AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 80 Thursday,
No. 24 February 5, 2015

Pages 6429–6644

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 80 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Printed on recycled paper.

Contents

Federal Register

Vol. 80, No. 24

Thursday, February 5, 2015

Agricultural Marketing Service
RULES
National Organic Program, 6429–6430

Agriculture Department
See Agricultural Marketing Service
See Forest Service
See Grain Inspection, Packers and Stockyards Administration

Bureau of Consumer Financial Protection
PROPOSED RULES
Prepaid Accounts under the Electronic Fund Transfer Act (Regulation E) and the Truth in Lending Act (Regulation Z), 6468

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 6519–6520

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 6520–6521

Coast Guard
RULES
Security Zones; Moving:
Escorted Vessels, MM 90.0 – 106.0, Lower Mississippi River, New Orleans, LA, 6448–6452

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office

Commission of Fine Arts
NOTICES
Meetings:
Commission of Fine Arts, 6501

Comptroller of the Currency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Bank Activities and Operations, 6569–6570

Defense Department
NOTICES
Privacy Act; Systems of Records, 6501–6502

Department of Transportation
See Pipeline and Hazardous Materials Safety Administration

Drug Enforcement Administration
NOTICES
Bulk Manufacturers of Controlled Substances; Applications:
American Radiolabeled Chemicals, Inc., 6547
Importers of Controlled Substances; Registrations:
Cerilliant Corp., 6548–6550
Chattem Chemicals, Inc., 6547

Education Department
RULES
Vocational Rehabilitation Services:
Projects for American Indians with Disabilities, 6452–6455
NOTICES
Applications for New Awards:
Migrant Education Program Consortium Incentive Grant Program, 6502–6506

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Intent to Grant Partially Exclusive Licenses:
National Energy Technology Laboratory, 6506–6507
Meetings:
Quadrennial Technology Review; Workshop, 6507–6508

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
North Carolina; Inspection and Maintenance Program Updates, 6455–6458
National Oil and Hazardous Substances Pollution Contingency Plan:
Midvale Slag Superfund Site; National Priorities List; Deletion, 6458–6464
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Florida; Attainment Plan for the Hillsborough Area for the 2008 Lead National Ambient Air Quality Standards, 6485–6491
West Virginia; Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas, 6491–6495
Air Quality:
Revision to the Regulatory Definition of Volatile Organic Compounds – Requirements for t-Butyl Acetate, 6481–6485
Greenhouse Gas Reporting:
2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems, 6495–6496
National Oil and Hazardous Substances Pollution Contingency Plan:
Midvale Slag Superfund Site; National Priorities List; Deletion, 6496
NOTICES
Consent Decrees:
Clean Air Act Citizen Suit, 6513–6515
Pesticide Emergency Exemptions:
Agency Decisions and State and Federal Agency Crisis Declarations, 6515–6516

Federal Aviation Administration
RULES
Harmonization of Airworthiness Standards:
Gust and Maneuver Load Requirements; Correction, 6435

NOTICES
Request to Release Airport Properties:
South Texas Regional Airport at Hondo, Texas, 6567

Federal Communications Commission
PROPOSED RULES
Wireless Hearing Aid Compatibility Regulations; Correction and Extension of Comment Dates, 6496–6497

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 6516–6517

Federal Emergency Management Agency
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Ready PSA Campaign Creative Testing Research, 6524–6525
Changes in Flood Hazard Determinations, 6525–6530
Guidance for Industry and Staff:
Guidelines for Implementing Executive Order 11988, Floodplain Management; Revision, 6530–6531

Federal Energy Regulatory Commission
NOTICES
Complaints:
Public Service Electric and Gas Co. v. PJM Interconnection, LLC, 6508–6509
Hydroelectric Applications:
TransCanada Hydro Northeast, Inc., 6509–6510
Meetings:
Available Transfer Capability Standards for Wholesale Electric Transmission Services; Workshop, 6510–6511
Preliminary Permit Applications:
Duke Energy Indiana, Inc., 6511–6512
Requests under Blanket Authorization:
Northern Natural Gas Co., 6512–6513
Staff Attendances, 6513

Federal Reserve System
NOTICES
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 6517
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 6517

Fine Arts Commission
See Commission of Fine Arts

Fish and Wildlife Service
NOTICES
Permits:
Endangered Species, 6536–6538

Food and Drug Administration
PROPOSED RULES
Color Additive Petitions:
Signature Brands, LLC, 6468–6469

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 6570–6571

Forest Service
NOTICES
Annual List:
Newspapers to be used by the Alaska Region for Publication, 6498
Newspapers for Publication:
Northern Region, 6498–6499

Grain Inspection, Packers and Stockyards Administration
RULES
Flock Delivery and Stages of Poultry Production; Suspensions, 6430

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 6517–6519

Homeland Security Department
See Coast Guard
See Federal Emergency Management Agency

Housing and Urban Development Department
PROPOSED RULES
Loan Guarantee Program:
Fee to Cover Credit Subsidy Costs, 6469–6470
Payment of Fees to Cover Credit Subsidy Costs, 6470–6475
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
2015 American Housing Survey, 6535–6536
Ginnie Mae Mortgage-Backed Securities Guide, 6533–6535
Housing Search Process for Racial/Ethnic Minorities, 6531–6532
Revision of Transformation Initiative—Sustainable Construction in Indian Country Small Grant Program, 6532–6533

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
See Office of Natural Resources Revenue
See Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Meetings:
Environmental Technologies Trade Advisory Committee, 6499–6500
Ports and Marine Technology Trade Mission to India, 6500

International Trade Commission
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Polyvinyl Alcohol from China, Japan, and Korea, 6546

Justice Department
See Drug Enforcement Administration
NOTICES
Consent Decrees under the Clean Air Act, 6546–6547

Labor Department
See Mine Safety and Health Administration

Land Management Bureau
NOTICES
Meetings:
Eastern Montana Resource Advisory Council, 6538

Mine Safety and Health Administration
NOTICES
Petitions for Modification:
Mine Operator Petitions; Safety Standards, 6550–6551

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 6521–6522
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Science and Technology for Americas Reinvestment; Measuring the Effects of Research on Innovation, Competitiveness and Science, 6522–6523
Meetings:
Center for Scientific Review, 6524
Kidney Interagency Coordinating Committee, 6523–6524
National Human Genome Research Institute, 6523

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2015 Commercial Accountability Measure and Closure, 6464–6465
NOTICES
Meetings:
Gulf of Mexico Fishery Management Council; Webinar, 6500
National Sea Grant Advisory Board, 6500–6501

National Park Service
NOTICES
Repatriation of Cultural Items:
Beneski Museum of Natural History, Amherst College, Amherst, MA, 6538–6539

Neighborhood Reinvestment Corporation
NOTICES
Meetings; Sunshine Act
Corporate Administration Committee, 6551

Nuclear Regulatory Commission
RULES
Spent Fuel Storage Casks; Approved:
Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision No. 1, 6430–6435
PROPOSED RULES
Spent Fuel Storage Casks; Approved:
Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision No. 1, 6466–6468
NOTICES
Combined Licenses:
Southern Nuclear Operating Company, Inc.; Vogtle Combined License, 6551–6552
Meetings:
Advisory Committee On Reactor Safeguards, 6553
The ACRS Subcommittee on Reliability & PRA, 6552–6553
Tribal Policy Statement, 6553–6554

Office of Natural Resources Revenue
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Delegated and Cooperative Activities with States and Indian Tribes, 6540–6546

Patent and Trademark Office
PROPOSED RULES
Patent Quality Enhancements; Meeting, 6475–6481

Pipeline and Hazardous Materials Safety Administration
NOTICES
Meetings:
International Standards on the Transport of Radioactive Material, 6567–6568

Postal Service
PROPOSED RULES
New Mailing Standards for Domestic Mailing Services Products, 6574–6615

Securities and Exchange Commission
NOTICES
Applications:
Deregistration under the Investment Company Act, 6554–6555
Self-Regulatory Organizations; Proposed Rule Changes:
BOX Options Exchange LLC, 6558–6563
Chicago Mercantile Exchange Inc., 6555–6558
New York Stock Exchange LLC, 6558
NYSE MKT LLC, 6563–6565

Small Business Administration
PROPOSED RULES
Small Business Mentor Protege Program; Small Business Size Regulations; Government Contracting Programs; etc., 6618–6644

State Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Statement Regarding a Lost or Stolen U.S. Passport Book and/or Card, 6566
Charter Renewals:
Overseas Schools Advisory Council, 6566–6567

Surface Mining Reclamation and Enforcement Office
RULES
Abandoned Mine Land Reclamation Programs:
Limited Liability for Noncoal Reclamation by Certified States and Indian Tribes, 6435–6448

Transportation Department
See Federal Aviation Administration
See Pipeline and Hazardous Materials Safety Administration

Treasury Department
See Comptroller of the Currency
See Foreign Assets Control Office

NOTICES
Meetings:
Financial Research Advisory Committee; Fifth Meeting of FRAC, 6568–6569

Veterans Affairs Department
NOTICES
Meetings:
Rehabilitation Research and Development Service Scientific Merit Review Board, 6571–6572

Separate Parts In This Issue

Part II
Postal Service, 6574–6615

Part III
Small Business Administration, 6618–6644

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR
205 6429

9 CFR
201 6430

10 CFR
72 6430

Proposed Rules:
72 6466

12 CFR

Proposed Rules:
1005 6468
1026 6468

13 CFR

Proposed Rules:
121 6618
124 6618
125 6618
126 6618
127 6618
134 6618

14 CFR
25 6435

21 CFR

Proposed Rules:
73 6468

24 CFR

Proposed Rules:
570 (2 documents) 6469, 6470

30 CFR
700 6435
875 6435
877 6435
879 6435
884 6435
885 6435

33 CFR
165 6448

34 CFR
369 6452
371 6452

37 CFR

Proposed Rules:
1 6475

39 CFR

Proposed Rules:
111 6574

40 CFR
52 6455
300 6458

Proposed Rules:
51 6481
52 (2 documents) 6485, 6491
98 64995
300 6496

47 CFR

Proposed Rules:
20 6496

50 CFR
622 6464

Rules and Regulations

Federal Register
Vol. 80, No. 24
Thursday, February 5, 2015

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Document Number AMS–NOP–14–0059; NOP–14–06]

National Organic Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Correcting amendments.

SUMMARY: This document contains technical corrections to the USDA organic regulations (7 CFR part 205) which were published in the **Federal Register** on December 21, 2000. The correcting amendments are minor, mostly typographical amendments which do not change, or alter the interpretation, of any provision within the USDA organic regulations.

DATES: These corrections are effective on February 5, 2015.

FOR FURTHER INFORMATION CONTACT: Jennifer Tucker, Ph.D., Acting Director, Standards Division, USDA, AMS, NOP, Telephone: (202) 720–3252, Fax: (202) 205–7808, or email: *Jennifer.Tucker@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

AMS published the USDA organic regulations final rule in the **Federal Register** on December 21, 2000 (65 FR 80637), which established the USDA National Organic Program (NOP). This program provides the national standards governing the marketing of organically produced agricultural products. Establishing the national standards facilitated domestic and international marketing of organic fresh and processed products, and assured consumers that such products meet consistent, uniform standards. After a periodic regulation review, AMS determined that several minor changes need to be inserted into the USDA organic regulations. This document makes these technical corrections which mostly involve word changes, citation changes and updates to program information.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Animals, Archives and records, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

For the reasons set forth in the preamble, AMS amends 7 CFR part 205 as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6522.

§ 205.2 [Amended]

■ 2. Amend § 205.2 by removing from the definition of ''Residue testing'' the term ''degradations'' and adding in its place the term ''degradation''.

■ 3. Amend § 205.100 by revising paragraph (c)(1) to read as follows:

§ 205.100 What has to be certified.

* * * * *

(c) * * *

(1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than the amount specified in § 3.91(b)(1) of this title per violation.

* * * * *

■ 4. Amend § 205.301 by revising paragraphs (f)(1), (2), and (3) to read as follows:

§ 205.301 Product composition.

* * * * *

(f) * * *

(1) Be produced using excluded methods, pursuant to § 205.105(e);

(2) Be produced using ionizing radiation, pursuant to § 205.105(f);

(3) Be processed using sewage sludge, pursuant to § 205.105(g);

* * * * *

§ 205.400 [Amended]

■ 5. Amend § 205.400 by revising paragraph (d) to remove the reference ''§ 205.104'' and add, in it its place, ''§ 205.103.''

■ 6. Amend § 205.502 by revising paragraph (a) to read as follows:

§ 205.502 Applying for accreditation.

(a) A private or governmental entity seeking accreditation as a certifying agent under this subpart must submit an application for accreditation which contains the applicable information and documents set forth in §§ 205.503 through 205.505 and the fees required in § 205.640 to: Program Manager, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2648 So. Bldg., Ag Stop 0268, Washington, DC 20250–0268.

