for a specified period of time.

d. Adult Signature service is available with Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service, and Parcel Select.

2645.1.2 Prices

	($)
Adult Signature Required	5.50
Adult Signature Restricted Delivery	5.75

2645.2 Package Intercept Service

2645.2.1 Description

a. Package Intercept service allows a customer to request that the Postal Service intercept the customer's mail at the destination delivery unit based on the initial delivery address.

b. Intercepted packages can be: (1) returned to sender; (2) held for pick up; or (3) redirected to an alternate domestic address. Intercepted packages will be shipped using Priority Mail.

c. Package Intercept service is available with First-Class Mail, Package Services, Priority Mail Express, Priority Mail, First-Class Package Service, and Parcel Select.

2645.2.2 Prices

	($)
Package Intercept Service	12.15

* * *

* * *

PART D

COUNTRY PRICE LISTS FOR INTERNATIONAL MAIL

4000 COUNTRY PRICE LISTS FOR INTERNATIONAL MAIL

Country	Market Dominant	Competitive				
			International Expedited Services		International Packages	
	SPFCMI[1]	FCPIS[2]	GXG[3]	PMEI[4]	PMI[5]	IPA & ISAL[6]
* * *						
St. ~~Christopher~~ Kitts (St. ~~Kitts~~ Christopher) & Nevis	9	9	7	9	9	17
* * *						
Samoa	6	6	-	6	6	18
* * *						
~~Western Samoa~~	~~6~~	~~6~~	~~-~~	~~6~~	~~6~~	~~18~~

[FR Doc. 2015–01850 Filed 2–3–15; 8:45 am]
BILLING CODE 7710–C

FEDERAL REGISTER

Vol. 80 Wednesday,

No. 23 February 4, 2015

Part IV

The President

Proclamation 9229—American Heart Month, 2015

Proclamation 9230—National African American History Month, 2015

Proclamation 9231—National Teen Dating Violence Awareness and Prevention Month, 2015

Executive Order 13690—Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input

Federal Register
Vol. 80, No. 23
Wednesday, February 4, 2015

Presidential Documents

Title 3—

The President

Proclamation 9229 of January 30, 2015

American Heart Month, 2015

By the President of the United States of America

A Proclamation

In the United States, cardiovascular disease—including heart disease, stroke, and high blood pressure—is responsible for one out of every three deaths. It is the number one killer of American women and men, and it is a leading cause of serious illness and disability. Across our Nation, we have lost devoted mothers and fathers, loved siblings, and cherished friends to this devastating epidemic. During American Heart Month, as we honor their memories, let us recommit to improving our heart health and continuing the fight against this deadly disease, for ourselves and our families.

Americans of all backgrounds can be at risk for heart disease and stroke—and nearly half of all adults have at least one major risk factor. However, individuals who are at high risk often do not know it, and data suggest that many people who experience sudden cardiac death do not act on early warning signs. That is why it is important to understand the risk factors for cardiovascular disease, such as obesity, inactivity, and diabetes, and to keep your blood pressure and cholesterol under control. By maintaining a healthy diet, getting regular exercise, and not smoking, you can control risk factors and help protect your heart. To learn more about cardiovascular health, talk with your healthcare provider and visit *www.CDC.gov/heartdisease.*

My Administration is committed to leading a new era of medicine—one that delivers the right treatment at the right time—and to ensuring Americans live longer, healthier, more productive lives. That is why earlier this year, I announced the Precision Medicine Initiative. This bold new effort will revolutionize how our Nation fights disease by investing in research that will enable clinicians to tailor treatments to individual patients. Additionally, in 2011 we launched Million Hearts, an unprecedented effort that is bringing together Federal Agencies, non-profit organizations, and private-sector partners to prevent 1 million heart attacks and strokes by 2017. We are working to enhance clinical care, bolster disease prevention programs, and empower individuals and communities to make healthy choices, demonstrating that improving the health system can save lives. More information on these important initiatives is available at *www.NIH.gov/precisionmedicine* and *www.millionhearts.HHS.gov.*

At the same time, First Lady Michelle Obama's *Let's Move!* initiative is encouraging young people to develop heart-healthy habits from an early age, and the Affordable Care Act is allowing more families to access quality, affordable health care. New protections under the law require most insurance plans to cover recommended preventive services without copays, and they prevent insurers from denying coverage due to a pre-existing condition like heart disease.