* * * * *

§ 205.510 [Amended]

■ 7. Amend § 205.510 by removing from paragraph (b)(3) the reference ''§§ 205.510(b)(2)'' and adding, in its place, ''§ 205.510(b)(2)''.

§ 205.603 [Amended]

■ 8. Amend § 205.603 by removing from paragraph (a)(12) the word ''Glycerine'' and adding, in its place, the word ''Glycerin''.

■ 9. Amend § 205.607 by revising paragraphs (a) and (c) to read as follows:

§ 205.607 Amending the National List.

(a) Any person may petition the National Organic Standards Board for the purpose of having a substance evaluated by the Board for recommendation to the Secretary for inclusion on or deletion from the National List in accordance with the Act.

* * * * *

(c) A petition to amend the National List must be submitted to: Program Manager, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2648 So. Bldg., Ag Stop 0268, Washington, DC 20250–0268.

■ 10. Amend § 205.641 by revising paragraph (a) to read as follows:

§ 205.641 Payment of fees and other charges.

(a) Applicants for initial accreditation and renewal of accreditation must remit the nonrefundable fee, pursuant to § 205.640(a)(3), along with their application. Remittance must be made

payable to the USDA, AMS Livestock Program and mailed to: USDA, AMS Livestock, Poultry and Seed Program, QAD, P.O. Box 790304 St. Louis, MO 63179–0304 or such other address as required by the Program Manager.

* * * * *

■ 11. Amend § 205.662 by revising paragraph (g)(1) to read as follows:

§ 205.662 Noncompliance procedure for certified operations.

* * * * *

(g) * * *

(1) Knowingly sells or labels a product as organic, except in accordance with the Act, shall be subject to a civil penalty of not more than the amount specified in § 3.91(b)(1) of this title per violation.

* * * * *

■ 12. Amend § 205.681 by revising paragraphs (a)(2) and (d)(1) to read as follows:

§ 205.681 Appeals.

(a) * * *

(2) If the Administrator or State organic program denies an appeal, a formal administrative proceeding will be initiated to deny, suspend, or revoke the certification. Such proceeding shall be conducted pursuant to the U.S. Department of Agriculture's Uniform Rules of Practice, 7 CFR part 1, subpart H, or the State organic program's rules of procedure.

* * * * *

(d) *Where and what to file.* (1) Appeals to the Administrator must be filed in writing and addressed to: Administrator, USDA, AMS, c/o NOP Appeals Team, 1400 Independence Avenue SW., Room 2648–So., Stop 0268, Washington, DC 20250–0268.

* * * * *

Dated: February 2, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–02324 Filed 2–4–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

9 CFR Part 201

RIN 0580–AB23

Suspension of Flock Delivery and Stages of Poultry Production

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: This final rule removes certain regulations promulgated under the Packers and Stockyards Act, 1921 (P&S Act). Under the authority granted to the Secretary of Agriculture (Secretary) and delegated to the Grain Inspection, Packers and Stockyards Administration (GIPSA), GIPSA is authorized to issue regulations necessary to carry out the provisions of the P&S Act. As directed by Congress in Section 731, Division A, of the Consolidated and Further Continuing Appropriations Act, 2015, GIPSA is rescinding certain regulations issued under the P&S Act. GIPSA is exercising the good cause exceptions provided by the Administrative Procedure Act to forgo notice-and-comment rulemaking and proceed directly to a final rule, because notice and comment rulemaking is impracticable and unnecessary since Congress has ordered the rescission of these specific sections.

DATES: Effective February 5, 2015.

FOR FURTHER INFORMATION CONTACT: S. Brett Offutt, Director, Litigation and Economic Analysis Division, P&SP, GIPSA, 1400 Independence Ave. SW., Washington, DC 20250–3646, (202) 720–7363, *s.brett.offutt@usda.gov.*

SUPPLEMENTARY INFORMATION: Section 731 of the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235, requires that: ''the Secretary of Agriculture shall, within 60 days after the date of enactment of this Act, rescind sections 201.2(o), 201.3(a), and 201.215(a), of title 9 of the Code of Federal Regulations (as in effect on such date).'' Since notice and comment is unnecessary and impracticable, GIPSA is exercising the good cause exceptions provided by the Administrative Procedure Act to forgo notice-and-comment rulemaking and proceed directly to a final rule to rescind sections 201.2(o), 201.215(a) and 201.3(a) from title 9 of the Code of Federal Regulations. As part of this final rule, we are also correcting the authority citation for Part 201.

List of Subjects in 9 CFR Part 201

Contracts, Poultry.

Accordingly, title 9 part 201 is amended as follows:

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

■ 1. The authority citation for part 201 is revised to read as follows:

Authority: 7 U.S.C. 181—229c.

§ 201.2 [Amended]

■ 2. In § 201.2, remove paragraph (o).

§ 201.3 [Amended]

■ 3. In § 201.3, remove paragraph (a) and remove the paragraph (b) designation and its subject heading..

§ 201.215 [Amended]

■ 4. In § 201.215, remove paragraph (a) and redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively.

Susan B. Keith,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 2015–02142 Filed 2–4–15; 8:45 am]

BILLING CODE 3410–KD–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2014–0233]

RIN 3150–AJ47

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the Holtec International HI–STORM 100 Cask System listing within the ''List of approved spent fuel storage casks'' to add Revision No. 1 to Amendment No. 8 (effective May 2, 2012, and corrected on November 16, 2012), to the Certificate of Compliance (CoC) No. 1014. Amendment No. 8, Revision No. 1, changes burnup/cooling time limits for thimble plug devices; changes Metamic-HT material testing requirements; changes Metamic-HT material minimum guaranteed values; and updates fuel definitions to allow boiling water reactor fuel affected by certain corrosion mechanisms with specific guidelines to be classified as undamaged fuel.

DATES: The direct final rule is effective April 21, 2015, unless significant adverse comments are received by March 9, 2015. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the NRC staff is

able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: You may submit comments by any one of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0233. Address questions about NRC dockets to Carol Gallagher, telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Gregory R. Trussell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6445, email: *Gregory.Trussell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments
II. Procedural Background
III. Background
IV. Discussion of Changes
V. Voluntary Consensus Standards
VI. Agreement State Compatibility
VII. Plain Writing
VIII. Environmental Assessment and Finding of No Significant Environmental Impact
IX. Paperwork Reduction Act Statement
X. Regulatory Flexibility Certification
XI. Regulatory Analysis
XII. Backfitting and Issue Finality
XIII. Congressional Review Act
XIV. Availability of Documents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0233 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0233.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to: *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0233 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Procedural Background

This direct final rule is limited to adding Amendment No. 8, Revision No. 1, which will supersede Amendment No. 8 (effective May 2, 2012, and corrected on November 16, 2012), to CoC No. 1014 to the ''List of approved spent fuel storage casks,'' and does not include other aspects of the Holtec International HI–STORM 100 Cask System design. Amendment No. 8 continues to be effective but is now being modified with respect to certain specified provisions, as outlined in Amendment No. 8, Revision 1, which apply to all general licensees using the casks for Independent Spent Fuel Storage Installations (ISFSI). Thus, Amendment No. 8, Revision 1, supersedes the previously issued Amendment No. 8 (effective May 2, 2012, and corrected on November 16, 2012). In requesting this revision, Holtec indicated that it has not manufactured any cask under CoC No. 1014, Amendment No. 8, and, consequently, no ISFSI licensee has placed such a cask into service. The NRC is using the ''direct final rule procedure'' to issue this revision because it represents a limited and routine change to an existing CoC that is expected to be noncontroversial. Adequate protection of public health and safety continues to be ensured. This amendment to the rule will become effective on April 21, 2015. However, if the NRC receives significant adverse comments on this direct final rule by March 9, 2015, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rule section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or Technical Specifications (TSs).

For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

III. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR) entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled, ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on May 1, 2000 (65 FR 25241), that approved the Holtec International HI–STORM 100 Cask System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as CoC No. 1014.

IV. Discussion of Changes

By letter dated August 21, 2013, and as supplemented on December 20, 2013, and February 28, 2014, Holtec International submitted a revision request for the Holtec International HI–STORM 100 Cask System, CoC No. 1014, Amendment No. 8. As a revision, the CoC will supersede the previous version of the CoC and TSs that were effective May 2, 2012, as corrected on November 16, 2012, in their entirety. Amendment No. 8, Revision No. 1, changes burnup/cooling time limits for thimble plug devices; changes Metamic-HT material testing requirements; changes Metamic-HT material minimum guaranteed values; and updates fuel definitions to allow boiling water reactor fuel affected by certain corrosion mechanisms within specific guidelines to be classified as undamaged fuel.

As documented in the safety evaluation report (SER), the NRC staff performed a detailed safety evaluation of the proposed CoC amendment request. There are no significant changes to cask design requirements in the proposed CoC amendment. Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Amendment No. 8, Revision No. 1, would remain well within the 10 CFR part 20 limits. Therefore, the proposed CoC changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or amounts of any effluent released, no significant increase in individual or cumulative radiation exposure and no significant increase in the potential for or consequences of radiological accidents.

This direct final rule revises the Holtec International HI–STORM 100 Cask System listing in 10 CFR 72.214 by adding Amendment No. 8, Revision No. 1, to CoC No. 1014. The amendment consists of the changes previously described, as set forth in the revised CoC and TSs. The revised TSs are identified in the SER.

The amended Holtec International HI–STORM 100 Cask System design, when used under the conditions specified in the CoC, the TSs, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be ensured. When this direct final rule becomes effective, persons who hold a general license under 10 CFR 72.210 may load spent nuclear fuel into the Holtec International HI–STORM 100 Cask Systems that meet the criteria of Amendment No. 8, Revision No. 1, to CoC No. 1014 under 10 CFR 72.212.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC will revise the Holtec International HI–STORM 100 Cask System design listed in 10 CFR 72.214. This action does not constitute the establishment of a standard that contains generally applicable requirements.

VI. Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this direct final rule is classified as Compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category relate directly and exclusively to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR. Although an Agreement State may not adopt program elements reserved to the NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act, as well as the Presidential memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883).

VIII. Environmental Assessment and Finding of No Significant Environmental Impact

A. The Action

The action is to amend 10 CFR 72.214 to revise the Holtec International HI–STORM 100 Cask System listing within the ''List of approved spent fuel storage casks'' to revise Amendment No. 8 (effective May 2, 2012, and corrected on November 16, 2012), of CoC No. 1014 by adding Amendment No. 8, Revision No. 1. Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

B. The Need for the Action

This direct final rule amends the CoC for the Holtec International HI–STORM 100 Cask System design within the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites under a general license. Specifically, Amendment No. 8, Revision No. 1, changes burnup/cooling time limits for thimble plug devices; changes Metamic-HT material testing requirements; changes Metamic-HT material minimum guaranteed values; and updates fuel definitions to allow boiling water reactor fuel affected by certain corrosion mechanisms within specific guidelines to be classified as undamaged fuel.

C. Environmental Impacts of the Action

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was initially analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Amendment No. 8, Revision No. 1, tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act.

Holtec International HI–STORM 100 Cask Systems are designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an ISFSI, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

Considering the specific design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. If there is no loss of containment, shielding, or criticality control, the environmental impacts would be insignificant. This amendment does not reflect a significant change in design or fabrication of the cask. In addition, because there are no significant designs or production process changes, any resulting occupational exposures or offsite dose rates from the implementation of Amendment No. 8, Revision No. 1, would remain well within the 10 CFR part 20 limits. Therefore, the proposed CoC changes will not result in either radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or amounts of any effluent released, no significant increase in individual or cumulative radiation exposures, and no significant increase in the potential for or consequences from radiological accidents. The staff documented its safety findings in the SER for this amendment.

D. Alternative to the Action

The alternative to this action is to deny approval of the changes in Amendment No. 8, Revision No. 1, and terminate the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into Holtec International HI–STORM 100 Cask Systems in accordance with the changes described in proposed Amendment No. 8, Revision No. 1, would have to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden on the NRC and the cost to each licensee. Therefore, the environmental impacts would be the same or less than the action.

E. Alternative Use of Resources

Approval of Amendment No. 8, Revision No. 1, of CoC No. 1014 would result in no irreversible commitments of resources.

F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in 10 CFR part 51. Based on the foregoing environmental assessment, the NRC concludes that this direct final rule entitled, ''List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision No. 1,'' will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

IX. Paperwork Reduction Act Statement

This direct final rule does not contain any information collection requirements and, therefore, is not subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and Holtec International. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810).

XI. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general

license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if it notifies the NRC in advance, the spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. A list of NRC-approved cask designs is contained in 10 CFR 72.214.

On May 1, 2000 (65 FR 25241), the NRC issued an amendment to 10 CFR part 72 that approved the Holtec International HI–STORM 100 Cask System design by adding it to the list of NRC-approved cask designs in 10 CFR 72.214.

On August 21, 2013, and as supplemented on December 20, 2013, and February 28, 2014, Holtec International submitted a revision request for the HI–STORM 100 Cask System, CoC No. 1014, Amendment No. 8, as described in Section III, ''Discussion of Changes,'' of this document.

The alternative to this action is to withhold approval of the changes requested in Amendment No. 8, Revision No. 1, and require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into the Holtec International HI–STORM 100 Cask System under the changes described in Amendment No. 8, Revision No. 1, to request an exemption from the requirements of 10 CFR 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden on the NRC and the costs to each affected licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the SER and the environmental assessment, the direct final rule will have no significant adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other Government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of the direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be satisfactory, and therefore, this action is recommended.

XII. Backfitting and Issue Finality

The NRC has determined that the backfit rule (10 CFR 72.62) does not apply to this direct final rule and therefore, a backfit analysis is not required. This direct final rule revises CoC No. 1014 for the Holtec International HI–STORM 100 Cask System, as currently listed in 10 CFR 72.214, ''List of approved spent fuel storage casks.'' Amendment No. 8, Revision No. 1, changes burnup/cooling time limits for thimble plug devices; changes Metamic-HT material testing requirements; changes Metamic-HT material minimum guaranteed values; and updates fuel definitions to allow boiling water reactor fuel affected by certain corrosion mechanisms within specific guidelines to be classified as undamaged fuel.

Holtec has not manufactured any cask under CoC No. 1014, Amendment No. 8, and, consequently, no ISFSI licensee has placed such a cask into service. Therefore, the changes in CoC No. 1014, Amendment No. 8, Revision No. 1 which are approved in this direct final rule do not fall within the definition of backfitting in 10 CFR 72.62, 10 CFR 50.109(a)(1), or otherwise represent an inconsistency with the issue finality provisions applicable to combined licenses in part 52. In addition, the changes in CoC No. 1014, Amendment No. 8, Revision No. 1 do not apply to casks which were manufactured to other amendments of CoC No. 1014, and, therefore, have no effect on current ISFSI licensees using casks which were manufactured to other amendments of CoC No. 1014. While any current CoC user may comply with the new requirements in Amendment No. 8, Revision No. 1, this would be a voluntary decision on the part of current users. For these reasons, NRC approval of CoC No. 1014, Amendment No. 8, Revision No. 1, does not constitute backfitting for users of the HI–STORM 100 Cask System which were manufactured to other amendments of CoC No. 1014, under 10 CFR 72.62, 10 CFR 50.109(a)(1), or the issue finality provisions applicable to combined licenses in 10 CFR part 52.

For the reasons set forth above, no backfit analysis or additional documentation addressing the issue finality criteria in 10 CFR part 52 has been prepared by the NRC.

XIII. Congressional Review Act

This action is not a major rule as defined in the Congressional Review Act (5 U.S.C. 801–808).

XIV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No.
CoC No. 1014, Amendment No. 8, Revision No. 1	ML14262A478
Safety Evaluation Report	ML14262A476
Technical Specifications, Appendix A	ML14262A480
Technical Specifications, Appendix B	ML14262A479
Application (portions are non-public/proprietary)	ML13235A082
December 20, 2013, Application Supplement	ML14009A271
February 28, 2014, Application Supplement	ML14064A344

The NRC may post materials related to this document, including public comments, on the Federal rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2014–0233. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) navigate to the docket folder (NRC–2014–0233); 2) click the ''Sign up for Email Alerts'' link; and 3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282, 2021); Energy Reorganization Act secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act sec. 102 (42 U.S.C. 4332); Nuclear Waste

Policy Act secs. 131, 132, 133, 135, 137, 141, 148 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 788 (2005).

Section 72.44(g) also issued under Nuclear Waste Policy Act secs. 142(b) and 148(c), (d) (42 U.S.C. 10162(b), 10168(c), (d)).

Section 72.46 also issued under Atomic Energy Act sec. 189 (42 U.S.C. 2239); Nuclear Waste Policy Act sec. 134 (42 U.S.C. 10154).

Section 72.96(d) also issued under Nuclear Waste Policy Act sec. 145(g) (42 U.S.C. 10165(g)).

Subpart J also issued under Nuclear Waste Policy Act secs. 117(a), 141(h) (42 U.S.C. 10137(a), 10161(h)).

Subpart K also issued under Nuclear Waste Policy Act sec. 218(a) (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance No. 1014 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1014.

Initial Certificate Effective Date: May 31, 2000.

Amendment Number 1 Effective Date: July 15, 2002.

Amendment Number 2 Effective Date: June 7, 2005.

Amendment Number 3 Effective Date: May 29, 2007.

Amendment Number 4 Effective Date: January 8, 2008.

Amendment Number 5 Effective Date: July 14, 2008.

Amendment Number 6 Effective Date: August 17, 2009.

Amendment Number 7 Effective Date: December 28, 2009.

Amendment Number 8 Effective Date: May 2, 2012, as corrected on November 16, 2012 (ADAMS Accession No. ML12213A170, superseded by Amendment Number 8, Revision 1 on April 21, 2015.

Amendment Number 8, Revision No.1 Effective Date: April 21, 2015.

Amendment Number 9 Effective Date: March 11, 2014.

SAR Submitted by: Holtec International.

SAR Title: Final Safety Analysis Report for the HI–STORM 100 Cask System.

Docket Number: 72–1014.

Certificate Expiration Date: May 31, 2020.

Model Number: HI–STORM 100.

* * * * *

Dated at Rockville, Maryland, this 26th day of January, 2015.

For the Nuclear Regulatory Commission.

Mark A. Satorius,

Executive Director for Operations.

[FR Doc. 2015–02310 Filed 2–4–15; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25

[Docket No. FAA–2013–0142; Amdt. No. 25–141]

RIN 2120–AK12

Harmonization of Airworthiness Standards—Gust and Maneuver Load Requirements; Correction

Correction

In FAA rule document 2015–01205 appearing on pages 4761–4762 in the issue of Thursday, January 29, 2015, make the following corrections:

1. On page 4762 in the first column, the second paragraph should read as follows:

This document corrects three errors in the Greek letters and subscripts contained in various equations in the regulatory text. In one case, the ''U'' in the equation is changed from subscript to regular, uppercase text. In another case, instead of ''$P_L = P_{L-1g} \pm {}_{U\sigma}\bar{A}$'', the equation should be ''$P_L = P_{L-1g} \pm U_{\sigma}\bar{A}$''. In two cases, the three Greek letters ''ρεφ'' after sigma ''σ'' in the subscript of ''U'' are changed to ''ref''. In these cases, ''$U_{\sigma\rho\varepsilon\varphi}$'' should be ''$U_{\sigma ref}$''.

2. On page 4762 in the first column, the third, fourth and fifth paragraphs following the Corrections heading should read as follows:

2. On page 73467, second column, line 11, the equation ''$P_L = P_{L-1g} \pm {}_{U\sigma}\bar{A}$'' is corrected to read ''$P_L = P_{L-1g} \pm U_{\sigma}\bar{A}$''.

3. On page 73467, second column, fifth line from the bottom, the equation ''$U_{\sigma} = U_{\sigma\rho\varepsilon\varphi}F_g$'' is corrected to read ''$U_{\sigma} = U_{\sigma ref}\ F_g$''.

4. On page 73467, second column, third line from the bottom, the text ''$U_{\sigma\rho\varepsilon\varphi}$'' is corrected to read ''$U_{\sigma ref}$''.

[FR Doc. C1–2015–01205 Filed 2–4–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 875, 877, 879, 884, and 885

RIN 1029–AC66

[Docket ID: OSM–2012–0010; S1D1S SS08011000 SX066A00067F 134S180110; S2D2S SS08011000 SX066A00 33F 13XS501520]

Abandoned Mine Land Reclamation Program; Limited Liability for Noncoal Reclamation by Certified States and Indian Tribes

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE or OSM), are revising our abandoned mine land (AML) reclamation program regulations under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). This rule allows states and Indian tribes that have certified completion of all known coal AML reclamation needs within their jurisdiction to receive limited liability protection for certain noncoal reclamation projects.

DATES: Effective March 9, 2015.

FOR FURTHER INFORMATION CONTACT: Michael F. Kuhns, Division of Regulatory Support, 1951 Constitution Ave. NW., Washington, DC 20240; Telephone: 202–208–2860.

SUPPLEMENTARY INFORMATION:

I. Background on the AML Reclamation Program and Limited Liability Provision
A. How does the AML reclamation program operate?
B. What is the limited liability provision of SMCRA?
C. Why are we making rule changes related to the limited liability provision?
II. Description of the Final Rule and Discussion of the Comments Received
A. Summary of the Final Rule
B. General Discussion of Comments
C. Section-by-Section Analysis
1. How are we revising part 700—General?
2. How are we revising part 875—Certification and Noncoal Reclamation?
3. How are we revising part 877—Rights of Entry?
4. How are we revising part 879—Acquisition, Management, and Disposition of Lands and Water?
5. How are we revising part 884—State Reclamation Plans?
6. How are we revising part 885—Grants to Certified States and Indian Tribes?
III. Procedural Matters and Required Determinations

I. Background on the AML Reclamation Program and Limited Liability Provision

A. How does the AML reclamation program operate?

Congress established the AML reclamation program in Title IV of SMCRA to remedy the extensive environmental damage caused by past coal mining activities. In general, the program is targeted toward reclaiming abandoned and inadequately reclaimed mine lands and waters adversely impacted by surface coal mining operations that were not subject to the reclamation requirements of SMCRA. Health, safety, and environmental problems associated with abandoned mine lands include polluted surface water and groundwater, dangerous entrances to underground mines, water-filled pits, unreclaimed or inadequately reclaimed mine sites (including some with dangerous highwalls) and refuse piles, sediment-clogged streams, damage from landslides, and fumes and surface instability resulting from coal seam fires and burning coal refuse. Restoration activities under the AML reclamation program correct or mitigate these problems. While the central focus of our AML program has been to address coal-related health, safety, and environmental problems, noncoal mining-related projects also are eligible to receive funding under certain conditions.

A core element of the national AML program is the reclamation plan developed by each qualifying state and tribe. Under section 405(b) of SMCRA, states that have coal lands and waters eligible for reclamation under Title IV of SMCRA may submit a proposed plan to OSMRE for review. Section 405(k) of SMCRA extends the same opportunity to Indian tribes with eligible lands and waters. If the proposed plan demonstrates that the state or tribe has eligible lands and waters and the legal authority, policies, and administrative structure necessary to adequately administer the program, we will approve the plan under section 405(d) of SMCRA and 30 CFR 884.14, provided the proposed plan and the state or tribe meet all other requirements of 30 CFR 884.11 through 884.14. Currently, 25 states, the Navajo Nation, the Hopi Tribe, and the Crow Tribe of Indians have approved AML reclamation plans.

These states and tribes receive grant funding for their AML reclamation programs under section 405(f) of SMCRA. These grants are, in part, financed through a reclamation fee assessed on current coal production.[1] The revenues generated by this reclamation fee, and from certain other sources, are transferred into the Abandoned Mine Reclamation Fund (the ''AML Fund''), which is a trust fund ''created on the books of Treasury,'' but administered by the Secretary of the Interior.[2]

During the first 30 years of the program, the states of Louisiana, Montana, Texas, and Wyoming and the Crow Tribe, the Hopi Tribe, and the Navajo Nation completed reclamation of all known coal-related AML problems within their jurisdiction and certified to that fact in accordance with section 411(a) of SMCRA. Because of this certification, these states and tribes are known as ''certified'' states and tribes.

Beginning on November 5, 1990, when the Abandoned Mine Reclamation Act of 1990 (AMRA) was enacted as part of the Omnibus Budget Reconciliation Act of 1990, Public Law 101–508, certified states and tribes were authorized to expend Title IV grant funding on the reclamation of eligible noncoal AML problems and on the construction of utilities and public facility projects (collectively ''noncoal reclamation projects'') under the provisions of subsections (b) through (g) of section 411 of SMCRA.[3]

In sum, subsection (b) of section 411 allows certified states and tribes to expend AML Fund moneys on eligible noncoal lands, waters, and facilities without having to submit a request from the governor or tribal chairman. Eligible lands, waters, and facilities are defined under this subsection as those which were mined or processed for minerals or which were affected by such mining or processing, and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under state or other Federal laws.

Subsection (c)[4] of section 411 requires that expenditures for eligible noncoal projects must reflect certain listed priorities.

Subsection (d)[5] specifies that sites listed for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA)[6] or the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA)[7] are not eligible noncoal projects.