On Friday, February 6, Michelle and I invite all Americans to join in marking National Wear Red Day. By wearing red, we help raise awareness of cardiovascular disease and provide an important reminder that it is never too early to take action to protect our health. This month, let us reaffirm our resolve to fight this epidemic and continue our work to build a brighter future for our families.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as ''American Heart Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim February 2015 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 6, 2015. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–02372
Filed 2–3–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9230 of January 30, 2015

National African American History Month, 2015

By the President of the United States of America

A Proclamation

For generations, the story of American progress has been shaped by the inextinguishable beliefs that change is always possible and a brighter future lies ahead. With tremendous strength and abiding resolve, our ancestors—some of whom were brought to this land in chains—have woven their resilient dignity into the fabric of our Nation and taught us that we are not trapped by the mistakes of history. It was these truths that found expression as foot soldiers and Freedom Riders sat in and stood up, marched and agitated for justice and equality. This audacious movement gave birth to a new era of civil and voting rights, and slowly, we renewed our commitment to an ideal at the heart of our founding: no matter who you are, what you look like, how modest your beginnings, or the circumstances of your birth, you deserve every opportunity to achieve your God-given potential.

As we mark National African American History Month, we celebrate giants of the civil rights movement and countless other men and women whose names are etched in the hearts of their loved ones and the cornerstones of the country they helped to change. We pause to reflect on our progress and our history—not only to remember, but also to acknowledge our unfinished work. We reject the false notion that our challenges lie only in the past, and we recommit to advancing what has been left undone.

Brave Americans did not struggle and sacrifice to secure fundamental rights for themselves and others only to see those rights denied to their children and grandchildren. Our Nation is still racked with division and poverty. Too many children live in crumbling neighborhoods, cycling through substandard schools and being affected by daily violence in their communities. And Americans of all races have seen their wages and incomes stagnate while inequality continues to hold back hardworking families and entire communities.

But the trajectory of our history gives us hope. Today, we stand on the shoulders of courageous individuals who endured the thumps of billy clubs, the blasts of fire hoses, and the pain of watching dreams be deferred and denied. We honor them by investing in those around us and doing all we can to ensure every American can reach their full potential. Our country is at its best when everyone is treated fairly and has the chance to build the future they seek for themselves and their family. This means providing the opportunity for every person in America to access a world-class education, safe and affordable housing, and the job training that will prepare them for the careers of tomorrow.

Like the countless, quiet heroes who worked and bled far from the public eye, we know that with enough effort, empathy, and perseverance, people who love their country can change it. Together, we can help our Nation live up to its immense promise. This month, let us continue that unending journey toward a more just, more equal, and more perfect Union.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2015 as

National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–02374
Filed 2–3–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9231 of January 30, 2015

National Teen Dating Violence Awareness and Prevention Month, 2015

By the President of the United States of America

A Proclamation

In a Nation invested in the limitless possibility of every child, ending dating violence is an urgent priority. Each year, an estimated 1 in 10 American teenagers is physically hurt on purpose by a boyfriend or girlfriend. This behavior violates our most basic values and can have profound consequences for survivors. Young people who experience dating violence are at increased risk of substance abuse, depression, poor academic performance, and future victimization. This month, we join with all those who have endured the pain of an unhealthy relationship and acknowledge the responsibility we each have to end this cycle of fear, isolation, and abuse.

Dating violence often involves the use of inappropriate actions to control a partner or resolve conflicts. These behaviors can be physical, emotional, or sexual, and can take place in person or with the use of technology and social media. Unhealthy relationships can affect people of all ages, and many teenagers do not recognize the severity of dating abuse, or they do not report it because they are afraid or ashamed to speak up. That is why it is important to talk with friends and loved ones about dating violence and to learn the warning signs of an unhealthy relationship, including extreme jealousy, constant monitoring, and possessiveness.

If you are in—or know someone who is in—an abusive relationship, the National Dating Abuse Helpline can offer immediate and confidential support. To contact the Helpline, call 1–866–331–9474, text ''loveis'' to 22522, or visit LoveIsRespect.org. For more information on dating violence, visit VetoViolence.CDC.gov.