Subsection (e)[8] clarifies that eligible noncoal projects can include projects relating to the protection, repair, replacement, construction, or enhancement of public facilities damaged by past mining practices so long as they relate to the priorities listed in subsection (c).

Subsection (f)[9] allows the governor of a state or the head of the governing body of an Indian tribe to request funding for ''specific public facilities related to the coal or minerals industry'' even if the site itself was not impacted by past mining practices.

Finally, subsection (g)[10] requires that noncoal programs conform to the acquisition and lien provisions of SMCRA—sections 407 and 408.[11]

Although these 1990 provisions allowed certified states to develop noncoal reclamation programs under a SMCRA reclamation plan, uncertified states were still limited in the types of noncoal reclamation projects they could perform under SMCRA. Specifically, uncertified states could use AML grant funds on the reclamation of noncoal AML sites only to abate extreme dangers to public health, safety, general welfare, and property that arose from the adverse effects of mineral mining and processing and only at the request of the governor, as provided under section 409 of SMCRA.

Subsections (b) through (g) of section 411 of SMCRA remained the governing authority for certified states performing noncoal reclamation projects under SMCRA until the passage of the Tax Relief and Health Care Act of 2006, Public Law 109–432, 120 Stat. 292 (the ''2006 amendments''). The 2006 amendments substantially modified the AML reclamation program in Title IV of SMCRA.

On November 14, 2008, we promulgated a final rule, which revised the OSMRE regulations for the Abandoned Mine Reclamation Fund and the Abandoned Mine Land program to implement the 2006 amendments. Abandoned Mine Land Program, 73 FR 67576–67647 (Nov. 14, 2008) (''2008 Rule''). (Please refer to the preamble of the 2008 Rule for a more complete description of the program changes resulting from the 2006 amendments. 73 FR at 67577–67578.)

Of importance to this rulemaking, the 2008 Rule incorporated changes made by the 2006 amendments relating to the amount and use of funds distributed to certified states and tribes. Prior to the

[1] 30 U.S.C. 1232(a).
[2] 30 U.S.C. 1231(a).
[3] 30 U.S.C. 1240a(b)–(g).
[4] 30 U.S.C. 1240a(c).
[5] 30 U.S.C. 1240a(d).
[6] 42 U.S.C. 7901 *et seq.*
[7] 42 U.S.C. 9601 *et seq.*
[8] 30 U.S.C. 1240a(e).
[9] 30 U.S.C. 1240a(f).
[10] 30 U.S.C. 1240a(g).
[11] 30 U.S.C. 1237–1238.

2006 amendments, section 402(g)(1) of SMCRA allocated 50 percent of the total reclamation fees paid by coal mine operators for coal produced from operations located within each state or tribe to that state or tribe. These allocations within the AML Fund are referred to as ''State share'' or ''Tribal share'' funds. However, distribution of the State share and Tribal share funds was subject to annual appropriation, and Congress did not always appropriate the full amount allocated each year. This left an increasing unappropriated balance of State share and Tribal share allocations in the AML Fund.

The 2006 amendments addressed this increasing unappropriated balance of State share and Tribal share funds, in part, by making the distribution of these funds to uncertified states mandatory.[12] Certified states and tribes, in contrast, were barred from receiving what would have been their annual State share and Tribal share allocations from the AML Fund, beginning October 1, 2007.[13] These State share and Tribal share funds were replaced with equivalent payments from otherwise unappropriated general funds in the U.S. Treasury.[14] We refer to these payments as ''certified in lieu'' funds; they are scheduled by statute to continue through fiscal year 2022. 30 U.S.C. 1240a(h)(2); see also 30 U.S.C. 1202(a) and (g)(1).

In addition, the 2006 amendments provided for payments to all states and tribes from otherwise unappropriated general funds in the U.S. Treasury in an amount equal to the unappropriated balance of their State share or Tribal share allocation in the AML Fund as of September 30, 2007. See section 411(h)(1) of SMCRA.[15] As required by the 2006 amendments, distribution of these ''prior balance replacement funds'' occurred in seven equal annual installments, beginning with fiscal year 2008 and ending in fiscal year 2014.

In 2012, however, a new law (Pub. L. 112–141) amended section 411(h) of SMCRA by capping the total annual payment to a certified state or tribe under that section at $15 million. In other words, the combined certified in lieu and prior balance replacement funds distributed annually to a certified state or tribe cannot exceed $15 million annually. On October 2, 2013, Congress increased this cap to $28 million in fiscal year 2014 and $75 million in fiscal year 2015. See section 10 of the Helium Stewardship Act of 2013 (Pub. L. 113–40).

As mentioned earlier, the 2008 Rule revised the regulations to conform to the 2006 amendments. The 2008 Rule recognized the greater latitude that the 2006 amendments gave to certified states and tribes in how they could spend the certified in lieu funds or prior balance replacement funds. In particular, under the 2008 Rule, while certified programs are still required to address known and newly discovered coal problems in a timely manner, funding not needed to address coal problems may be used for a wider range of purposes than previously allowed, including, but not limited to, purposes related to noncoal reclamation projects. See 30 CFR parts 872 and 875 (2009).

B. What is the limited liability provision of SMCRA?

Work done as part of an approved state or tribal AML reclamation plan receives limited liability protection. Among the many changes made to Title IV in 1990, AMRA added a new section—section 405(l)[16] (the limited liability provision)—which specifies that ''[n]o State shall be liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out a State abandoned mine reclamation plan approved under this section.'' Indian tribes are also covered under this provision because section 405(k)[17] provides that an Indian tribe is considered a state for purposes of Title IV of SMCRA. Section 405(l) waives monetary liability for states and tribes under all Federal laws when the states and tribes are acting to carry out their approved abandoned mine reclamation plan, but it does not preclude liability for a state's or tribe's gross negligence or intentional misconduct. State and tribal program officials routinely make a broad range of decisions concerning site selection and abatement of serious health, safety, and environmental problems. Although the limited liability provision does not waive the applicability of Federal laws to the states and tribes, it does waive monetary liability for actions they take in carrying out or complying with those laws in furtherance of an AML reclamation plan. In so doing, the limited liability provision provides states and tribes with a degree of protection as they make difficult choices with limited program funding.

On May 31, 1994, we promulgated 30 CFR 874.15 and 875.19 to implement the limited liability provision in section 405(l) of SMCRA. See 59 FR 28172–28173. The language in those two regulatory sections is identical—30 CFR 874.15 applies to uncertified programs, while 30 CFR 875.19 applies to certified programs.

C. Why are we making rule changes related to the limited liability provision?

We are revising our rules in response to concerns that the 2008 Rule may have created a disincentive for certified states and tribes to conduct noncoal reclamation projects with the moneys that they receive under SMCRA. In the 2008 Rule, we did not change the language of either 30 CFR 874.15 or 875.19, which are the regulatory provisions that mirror SMCRA's limited liability provision. However, we concluded in the preamble to the 2008 Rule that, although certified programs could engage in noncoal reclamation projects, programs that use the two new sources of funding under sections 411(h)(1) and (h)(2) of SMCRA (prior balance replacement funds and certified in lieu funds, respectively, instead of AML Fund moneys) would not be operating as SMCRA noncoal AML reclamation programs and would not benefit from the limited liability protections when they conduct noncoal reclamation projects. See 73 FR at 67609–67611. This is because the noncoal reclamation projects for certified states are authorized by subsections (b) through (g) of section 411 of SMCRA, and those statutory provisions only refer to the use of State share and Tribal share funds for SMCRA noncoal AML reclamation programs from the AML Fund. As stated above, as a result of the 2006 amendments, certified states and tribes no longer receive State share and Tribal share funds. Since 2008, certified states and tribes that have chosen to expend the certified in lieu funds or prior balance replacement funds to work on noncoal reclamation projects could not comply with the regulations in 30 CFR part 875 that had implemented subsections (b) through (g) of Section 411 of SMCRA[18] and, therefore, could not benefit from the limited liability protection afforded by 30 CFR 875.19 for their noncoal reclamation projects. 73 FR at 67613–67614.

Although we ultimately adopted this more restrictive approach in the 2008 Rule, we considered other alternatives in the proposed rule that preceded the 2008 Rule. First, we proposed to allow certified states and tribes to choose to use their Title IV moneys for noncoal

[12] 30 U.S.C. 1231(d)(3).

[13] 30 U.S.C. 1231(f)(3)(B).

[14] 30 U.S.C. 1240a(h)(2).

[15] 30 U.S.C. 1240a(h)(1).

[16] 30 U.S.C. 1235(l).

[17] 30 U.S.C. 1235(k).

[18] 30 CFR 875.11(b)(2).

reclamation projects under 30 CFR part 875. See Abandoned Mine Land Program, 73 FR 35214, 35233 (June 20, 2008). Second, we presented an alternative that would have required certified states and tribes to spend their certified in lieu funds for noncoal reclamation projects under 30 CFR part 875. Id.

As part of the 2008 rulemaking, we received a number of comments regarding the application of the limited liability provision to certified states and tribes. At that time, the Interstate Mining Compact Commission (IMCC), the National Association of Abandoned Mine Land Programs (NAAMLP), and one state commented that ''certified AML programs should not be required to follow all of part 875 to enjoy the protection of the limited liability provisions of § 875.19.'' [19] Since we adopted the 2008 Rule, program officials in certified states and tribes have continued to express concern that the loss of limited liability protection for noncoal reclamation projects creates a disincentive to conduct at least some types of noncoal reclamation activities.[20]

Based on our reconsideration of these past public comments on the 2008 Rule and our own concerns about the potential disincentive that the 2008 may have created, we reconsidered the position that we took in the 2008 Rule and concluded that a more flexible approach could increase reclamation of noncoal AML sites. In February 2013, we published a proposed rule to revise the 2008 Rule to allow certified states and tribes to choose to use their prior balance replacement funds and certified in lieu funds for noncoal reclamation projects under 30 CFR part 875 in accordance with an approved AML reclamation plan. Abandoned Mine Land Reclamation Program; Limited Liability for Noncoal Reclamation by Certified States and Indian Tribes, 78 FR 8822 (Feb. 6, 2013). Under the proposed rule, any noncoal reclamation projects conducted under 30 CFR part 875 in accordance with an approved AML reclamation plan would receive limited liability protection as authorized by section 405(l) of SMCRA and 30 CFR 875.19.

The rule that we are promulgating today is designed to restore limited liability protections for certain noncoal reclamation projects, as described below.

II. Description of the Final Rule and Discussion of the Comments Received

A. Summary of the Final Rule

The final rule that we are adopting today gives certified states and tribes two options for conducting noncoal reclamation projects. First, the final rule retains the ability of certified states and tribes to expend their prior balance replacement funds and certified in lieu funds on projects outside the scope of a SMCRA noncoal AML reclamation program but without limited liability protection. Second, the final rule allows certified states and tribes the ability to voluntarily use prior balance replacement funds and certified in lieu funds to conduct noncoal reclamation projects pursuant to a SMCRA noncoal AML reclamation program under the provisions of subsections (b) through (g) of section 411 of SMCRA and 30 CFR part 875 and other applicable regulations. The limited liability protection provided by section 405(l) and 30 CFR 875.19 would apply to noncoal reclamation projects completed pursuant to a SMCRA noncoal AML reclamation program. These two options are discussed in more detail below.

Under the first option, if a certified state or tribe chooses to use some or all of its certified in lieu funds, prior balance replacement funds, or both, on noncoal reclamation projects outside of a SMCRA noncoal AML reclamation program, it will not be required to comply with subsections (b) through (g) of section 411 and the requirements of 30 CFR and other regulations related to SMCRA noncoal AML reclamation programs. Thus, for example, a state could expend certified in lieu funds on UMTRCA or CERCLA sites, but if it did so it would not receive the limited liability protections afforded by SMCRA because section 411(d) and 30 CFR 875.16 prohibit SMCRA noncoal AML reclamation programs from expending moneys on those types of sites. Certified states and tribes that choose this option will have the same administrative responsibilities that they have been subject to under the 2008 Rule.

Certified states and tribes, however, can receive limited liability protections for noncoal reclamation projects taken under the aegis of the second option—a SMCRA noncoal AML reclamation program that is part of an approved AML reclamation plan in accordance with 30 CFR part 875 and other applicable regulations. In other words, under this rule, the limited liability provision will apply to noncoal reclamation projects conducted under an approved state or tribal SMCRA noncoal AML reclamation program consistent with subsections (b) through (g) of section 411 of SMCRA and the requirements of 30 CFR part 875 and other applicable regulations.

Under such a SMCRA noncoal AML reclamation program, limited liability protections will extend to onsite reclamation activities and to program administration, site development, environmental management, and other actions taken or not taken in support of noncoal reclamation projects. Because the protections only extend to ''action taken or omitted in the course of carrying out'' an approved abandoned mine reclamation plan for a state or Indian tribe, there must be a clear nexus between the action or inaction and a noncoal reclamation project conducted pursuant to 30 CFR part 875 that is part of an approved AML reclamation plan for the protections to apply. Because OSMRE must verify that the projects conducted under the second option meet the applicable statutory and regulatory criteria, certified states and tribes choosing this option will be subject to more administrative responsibilities, such as the requirement for the submittal and approval of a written authorization to proceed. These individual administrative requirements are described in the next section-by-section analysis below.

As we explained in our proposed rule, the approach contained in this final rule is consistent with section 411(h)(1) of SMCRA, which grants the state legislatures and tribal councils almost complete discretion as to how to spend prior balance replacement funds, and it is consistent with section 411(h)(2) of SMCRA, which contains no specific instruction on the use of certified in lieu funds and does not place any restrictions upon them. 78 FR 8825. This broad congressional grant of authority gives certified states and tribes discretion to operate an approved noncoal AML reclamation program under subsections (b) through (g) of section 411 of SMCRA and the implementing regulations with these funds, should they chose to do so. This approach would also be consistent with

[19] 73 FR at 67613.

[20] *See, e.g.,* Statement of Madeline Roanhorse, Manager, AML Reclamation/Uranium Mill Tailings Radiation Control Act Department, Navajo Nation on Behalf of the National Association of Abandoned Mine Land Programs re Oversight Hearing on *The Effect of the President's FY 2013 Budget and Legislative Proposals for the Office of Surface Mining on Private Sector Job Creation, Domestic Energy Production, State Programs and Deficit Reduction* before the House Energy and Mineral Resources Subcommittee, March 6, 2012, p. 7 (''Without this limited liability protection, these states and tribes potentially subject themselves to liability under the Clean Water Act and CERCLA for their AML reclamation work. Nothing in the 2006 Amendments suggested that there was a desire or intent to remove these liability protections, and without them in place, certified states and tribes will need to potentially reconsider at least some of their more critical AML projects.'').

our view that states and tribes may use these funds for coal reclamation to maintain certification, a use also not explicitly contained in either paragraph (h)(1) or paragraph (h)(2) of section 411 of SMCRA.

B. General Discussion of Comments

In response to the proposed rule, we received comments from seven states and one Indian tribe, each with an approved AML reclamation plan under Title IV of SMCRA. In addition, we also received joint comments from the IMCC and the NAAMLP. We did not receive any comments from environmental groups, the coal industry, or citizens. All comments timely submitted are available for public review in the docket for this rulemaking.

The comments that we received ranged from very specific to very general. All comments either supported the rule or were neutral. We received no comments opposing the rule. Seven states and one tribe urged OSMRE to enact a final rule as soon as practicable. They also endorsed the IMCC/NAAMLP comments, which can be summarized in the following excerpt: ''While we anticipated fewer changes required to effect the reinstatement [of limited liability coverage], our review indicates OSMRE has done a thorough job in correcting all areas of the rules necessary to support the reinstatement. OSMRE is to be commended for their effort.''

Comments specific to a particular provision of the proposed rule are discussed below in the section-by-section analysis.

C. Section by Section Analysis

1. How are we revising part 700—General?

To improve the clarity of the regulations, we are revising § 700.5 to add a definition of the term ''SMCRA.'' We proposed to define the term ''SMCRA'' as meaning the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87), as amended. We received no comments about the proposed definition and are adopting it as proposed, with the exception that we are replacing the reference to Public Law 95–87 in the proposed rule with the appropriate United States Code citation (30 U.S.C. 1201 *et seq.*) because that is the more commonly used citation for the statute.

2. How are we revising part 875—Certification and Noncoal Reclamation?

We are revising this part to clarify that certified states and tribes may voluntarily conduct noncoal reclamation activities under a noncoal AML reclamation program in accordance with the provisions of 30 CFR part 875 and other applicable regulations and thus receive limited liability protection for noncoal reclamation projects completed under those provisions. In general, our revisions set forth the procedures that certified states and tribes must follow if they voluntarily choose to use their Title IV funding for noncoal reclamation projects under part 875, which includes reclamation of noncoal AML sites as well as the construction of certain utilities and public facilities as provided under § 875.15, pursuant to an approved SMCRA noncoal AML reclamation plan. These procedures relate to the eligibility of sites and restrictions for land acquisition and management, lien determinations, and contractor eligibility. In addition, this part makes clear that certified states and Indian tribes will receive limited liability protection under 30 CFR 875.19 for authorized noncoal reclamation projects and supporting administrative and programmatic activities. A discussion of our revisions to individual sections of the rules and our response to the comments that we received specific to those sections follows.

Applicability (§ 875.11)

We are revising § 875.11(b)(2) to allow certified programs to use prior balance replacement funds and certified in lieu funds for both coal reclamation projects that are necessary to maintain certification and noncoal reclamation projects approved under SMCRA. The final rule is consistent with section 411(h)(1) of SMCRA, which grants the state legislatures and tribal councils discretion as to how prior balance replacement funds may be spent, because the state legislature or tribal council could direct these funds to be expended on noncoal reclamation projects pursuant to 30 CFR part 875. In addition, optional coverage is consistent with section 411(h)(2) of SMCRA, which contains no specific instruction on the use of certified in lieu funds and does not place any restrictions upon them. Therefore, certified states and tribes now will have the discretionary authority to direct some or all of these funds to SMCRA noncoal reclamation projects consistent with section 411 of SMCRA and 30 CFR part 875. This approach is also consistent with 30 CFR 875.14(b), which expressly allows states and tribes to use certified in lieu funds and prior balance replacement funds to address coal problems discovered subsequent to certification, a use that also is not explicitly contained in either subsection (h)(1) or subsection (h)(2) of section 411 of SMCRA, which authorize the payment of prior balance replacement and certified in lieu funds.

By allowing certified states and tribes the latitude to conduct noncoal reclamation projects under 30 CFR part 875 and an approved SMCRA noncoal AML reclamation plan, we will continue to promote the AML reclamation plan as a central component of SMCRA noncoal reclamation projects. Activities carried out under a SMCRA noncoal AML reclamation program under 30 CFR part 875 will enjoy the limited liability protections of section 405(l) of SMCRA because the work will be conducted pursuant to an approved AML reclamation plan that conforms to subsections (e) and (f) of section 405 of SMCRA and the applicable regulations.

We received no comments opposing the proposed revisions to this section and we are adopting the revisions to this section as proposed.

Reclamation Priorities for Noncoal Program (§ 875.15)

In our proposed rule, we did not include any revisions to the language in § 875.15, which establishes priorities for SMCRA noncoal AML reclamation programs. However, the IMCC/NAAMLP asked for clarification regarding the priorities listed in that section. In particular, they wanted to know whether we would require certified states and tribes to strictly adhere to those priorities if the certified state or tribe chooses to expend its AML moneys pursuant to new § 875.11(b)(2)(ii), which authorizes those states and tribes to ''conduct a noncoal reclamation program in accordance with the requirements of this part.'' The commenters then opined that, because the expenditure of funds on a SMCRA noncoal AML reclamation program under 30 U.S.C. part 875 is voluntary, it would be inappropriate to require a certified state or Indian tribe to strictly follow the hierarchy of priorities in this section. They suggested that certified states and Indian tribes should be able to choose which project or projects to address, and in which order. For example, they would like the flexibility to address a priority 3 site before all priority 1 and 2 sites are corrected.

We did not make any changes to § 875.15 in response to this comment because this section is derived from subsections (c), (e), and (f) of section 411 of SMCRA, which are described above in section I.A of this preamble.[21]

[21] 30 U.S.C. 1240a(c), (e) and (f).

The priorities and restrictions contained in § 875.15 are part of the statutory requirements for a SMCRA noncoal AML reclamation program, and we must give them effect. However, we have not historically interpreted this language in an inflexible manner. Section 411(c) of SMCRA and § 875.15(b) state that the expenditure of moneys ''shall reflect'' the priorities listed. This language is similar to the language used to describe the priorities for coal reclamation under section 403(a) of SMCRA. See 30 U.S.C. 1233(a) (''Expenditure of moneys . . . shall reflect the following priorities in the order stated. . . .''). Our longstanding approach for interpreting section 403(a) has been ''that reclamation programs can reclaim Priority 3 land and water projects before the completion of all Priority 1 and 2 projects as long as the overall reclamation program generally reflects the priorities.'' [22] Because section 411(c) and § 875.15(b) are so similar to section 403(a), the same approach would apply to noncoal reclamation projects: *i.e.,* Priority 3 noncoal reclamation projects may be conducted before completion of all Priority 1 and 2 noncoal reclamation projects so long as the overall SMCRA noncoal AML reclamation program generally reflects the priorities listed in section 411(c) and 30 CFR 875.15.

Exclusion of Certain Noncoal Reclamation Sites (§ 875.16)

Consistent with the proposed rule, we are revising this section to prohibit the reclamation of sites designated for remedial action under UMTRCA [23] or listed for remedial action under CERCLA [24] by certified states or tribes using prior balance replacement funds or certified in lieu funds if they conduct the reclamation as a component of a voluntary SMCRA noncoal AML reclamation program under part 875. SMCRA clearly prohibits ''[s]ites and areas designated for remedial action pursuant to [UMTRCA] or which have been listed for remedial action pursuant to [CERCLA]'' from being ''eligible for expenditures from the Fund under'' section 411 of SMCRA.[25]

The revision to § 875.16(b) will continue to prohibit a certified state or Indian tribe from expending money left over from the pre-2008 distributions of funds from section 402(g)(1) on UMTRCA and CERCLA sites. In addition, as described in the proposed rule, this section is being revised to prohibit the expenditure of prior balance replacement funds and certified in lieu funds for UMTRCA and CERCLA sites if the state or tribe chooses to conduct a SMCRA noncoal AML reclamation program under part 875. The revised rule does not prohibit a certified state or tribe from expending Title IV moneys on UMTRCA and CERCLA sites if those projects are completed outside the scope of a SMCRA noncoal AML reclamation program operating under part 875. However, the certified state or tribe will not receive limited liability coverage under SMCRA for those projects.

We received no comments opposing this proposed provision. We did, however, receive a suggestion to capitalize ''State'' in the regulatory text to be consistent with capitalization of this word elsewhere in our regulations. We are adopting the proposed rule with this editorial change.

Land Acquisition Authority—Noncoal (§ 875.17)

As stated in the proposed rule, we are revising this section to confirm that the requirements specified in parts 877 (Rights of Entry) and 879 (Acquisition, Management and Disposition of Lands and Water) also apply to a state's or tribe's SMCRA noncoal AML reclamation projects conducted voluntarily under part 875. We received no comments opposing the proposed changes to this section and we are adopting the changes with a minor revision for clarity.

Limited Liability (§ 875.19)

Consistent with the proposed rule, we are revising this section to clarify that no state or Indian tribe conducting noncoal reclamation projects, including the reclamation of noncoal AML sites and the construction of certain utilities and public facilities, under the provisions of part 875 is liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out an approved state or Indian tribe AML reclamation plan. The revision is also consistent with section 405(l) of SMCRA, as this section preserves state and tribal liability for costs or damages caused by a state's or tribe's gross negligence or intentional misconduct when carrying out a SMCRA noncoal program under an approved reclamation plan.

Although not specifically referring to this provision, one commenter requested that we clarify whether the limited liability provisions of section 405(l) of SMCRA and the Federal regulations would ''provide a certified state or tribal program operating under a federally approved state abandoned mine program with exemption from liability under the third-party lawsuit provision of the Clean Water Act[.]'' This commenter noted that the legislative history surrounding section 405(l) specifically refers to section 405(l) as limiting the liability of CERCLA for reclamation projects associated with eligible noncoal abandoned mine sites ''so long as the project is undertaken pursuant to a federally approved reclamation plan.'' See H.R. Rep. 101–294, at 30, 37 (1989).

We have opted not to make any changes to the regulatory text based on this comment. We note that the language of section 405(l) of SMCRA and § 875.19 limits liability ''under any provision of Federal law for *any costs or damages* as a result of action taken or omitted in the course of carrying out an approved State or Indian tribe abandoned mine reclamation plan.'' 30 U.S.C. 1235(l) (emphasis added). This limited liability protection does not exempt states or tribes from complying with applicable Federal laws, including the Clean Water Act.[26] Rather, it protects a state or tribe from paying for costs or damages that may arise as a result of the state's or tribe's actions or inactions while carrying out its approved abandoned mine reclamation plan. All grant recipients must provide assurances to OSMRE that activities funded by the AML Fund, certified in lieu funds, or prior balance replacement funds will comply with Federal laws, as well as state, tribal, and local laws. We are unaware of any instances where states or tribes have attempted to rely on this provision to avoid complying with the Clean Water Act or any other Federal law. Nevertheless, until such time as the courts define the scope of coverage under section 405(l), we cannot definitively state the parameters of the limited liability protection provision nor foresee all future possible factual scenarios in which a state or tribe may raise section 405(l) of SMCRA as a defense against a claim for costs or damages arising from the state's or tribe's actions or inactions while carrying out an approved abandoned mine reclamation plan.