It is on all of us to reject the quiet tolerance of sexual assault, and the Federal Government is committed to being part of the solution. Last year, I established the White House Task Force to Protect Students from Sexual Assault and directed its members to consider how their recommendations could apply to our Nation's elementary and secondary schools. In addition, as part of Vice President Joe Biden's *1is2many* initiative, my Administration is working to provide teenagers and their communities with the resources and support they need, so our young people can pursue their dreams free from fear. As we strive to eliminate teen dating violence, we are focused on bolstering prevention efforts and improving our response in order to protect those at risk and ensure survivors can access the help they need.

Healthy relationships are built on respect, trust, and equality. Our commitment to these values demands that we stand up against dating abuse and all forms of intimate partner violence. During National Teen Dating Violence Awareness and Prevention Month, we are called to act. Let us recommit to fostering a society where our strength is measured by our resolve to speak out against this outrage, and where there are no barriers that prevent our daughters and sons from achieving their full potential.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2015 as

National Teen Dating Violence Awareness and Prevention Month. I call upon all Americans to support efforts in their communities and schools, and in their own families, to empower young people to develop healthy relationships throughout their lives and to engage in activities that prevent and respond to teen dating violence.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–02377
Filed 2–3–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Executive Order 13690 of January 30, 2015

Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the Nation's resilience to current and future flood risk, I hereby direct the following:

Section 1. *Policy.* It is the policy of the United States to improve the resilience of communities and Federal assets against the impacts of flooding. These impacts are anticipated to increase over time due to the effects of climate change and other threats. Losses caused by flooding affect the environment, our economic prosperity, and public health and safety, each of which affects our national security.

The Federal Government must take action, informed by the best-available and actionable science, to improve the Nation's preparedness and resilience against flooding. Executive Order 11988 of May 24, 1977 (Floodplain Management), requires executive departments and agencies (agencies) to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. The Federal Government has developed processes for evaluating the impacts of Federal actions in or affecting floodplains to implement Executive Order 11988.

As part of a national policy on resilience and risk reduction consistent with my *Climate Action Plan,* the National Security Council staff coordinated an interagency effort to create a new flood risk reduction standard for federally funded projects. The views of Governors, mayors, and other stakeholders were solicited and considered as efforts were made to establish a new flood risk reduction standard for federally funded projects. The result of these efforts is the Federal Flood Risk Management Standard (Standard), a flexible framework to increase resilience against flooding and help preserve the natural values of floodplains. Incorporating this Standard will ensure that agencies expand management from the current base flood level to a higher vertical elevation and corresponding horizontal floodplain to address current and future flood risk and ensure that projects funded with taxpayer dollars last as long as intended.

This order establishes the Standard and sets forth a process for further solicitation and consideration of public input, including from Governors, mayors, and other stakeholders, prior to implementation of the Standard.

Sec. 2. *Amendments to Executive Order 11988.* Executive Order 11988 is amended as follows:

(a) Section 2 is amended by inserting ", to the extent permitted by law" after "as follows".

(b) Section 2(a)(1) is amended by striking "This Determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best-available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977" and inserting in lieu thereof "To determine whether the

action is located in a floodplain, the agency shall use one of the approaches in Section 6(c) of this Order based on the best-available information and the Federal Emergency Management Agency's effective Flood Insurance Rate Map''.

(c) Section 2(a)(2) is amended by inserting the following sentence after the first sentence:

''Where possible, an agency shall use natural systems, ecosystem processes, and nature-based approaches when developing alternatives for consideration.''.

(d) Section 2(d) is amended by striking ''Director'' and inserting ''Administrator'' in lieu thereof.

(e) Section 3(a) is amended by inserting the following sentence after the first sentence:

''The regulations and procedures must also be consistent with the Federal Flood Risk Management Standard (FFRMS).''.

(f) Section 3(a) is further amended by inserting ''and FFRMS'' after ''Flood Insurance Program''.

(g) Section 3(b) is amended by striking ''base flood level'' and inserting ''elevation of the floodplain as defined in Section 6(c) of this Order'' in lieu thereof.

(h) Section 4 is revised to read as follows:

''In addition to any responsibilities under this Order and Sections 102, 202, and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4012a, 4106, and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in an area subject to the base flood shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the area subject to the base flood.''.