We are making one minor revision to this section from the language as proposed. We removed the word ''certified'' from the first sentence of this rulemaking because, according to § 875.11, this part applies to both noncoal reclamation projects conducted by certified states and tribes pursuant to SMCRA noncoal AML reclamation

[22] 73 FR at 67603 (summarizing OSM's history of this approach).

[23] 42 U.S.C. 7901 *et seq.*

[24] 42 U.S.C. 9601 *et seq.*

[25] 30 U.S.C. 1240a(d).

[26] 33 U.S.C. 1251 *et seq.*

programs under subsections (b) through (g) of section 411 of SMCRA and part 875 as well as to noncoal reclamation activities conducted by uncertified states consistent with section 409 of SMCRA and the applicable regulations. We originally proposed to include the word ''certified'' to ensure that these states and tribes would be eligible for limited liability coverage, and we did not intend to remove this coverage from uncertified states. Thus, removing the word ''certified'' eliminates the possibility of any unintended loss of limited liability coverage for uncertified states performing authorized noncoal reclamation work.

Contractor Eligibility (§ 875.20)

As described in the proposed rule, we are revising this section to clarify that certified states and tribes that voluntarily conduct noncoal reclamation activities under part 875 must comply with the contractor eligibility requirements. This section also applies to certified states and tribes that conduct coal reclamation to maintain certification. We received no comments opposing the proposed revisions to this section and we are adopting the rule as proposed with a minor revision for clarity.

3. How are we revising Part 877—Rights of Entry?

We did not propose any revisions to part 877 in the proposed rule, but we are making minor, non-substantive revisions to § 877.1 (Scope) for clarity in response to a comment suggesting that we add introductory language to part 877 to clarify that ''noncoal'' replaces all references to ''coal'' when certified states and tribes are conducting noncoal reclamation projects under section 411 of SMCRA and part 875 of the regulations. The commenter acknowledged that the revisions to § 875.17 would have the same effect, but the commenter stated that repeating this language in part 877 would improve clarity and avoid confusion. We agree with the commenter and are adding the requested language to § 877.1.

4. How are we revising Part 879—Acquisition, Management, and Disposition of Lands and Water?

Because the final rule modifies part 875 to allow certified states and tribes to voluntarily conduct noncoal reclamation projects under SMCRA, we are revising, consistent with the proposed rule, part 879 so that the procedures related to acquisition, management, and disposition of land and water are consistent with this option. In general, certified states and Indian tribes that voluntarily conduct noncoal reclamation projects under part 875 will be required to follow the provisions of part 879. Consistent with the proposed rule, we also are revising § 879.15 to specify that all moneys received by a certified state or tribe in the context of their noncoal reclamation projects conducted under part 875 must be handled in accordance with § 885.19 to ensure that any moneys received from the disposition of lands and waters are returned to the AML reclamation program. Each change, a summary of the comments we received, if any, and our responses to these comments are described below in more detail.

Scope (§ 879.1)

Consistent with the proposed rule, we are revising this section to clarify its applicability to certified states and tribes that choose to conduct noncoal reclamation projects under part 875. We received no comments opposing our proposed revisions to § 879.1. However, one commenter suggested that we add language to the introduction of part 879 to clarify that ''noncoal'' replaces all references to ''coal'' when certified states and tribes are conducting noncoal reclamation projects under part 875. The commenter acknowledged that the revisions to § 875.17 would have the same effect, but the commenter stated that repeating this language in part 879 would improve clarity and avoid confusion.

We agree with the commenter. Accordingly, we are revising § 879.1 to reflect the changes that we proposed, and we are adopting additional language to clarify that ''noncoal'' replaces all references to ''coal'' when certified states and tribes are conducting noncoal reclamation projects under part 875.

Land Eligible for Acquisition (§ 879.11)

As described in the proposed rule, we are revising §§ 879.11(a) and 879.11(b) to clarify that these sections apply to a certified state or Indian tribe that chooses to conduct noncoal reclamation activities under part 875. In addition, we determined that previous § 879.11 was not as clear as we intended, and we restructured § 879.11(a) to confirm that OSMRE must execute a written approval and make the findings required by §§ 879.11(a)(1) and 879.11(a)(2) when we acquire land. We received no comments opposing the proposed changes and we are adopting the revisions to this section as proposed with minor revisions to §§ 879.11(a)(2) and 879.11(b) for clarity.

Disposition of Reclaimed Land (§ 879.15)

As proposed, we are revising § 879.15(h) to specify that moneys received from disposal of land by certified states and tribes conducting a SMCRA noncoal AML reclamation program under part 875 must be handled as unused funds in accordance with § 885.19. We received no comments opposing the proposed changes to this section and we are adopting the rule as proposed.

5. How are we revising Part 884—State Reclamation Plans?

As described in the proposed rule, we are revising part 884 to specify the contents of an AML reclamation plan for certified states and Indian tribes. In particular, we are revising two sections—§§ 884.13 and 884.17. Each change, a summary of the comments we received, if any, and our responses to these comments are described below in more detail.

Content of Proposed State Reclamation Plan (§ 884.13)

As proposed, we are revising this section to require that an AML reclamation plan for a certified state or tribe contain all components required for an AML reclamation plan for an uncertified state or tribe, plus a commitment to address eligible coal problems found or occurring after certification as required in §§ 875.13(a)(3) and 875.14(b). This is a change from the 2008 Rule that specified that a noncoal AML reclamation plan for a certified state or tribe need include only two components: (1) a designation by the governor of the state or the governing authority of the Indian tribe identifying the agency authorized to administer the AML reclamation program and to receive and administer grants, and (2) a commitment to address eligible coal problems found or occurring after certification, as required in §§ 875.13(a)(3) and 875.14(b).

We are making this change so that certified states and tribes will be able to avail themselves of the limited liability protections afforded by section 405(l) of SMCRA. To receive the protection of section 405(l), certified states and Indian tribes must conduct noncoal reclamation projects under 30 CFR part 875 in accordance with an approved AML reclamation plan that conforms to paragraphs (e) and (f) of section 405 and the applicable regulations.

We received no comments opposing our proposed revisions to this section. The final rule that we are adopting

today is substantively identical to proposed § 884.13. However, we are reorganizing this section for clarity and consistency with current rule drafting principles. The final rule consolidates the requirements that apply to all states and tribes (both certified and uncertified) in paragraph (a). Paragraph (b) contains the additional requirement that applies to certified states and tribes.

Other Uses by Certified States and Indian Tribes (§ 884.17)

In response to a comment received on the proposed rule, we are revising section 884.17 in the final rule to alleviate confusion about whether certain restrictions in that section apply to public facility projects. Section 884.17 details the contents of a reclamation plan for a certified state or tribe that chooses to use AML funds for a specific type of noncoal reclamation project—a public facility project. In particular, this section allows certified states and tribes to expend money on public facility projects ''when the Governor of the State has certified and the Director [of OSM] has concurred that'' (1) all reclamation, both coal and noncoal reclamation, has been completed, (2) the ''specific public facilities are required as a result of coal development,'' and (3) other funds available under the Mineral Leasing Act of 1920 (MLA),[27] as amended, or the Payment in Lieu of Taxes Act (PILTA),[28] are inadequate.

This provision was first proposed in 1978 as § 850.12(d). See Abandoned Mine Land Reclamation Program Provisions, 43 FR 17918, 17930 (Apr. 25, 1978). The preamble to the February 2013 proposed rule explains that we proposed § 850.12 to allow states and tribes to include noncoal reclamation activities in their initial state or tribal AML reclamation plan. See 43 FR at 17921. This 1978 provision, § 850.12, helped to implement section 402(g)(2) of SMCRA, which originally stated:

> Fifty per centum of the funds collected annually in any State or Indian reservation shall be allocated to that State or Indian reservation by the Secretary pursuant to any approved abandoned mine reclamation program to accomplish the purposes of this title. Where the Governor of a State or the head of a governing body of a tribe certifies that (i) objectives of the fund set forth in sections 403 and 409 have been achieved, (ii) there is a need for construction of specific public facilities in communities impacted by coal development, (iii) impact funds which may be available under provisions of the Federal Mineral Leasing Act of 1920, as amended, or the Act of October 20, 1976, Public Law 94–565 (90 Stat. 2662), are inadequate for such construction, and (iv) the Secretary concurs in such certification, then the Secretary may continue to allocate all or part of the 50 per centum share to that State or tribe for such construction: *Provided, however,* That if funds under this subparagraph (2) have not been expended within three years after their allocation, they shall be available for expenditure in any eligible area as determined by the Secretary.

30 U.S.C. 1232(g)(2) (1978); see also 91 Stat. 458.

When OSMRE finalized the 1978 rule, it renumbered the provision as § 884.12(d). See Abandoned Mine Land Reclamation Program Provisions, 43 FR 49932, 49948 (Oct. 25, 1978). In 1982, OSMRE revised and recodified § 884.12(d) as § 884.17. See Revision of the Abandoned Mine Land Reclamation Program Rules, 47 FR 28574, 28600 (June 30, 1982). As explained in the preamble to the corresponding proposed rule, we proposed this change so as ''to avoid confusion as to when impact assistance is available and how it can be obtained.'' Proposed Revision of the Abandoned Mine Land Reclamation Program Regulations, 46 FR 60778, 60786 (Dec. 11, 1981).

Among the changes made by AMRA in 1990 was the removal of restrictions on public facility projects contained in the second sentence of section 402(g)(2), as originally enacted in 1977. AMRA also added paragraphs (a) through (g) to section 411, which contain the current restrictions on the types of noncoal reclamation projects, including public facility projects, that can be financed with AML moneys by certified states and tribes. Although we amended our regulations in 1994 to incorporate the amendments to SMCRA contained in AMRA and the Energy Policy Act of 1992, we did not make any changes to § 884.17. See Abandoned Mine Land Reclamation Fund Reauthorization Implementation, 59 FR 28136 (May 31, 1994). At that time, however, we did add § 875.15 to incorporate the expanded authority of certified states and tribes to use AML funds for projects related to the protection, repair, replacement, or enhancement of facilities used by the public, if these facilities are affected by coal or noncoal mining activities. See 59 FR at 28161–28164.

Although we did not amend § 884.17 in 1994, we recognized that the restrictions contained in the second sentence of section 402(g)(2) of SMCRA, as originally enacted in 1977, were inapplicable and that certified States and Tribes would not have to meet the criteria in § 884.17 in order to expend AML funds on public facility projects under SMCRA. In response to a comment that suggested that we require a certified state or tribe to complete all known coal and noncoal reclamation before allowing the construction of public facility projects under section 411(f), we stated:

> [A] State Governor or head of a governing body of an Indian tribe may request funding for activities pursuant to Section 411(f) at any time after certification. There is no requirement that a State or Indian tribe complete all known noncoal reclamation before utilizing this authority. The commenters' premise is based on the original statutory language of Section 402(g)(2) as enacted in 1977. This section provided that once a state had completed all of its coal and noncoal reclamation, it could utilize AML funds for community impact assistance. This old statutory scheme was deleted, and OSM can find no references in the legislative history which supports the commenter's position. . . . In the absence of restricting language in Section 411(f) or qualifying language in Section 411(c), OSM believes the proper interpretation is to permit States and Indian tribes to utilize the authority in Section 411(f) without regard to the completion of the priorities specified in Section 411(c) [pertaining to noncoal reclamation].

59 FR at 28163. Thus, since the enactment of AMRA and the adoption of § 875.15, we have not required certified states and tribes to meet the criteria in § 884.17 in order to expend AML funds on public facility projects under SMCRA.

In 2008, we revised our AML regulations to implement the 2006 amendments to SMCRA. At that time, we made editorial changes to § 884.17, such as updating a cross-reference and updating the title. We made no substantive changes to this section at that time. See 73 FR at 67642. In response to a comment in the 2008 rulemaking, we explained that we were retaining the provision in order to accommodate unexpended State and Tribal share moneys distributed to certified states and tribes prior to the effective date of the 2006 amendments. See 73 FR at 67617. However, we reiterated that this section should ''reflect the greater discretion that certified States and Indian tribes now have to use Title IV moneys'' and that ''§ 884.17(a) no longer applies to certified States and Indian tribes using prior balance replacement funds or certified in lieu funds.'' Id.

Although we did not propose any changes to this section in the most recent proposed rule, we received one comment requesting that we make

[27] 30 U.S.C. 181 *et seq.*

[28] Although existing 30 CFR 884.17(a)(3) refers to the ''Payment In Lieu of Taxes Act'' as the ''Act of October 20, 1978, Public Law 94–565 (90 Stat. 2662)'' the correct reference to that Act is the ''Act of October 20, 1976.''

revisions to the section, if appropriate, to clarify how the section relates to the flexibility granted to certified states and tribes by the 2006 amendments to use their Title IV funds. In response to the comment, we reviewed the history of this provision and verified that no certified state or tribe has any funds remaining in their Title IV grants that would be subject to these restrictions. Accordingly, we have decided to revise § 884.17(a) to remove these outdated restrictions.

New § 884.17(a) incorporates the language of section 411(f) of SMCRA, which provides that certified states and tribes may expend AML moneys on public facility projects if the governor of the state or the head of the governing body of a tribe ''determines there is a need for activities or construction of specific public facilities related to the coal or minerals industry in States impacted by coal or minerals development and the Secretary concurs.'' 30 U.S.C. 1240a(f). Thus, the restrictions in previous § 884.17(a)(1) and (3) that required certified states to complete all coal and noncoal reclamation projects and use any impact assistance funds available under the MLA or PILTA before AML funds could be used on specific public facility projects have been removed. The restriction in previous § 884.17(a)(2) has been modified to reflect the language of section 411(f) of SMCRA and incorporated into new § 884.17(a).

This revision is consistent with section 405(l) of SMCRA, which provides that the limited liability protection of that provision applies only to ''action taken or omitted in the course of carrying out a State abandoned mine reclamation plan approved under this section [section 405].'' The change to this regulation allows certified states and tribes to revise their reclamation plans to provide for the construction of public facility projects under those plans in accordance with the current statutory and regulatory restrictions. Any public facilities constructed under an approved AML reclamation plan in accordance with part 875 would be a noncoal reclamation project and would receive limited liability protection as authorized by section 405(l) of SMCRA and 30 CFR 875.19. Conversely, public facility projects constructed with AML funds, but which are not undertaken as part of the approved AML reclamation plan in accordance with part 875, will not receive limited liability protection.

6. How are we revising Part 885—Grants to Certified States and Indian Tribes?

As described in the proposed rule and discussed in more detail below, we are revising this part to grant certified states and tribes the discretionary authority to use prior balance replacement funds and certified in lieu funds for noncoal reclamation projects under part 875. To accomplish this goal, we are revising § 885.12 to expand the list of activities eligible for certified program funding, and we are revising § 885.16 to ensure that the appropriate project authorization and environmental reviews are conducted. Finally, we are revising § 885.20 to ensure that we receive the necessary grant information and project reporting for all noncoal reclamation projects conducted under part 875.

What can I use grant funds for? (§ 885.12)

As proposed, we are revising § 885.12(b) to clarify that certified states and tribes may use prior balance replacement funds and certified in lieu funds for noncoal reclamation projects under section 411 of SMCRA and 30 CFR part 875. We received no comments opposing our proposed revisions to this section, and we are adopting the revisions as proposed, along with minor non-substantive organizational changes to enhance clarity and be consistent with plain language principles.

What responsibilities do I have after OSMRE approves my grant? (§ 885.16)

As described in the proposed rule, we are revising § 885.16(e) to provide that certified states and tribes that use prior balance replacement funds and certified in lieu funds for noncoal reclamation projects under part 875 must request and receive a written authorization from us to proceed before construction may begin on individual projects. Our authorization to proceed denotes that both the state or tribe and OSMRE have taken all actions necessary to ensure compliance with the National Environmental Policy Act of 1969 (NEPA),[29] and any other applicable laws, clearances, permits, or requirements.

To receive an authorization to proceed from us, a certified state or tribe must follow its approved AML reclamation plan and conduct administrative and site development activities within the procedural framework provided by 30 CFR part 875 and other applicable regulations. If we issue an authorization to proceed, the certified state or tribe will qualify under section 405(l) of SMCRA and 30 CFR 875.19 for limited liability protection for that project, including the administrative and programmatic activities directly related to that project. However, a certified state or Indian tribe may elect to conduct noncoal reclamation projects outside the parameters of a SMCRA noncoal AML reclamation program under 30 CFR part 875. Those activities may include projects at CERCLA or UMTRCA sites as provided by other laws. If a certified state or tribe conducts noncoal reclamation projects outside an approved SMCRA AML reclamation plan and part 875, it need not request an authorization to proceed from us, and it will not receive limited liability protection for that project.

Certified states and tribes have many years of experience designing and carrying out noncoal reclamation projects with moneys from the AML Fund. As with those projects, submissions for noncoal reclamation projects using prior balance replacement funding and certified in lieu funding must contain information sufficient to comply with NEPA and AML grant and administrative requirements. These review elements include, but are not limited to, information sufficient for the conduct of assessments under NEPA, the Endangered Species Act, National Historic Preservation Act, and the Clean Water Act. In addition, we will review proposals and conduct oversight activities as needed to ensure that our program requirements related to site eligibility, grants management, and AML Inventory management are met. Proposals that receive our approval as noncoal reclamation projects must be implemented consistent with the scope of work that we approve, and we must review changes in project scope or activities that would materially alter the environmental consequences of the reclamation. We received no comments opposing our proposed revisions to this section and are adopting the revisions as proposed, with minor editorial revisions for clarity.

What must I report? (§ 885.20)

Consistent with the proposed rule, we are revising § 885.20 to clarify that certified programs using prior balance replacement funds and certified in lieu funds for noncoal reclamation projects under section 411 of SMCRA and part 875 of the regulations must update the AML inventory for each noncoal reclamation project as it is funded. We received no comments opposing our proposed revisions to this section and are adopting the revisions as proposed.

[29] 42 U.S.C. 4321 *et seq.*

III. Procedural Matters and Required Determinations

A. Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Seven certified states and tribes will be affected by this rule, which removes a disincentive for certified states and tribes to undertake noncoal reclamation projects. We estimate that approximately 30 to 60 noncoal reclamation projects will be covered by SMCRA's limited liability provision each year, although we cannot predict whether these projects would have been undertaken in the absence of this rule. This rule does not impose any additional mandatory costs on certified states and tribes because participation is voluntary. Reclamation projects improve the quality of the human environment and eliminate hazardous conditions while improving water quality, air quality, wildlife habitat, community aesthetics, and the visual landscape. In the future, other states will be subject to this rule upon certification.

B. Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (RFA).[30] The revisions are not expected to have a significant adverse economic impact on the regulated community, including small entities. This rule will affect the states of Louisiana, Montana, Texas, and Wyoming and the Crow Tribe, the Hopi Tribe, and the Navajo Nation.

C. Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under the Small Business Regulatory Enforcement Fairness Act.[31] For the reasons previously discussed, the rule will not—

a. Have an annual effect on the economy of $100 million or more.

b. Cause a major increase in costs or prices for consumers, individual industries; Federal, state, or local government agencies; or geographic regions.

c. Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates

This rule will not impose an unfunded mandate on state, local, or tribal governments or the private sector of more than $100 million per year. The rule will not have a significant or unique effect on state, tribal, or local governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act [32] is not required.

E. Executive Order 12630—Takings

The rule will not have significant takings implications because it is not a governmental action capable of interference with constitutionally protected property rights. A takings implication assessment is not required.

F. Executive Order 13132—Federalism

This rule will not alter or affect the relationship between states and the Federal Government. Therefore, the rule will not have significant Federalism implications. Consequently, there is no need to prepare a Federalism assessment.

G. Executive Order 12988—Civil Justice Reform

The Office of the Solicitor for the Department of the Interior has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

H. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the revisions will not have substantial direct effects 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.

We invited tribal representatives to consult with us on our intention to propose this rule. In response to a request for consultation, we met with representatives from the Hopi Tribe and Navajo Nation on July 10, 2012, at Kykotsmovi, Arizona. The Crow Tribe did not request consultation.

The Hopi Tribe and the Navajo Nation stated that they would like the rule to allow a tribe with an approved AML reclamation program to be able to request limited liability protection for some projects but to decline it for others. Our rule accommodates this approach by granting certified states and tribes discretionary authority to conduct noncoal reclamation projects (including construction of certain utility and public facility projects) pursuant to 30 CFR part 875 under the aegis of an approved SMCRA noncoal AML reclamation plan and the applicable regulations whenever the state or tribe wishes to avail itself of the limited liability protection of section 405(l) of SMCRA and 30 CFR 875.19.

The tribes also indicated that they would prefer that the limited liability protections apply to all projects, including public facility projects, and that OSMRE should be involved in the NEPA process because OSMRE understands the required NEPA procedures. The final rule incorporates provisions accommodating these requests.

Similarly, the tribes requested that the limited liability protection apply to noncoal AML projects, as they were concerned that they could face liability issues if they chose to remediate sites, such as abandoned uranium mines. As mentioned above, however, Section 411(d) of SMCRA, effectively specifies that sites listed for remedial action under UMTRCA or CERCLA are not eligible for projects under the noncoal reclamation program operating under part 875. Consequently, under our rule, certified states and tribes may not receive limited liability protection for noncoal AML projects at such sites. We emphasize, however that there is no prohibition against certified states and tribes using prior balance replacement funds or certified in lieu funds moneys at UMTRCA and CERCLA sites as long as they do so outside the scope of a SMCRA noncoal AML reclamation

[30] 5 U.S.C. 601 *et seq.*

[31] 5 U.S.C. 804(2).

[32] 2 U.S.C. 1534.

program. But, because of the statutory limitation, they cannot receive limited liability coverage for those projects.

States and tribes should be cognizant that, while the limited liability provision protects them from costs and damages under Federal laws, they must still comply with applicable Federal laws. All grant recipients, including Indian tribes, must provide assurances to OSMRE that expenditures of AML funding will comply with Federal laws, as well as state, tribal, and local laws.

The tribes questioned how the rule might affect a tribe's AML reclamation plan. Certified states and tribes will need to conduct a detailed review of their existing approved AML reclamation plans to determine if any changes are necessary as a result of adoption of this final rule. OSMRE staff will be available to assist in this review. Because noncoal reclamation was routinely conducted by certified states and tribes prior to our 2008 Rule, it is possible that some or all of the approved AML reclamation plans may contain language sufficient to implement the rule with only minimal changes.

The tribes also voiced concern about the extent of limited liability protection provided to public facility projects. The limited liability provision extends protections to public facility projects if they are conducted under an approved SMCRA noncoal AML reclamation plan consistent with paragraphs (b) through (g) of section 411 of SMCRA and 30 CFR part 875. The limited liability provision in 30 CFR 875.19 specifies that a state or Indian tribe is not liable under Federal law for any costs or damages as a result of any action it takes or omits to take while conducting noncoal reclamation activities under part 875. The provision does not preclude liability for gross negligence or intentional misconduct by a state or Indian tribe.

In addition, the tribes commented on the relationship between SMCRA's limited liability provision and the Department of the Interior's trust responsibilities. More specifically, the tribes asked if OSMRE assumes liability whenever it provides funding to a tribe. The answer to that question is no. OSMRE distributes AML funding to a tribe not as part of a trust relationship but, instead, as part of a government-to-government relationship. The limited liability provision of section 405(l) of SMCRA, in turn, reduces the potential liability of a state or Indian tribe under Federal law for costs or damages for actions taken or omitted when carrying out an approved AML reclamation plan and the applicable regulations. All grant recipients, including Indian tribes, must provide assurances to OSMRE that expenditures of AML funding will comply with Federal laws, as well as state, tribal, and local laws. By providing funding, OSMRE assumes no liability for actions taken by the tribe or tribal officials. This rule does not affect or relate to the Department's trust responsibilities.

I. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This rule is not considered a significant energy action under Executive Order 13211 because it is not classified as a significant rule under Executive Order 12866 and because the revisions will not have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a statement of energy effects is not required.

J. Paperwork Reduction Act

This rule contains no new information collection requirements that are not already covered by Office of Management and Budget (OMB) control numbers 1029–0059 (for 30 CFR parts 735, 885 and 886 and grant forms OSM–47, OSM–49 and OSM–51) and 1029–0087 (for the OSM–76—Problem Area Description Form). We anticipate that the rule will not result in an increase in either the number of respondents who prepare grant forms or the burden per respondent.

K. National Environmental Policy Act

We have determined that the revisions in this rule are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act,[33] as provided in 43 CFR 46.205(b). The specific categorical exclusion that applies is the exclusion in 43 CFR 46.210(i). This exclusion includes policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature. In this case, extension of the limited liability provision of section 405(l) to noncoal reclamation projects conducted by certified states is a legal matter. Moreover, this categorical exclusion also covers policies, directives, regulations, and guidelines ''whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.'' 43 CFR 46.210(i). In this case, because of the amount of discretion that certified states and tribes have in expending their AML funding, it is unclear if or how this limited liability coverage will affect the number of noncoal reclamation projects performed. However, as required by this rule at 30 CFR 885.16(e), any noncoal reclamation project that is eligible for limited liability protection must undergo specific NEPA review during the grant application process. Thus, this categorical exclusion applies because, to the extent that this rule generates any environmental effects, these effects will be analyzed at a later date when the environmental effects are less ''broad, speculative, or conjectural.'' In addition, none of the extraordinary circumstances listed in 43 CFR 46.215 applies.