(i) Section 6(c) is amended by striking '', including at a minimum, that area subject to a one percent or greater chance of flooding in any given year'' and inserting in lieu thereof:

''. The floodplain shall be established using one of the following approaches:

''(1) Unless an exception is made under paragraph (2), the floodplain shall be:

''(i) the elevation and flood hazard area that result from using a climate-informed science approach that uses the best-available, actionable hydrologic and hydraulic data and methods that integrate current and future changes in flooding based on climate science. This approach will also include an emphasis on whether the action is a critical action as one of the factors to be considered when conducting the analysis;

''(ii) the elevation and flood hazard area that result from using the freeboard value, reached by adding an additional 2 feet to the base flood elevation for non-critical actions and by adding an additional 3 feet to the base flood elevation for critical actions;

''(iii) the area subject to flooding by the 0.2 percent annual chance flood; or

''(iv) the elevation and flood hazard area that result from using any other method identified in an update to the FFRMS.

''(2) The head of an agency may except an agency action from paragraph (1) where it is in the interest of national security, where the agency action is an emergency action, where application to a Federal facility or structure is demonstrably inappropriate, or where the agency action is a mission-critical requirement related to a national security interest or an emergency action. When an agency action is excepted from paragraph (1) because it is in the interest of national security, it is an emergency action, or

it is a mission-critical requirement related to a national security interest or an emergency action, the agency head shall rely on the area of land subject to the base flood''.

(j) Section 6 is further amended by adding the following new subsection (d) at the end:

''(d) The term 'critical action' shall mean any activity for which even a slight chance of flooding would be too great.''.

(k) Section 8 is revised to read as follows:

''Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 403 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. 5170b and 5192).''.

Sec. 3. *Agency Action.* (a) Prior to any action to implement the Standard, additional input from stakeholders shall be solicited and considered. To carry out this process:

(i) the Federal Emergency Management Agency, on behalf of the Mitigation Framework Leadership Group, shall publish for public comment draft amended Floodplain Management Guidelines for Implementing Executive Order 11988 (Guidelines) to provide guidance to agencies on the implementation of Executive Order 11988, as amended, consistent with the Standard;

(ii) during the comment period, the Mitigation Framework Leadership Group shall host public meetings with stakeholders to solicit input; and

(iii) after the comment period closes, and based on the comments received on the draft Guidelines during the comment period, in accordance with subsections (a)(i) and (ii) of this section, the Mitigation Framework Leadership Group shall provide recommendations to the Water Resources Council.

(b) After additional input from stakeholders has been solicited and considered as set forth in subsections (a)(i) and (ii) of this section and after consideration of the recommendations made by the Mitigation Framework Leadership Group pursuant to subsection (a)(iii) of this section, the Water Resources Council shall issue amended Guidelines to provide guidance to agencies on the implementation of Executive Order 11988, as amended, consistent with the Standard.

(c) To the extent permitted by law, each agency shall, in consultation with the Water Resources Council, Federal Interagency Floodplain Management Task Force, Federal Emergency Management Agency, and Council on Environmental Quality, issue or amend existing regulations and procedures to comply with this order, and update those regulations and procedures as warranted. Within 30 days of the closing of the public comment period for the draft amendments to the Guidelines as described in subsection (a) of this section, each agency shall submit an implementation plan to the National Security Council staff that contains milestones and a timeline for implementation of this order and the Standard, by the agency as it applies to the agency's processes and mission. Agencies shall not issue or amend existing regulations and procedures pursuant to this subsection until after the Water Resources Council has issued amended Guidelines pursuant to subsection (b) of this order.

Sec. 4. *Reassessment.* (a) The Water Resources Council shall issue any further amendments to the Guidelines as warranted.

(b) The Mitigation Framework Leadership Group in consultation with the Federal Interagency Floodplain Management Task Force shall reassess the Standard annually, after seeking stakeholder input, and provide recommendations to the Water Resources Council to update the Standard if warranted based on accurate and actionable science that takes into account changes to climate and other changes in flood risk. The Water Resources Council shall issue an update to the Standard at least every 5 years.

Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Water Resources Council shall carry out its responsibilities under this order in consultation with the Mitigation Framework Leadership Group.

THE WHITE HOUSE,
January 30, 2015.

[FR Doc. 2015–02379
Filed 2–3–15; 11:15 am]
Billing code 3295–F5

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