[33] 42 U.S.C. 4332(2)(c).

L. Information Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. 106–554, section 15).

List of Subjects

30 CFR Part 700

Administrative practice and procedure, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 875

Abandoned Mine Reclamation Fund, Indian lands, Reclamation fees, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 877

Abandoned Mine Reclamation Fund, Indian lands, Reclamation fees, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 879

Abandoned Mine Reclamation Fund, Indian lands, Reclamation fees, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 884

Grant programs—natural resources, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 885

Abandoned Mine Reclamation Fund, Indian lands, Reclamation fees, Reporting and recordkeeping requirements, Surface mining, Underground mining.

Dated: December 3, 2014.

Janice M. Schneider,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth in the preamble, the Department is amending 30 CFR parts 700, 875, 877, 879, 884, and 885 as set forth below.

PART 700—GENERAL

■ 1. The authority citation for part 700 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Amend § 700.5 by adding a definition for the term ''SMCRA'' in alphabetical order to read as follows:

§ 700.5 Definitions.

* * * * *

SMCRA means the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.,* as amended.

* * * * *

PART 875—CERTIFICATION AND NONCOAL RECLAMATION

■ 3. The authority citation for part 875 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 4. In § 875.11, revise paragraph (b) to read as follows:

§ 875.11 Applicability.

* * * * *

(b) If you are a State or Indian tribe that has certified under section 411(a) of the Act—

(1) You must use State share or Tribal share funds distributed to you under section 402(g)(1) of the Act before October 1, 2007, in accordance with this part; and

(2) You may use prior balance replacement funds distributed to you under section 411(h)(1) of the Act, certified in lieu funds distributed to you under section 411(h)(2) of the Act, or both, to—

(i) Maintain certification as required by §§ 875.13 and 875.14 of this part; or

(ii) Conduct a noncoal reclamation project in accordance with the requirements of this part.

■ 5. In § 875.16, revise paragraph (b) to read as follows:

§ 875.16 Exclusion of certain noncoal reclamation sites.

* * * * *

(b) You, the certified State or Indian tribe, may not reclaim sites and areas designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 *et seq.*) or that have been listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*) using—

(1) Moneys distributed from the Fund under section 402(g)(1) of the Act.

(2) Prior balance replacement funds distributed to you under section 411(h)(1) of the Act where you are conducting reclamation under the provisions of this part.

(3) Certified in lieu funds distributed to you under section 411(h)(2) of the Act where you are conducting reclamation under the provisions of this part.

■ 6. Revise § 875.17 to read as follows:

§ 875.17 Land acquisition authority—noncoal.

The requirements of parts 877 (Rights of Entry) and 879 (Acquisition, Management and Disposition of Lands and Water) of this chapter apply to a State's or Indian tribe's noncoal reclamation projects conducted under this part, except that, for purposes of this section, the term ''noncoal'' replaces all references to ''coal'' in parts 877 and 879 of this chapter.

■ 7. Revise § 875.19 to read as follows:

§ 875.19 Limited liability.

No State or Indian tribe conducting noncoal reclamation activities under the provisions of this part is liable under any provision of Federal law for any costs or damages as a result of action taken or omitted in the course of carrying out an approved State or Indian tribe abandoned mine reclamation plan. This section does not preclude liability for costs or damages as a result of gross negligence or intentional misconduct by the State or Indian tribe. For purposes of the preceding sentence, reckless, willful, or wanton misconduct will constitute gross negligence or intentional misconduct.

■ 8. Revise § 875.20 to read as follows:

§ 875.20 Contractor eligibility.

Every successful bidder for any contract by an uncertified State or Indian tribe under this part, or for any contract by a certified State or Indian tribe to undertake a noncoal reclamation project under this part, must be eligible under §§ 773.12, 773.13, and 773.14 of this chapter at the time of contract award to receive a permit or be provisionally issued a permit to conduct surface coal mining operations. This section applies only to any contracts by a certified State or Indian tribe that are for coal reclamation or that are for a noncoal reclamation project under this part.

PART 877—RIGHTS OF ENTRY

■ 9. The authority citation for part 877 is revised to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 10. Revise § 877.1 to read as follows:

§ 877.1 Scope.

This part establishes procedures for entry upon lands or property by OSMRE, States, and Indian tribes for reclamation purposes. For certified States or Indian tribes conducting noncoal reclamation projects under the provisions of part 875, the term ''noncoal'' replaces all references to ''coal'' in this part.

PART 879—ACQUISITION, MANAGEMENT, AND DISPOSITION OF LANDS AND WATERS

■ 11. The authority citation for part 879 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 12. Revise § 879.1 to read as follows:

§ 879.1 Scope.

This part establishes procedures for acquisition of eligible land and water resources for emergency abatement activities and reclamation purposes by you, a State or Indian tribe, with an approved reclamation program that has not certified completion of coal reclamation or a certified State or Indian tribe conducting noncoal reclamation activities under part 875 of this chapter, or by us. It also provides procedures for the management and disposition of lands acquired by the State, the Indian tribe, or us. For certified States or Indian tribes conducting noncoal reclamation projects under the provisions of part 875, the term ''noncoal'' replaces all references to ''coal'' in this part.

■ 13. In § 879.11, revise paragraphs (a) and (b) to read as follows:

§ 879.11 Land eligible for acquisition.

(a)(1) We may acquire land adversely affected by past coal mining practices with moneys from the Fund.

(2) You, an uncertified State or Indian tribe or a certified State or Indian tribe conducting noncoal reclamation projects under part 875 of this chapter, may acquire land adversely affected by past coal mining practices with moneys from the Fund or with prior balance replacement funds and certified in lieu funds provided under §§ 872.29 and 872.32 of this chapter, provided that we first approve the acquisition in writing.

(3) Before acquiring land under paragraph (a)(1) of this section or approving land acquisition under paragraph (a)(2) of this section, we must

make a finding that the land acquisition is necessary for successful reclamation and that—

(i) The acquired land will serve recreation, historic, conservation, and reclamation purposes or provide open space benefits after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; and

(ii) Permanent facilities will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices. For the purposes of this paragraph, ''permanent facility'' means any structure that is built, installed, or established to serve a particular purpose or any manipulation or modification of the site that is designed to remain after the reclamation activity is completed, such as a relocated stream channel or diversion ditch.

(b) You, an uncertified State or Indian tribe or a certified State or Indian tribe conducting noncoal reclamation projects under part 875 of this chapter, if approved in advance by us, may acquire coal refuse disposal sites, including the coal refuse, with moneys from the Fund and with prior balance replacement funds and certified in lieu funds provided under §§ 872.29 and 872.32 of this chapter. We, OSMRE, also may use moneys from the Fund to acquire coal refuse disposal sites, including the coal refuse.

(1) Before the approval of the acquisition, the reclamation program seeking to acquire the site will make a finding in writing that the acquisition is necessary for successful reclamation and will serve the purposes of the reclamation program.

(2) Where an emergency situation exists and a written finding as set forth in § 877.14 of this chapter has been made, we may acquire lands where public ownership is necessary and will prevent recurrence of the adverse effects of past coal mining practices.

* * * * *

■ 14. In § 879.15, revise paragraph (h) to read as follows:

§ 879.15 Disposition of reclaimed land.

* * * * *

(h) You must return all moneys received from disposal of land under this part to us. We will handle all moneys received under this paragraph as unused funds in accordance with §§ 885.19 and 886.20 of this chapter.

PART 884—STATE RECLAMATION PLANS

■ 15. The authority citation for part 884 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 16. Amend § 884.13 as follows:

■ a. Remove the introductory text;

■ b. Redesignate paragraphs (a) through (f) as paragraphs (a)(1) through (a)(6), respectively;

■ c. In newly redesignated paragraph (a)(3), redesignate paragraphs (1) through (7) as paragraphs (a)(3)(i) through (vii), respectively;

■ d. In newly redesignated paragraph (a)(4), redesignate paragraphs (1) through (4) as paragraphs (a)(4)(i) through (iv), respectively;

■ e. In newly redesignated paragraph (a)(5), redesignate paragraphs (1) through (3) as paragraphs (a)(5)(i) through (iii), respectively;

■ f. In newly redesignated paragraph (a)(6), redesignate paragraphs (1) through (3) as paragraphs (a)(6)(i) through (iii), respectively; and

■ g. Add new paragraphs (a) introductory text and (b).

The additions read as follows:

§ 884.13 Content of proposed State reclamation plan.

(a) *Requirements applicable to all eligible States and Indian tribes.* You must submit the proposed reclamation plan to the Director in writing. The plan must include the information in paragraphs (a)(1) through (6) of this section.

* * * * *

(b) *Additional requirement applicable to certified States and Indian tribes.* If you are a certified State or Indian tribe, the plan must include a commitment to address eligible coal problems found or occurring after certification as required in §§ 875.13(a)(3) and 875.14(b) of this chapter.

■ 17. In § 884.17, revise paragraph (a) to read as follows:

§ 884.17 Other uses by certified States and Indian tribes.

(a) The reclamation plan for a certified State or Indian tribe may provide for the construction of specific public facilities related to the coal or minerals industries in States impacted by coal or minerals development. This form of assistance is available when the Governor of the State or the head of a governing body of an Indian tribe determines there is a need for such activities or construction and the Director concurs.

* * * * *

PART 885—GRANTS FOR CERTIFIED STATES AND INDIAN TRIBES

■ 18. The authority citation for part 879 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 19. In § 885.12, revise paragraph (b) to read as follows:

§ 885.12 What can I use grant funds for?

* * * * *

(b)(1) You may use grant funds as established for each type of funds you receive.

(2) You may use prior balance replacement funds as provided under § 872.31 of this chapter.

(3) You may use certified in lieu funds as provided under § 872.34 of this chapter.

(4) You may use the following moneys for noncoal reclamation projects under section 411 of the Act and part 875 of this chapter:

(i) Moneys that may be available to you from the Fund.

(ii) Prior balance replacement funds made available under § 872.31 of this chapter.

(iii) Certified in lieu funds as provided under § 872.34 of this chapter.

* * * * *

■ 20. In § 885.16, revise the section heading and paragraph (e) to read as follows:

§ 885.16 What responsibilities do I have after OSMRE approves my grant?

* * * * *

(e) If you conduct a coal reclamation project under part 874 of this chapter or noncoal reclamation project under part 875 of this chapter, you must not expend any construction funds until you receive a written authorization from us to proceed on an individual project. Our authorization to proceed ensures that both you and we have taken all actions necessary to ensure compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and any other applicable laws, clearances, permits, or requirements.

* * * * *

■ 21. In § 885.20, revise paragraph (c) to read as follows:

§ 885.20 What must I report?

* * * * *

(c) You must use the AML inventory to maintain a current list of AML problems and to report annual reclamation accomplishments with grant funds.

(1) If you conduct coal reclamation projects or noncoal reclamation projects under part 875 of this chapter, you must update the AML inventory for each reclamation project as you fund it.

(2) You must update the AML inventory for each reclamation project you complete as you complete it.

(3) We must approve any amendments to the AML inventory after December 20, 2006. We define *amendment* as any

coal problems added to the AML inventory in a new or existing problem area.

[FR Doc. 2015–02278 Filed 2–4–15; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number–USCG–2014–0995]

RIN 1625–AA87

Moving Security Zone; Escorted Vessels; MM 90.0–106.0, Lower Mississippi River; New Orleans, LA

AGENCY: Coast Guard, DHS.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is establishing an interim rule providing for temporary moving security zones around vessels being escorted by one or more Coast Guard or other Federal, State, or local law enforcement assets, on the navigable waters of the Lower Mississippi River, New Orleans, LA. These temporary moving security zones are necessary for the safe transit and mooring of vessels requiring escort protection by the Coast Guard for security reasons as well as the safety and security of personnel and port facilities. Entry into, remaining in or transiting through these zones is prohibited for all vessels, mariners, and persons unless specifically authorized by the Captain of the Port New Orleans or a designated representative. The Coast Guard seeks comments on this interim rule before establishing a permanent final rule.

DATES: This rule is effective in the CFR on February 5, 2015 through July 1, 2015. This rule is effective with actual notice for purposes of enforcement on January 31, 2015. This rule will remain in effective through July 1, 2015. Comments and related material must be received by the Coast Guard on or before March 9, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–0995]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this interim rule, call or email Commander Kelly Denning, Sector New Orleans, U.S. Coast Guard; telephone (504) 365–2392, email *Kelly.K.Denning@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

AHP Above Head of Passes
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
MM Mile Marker
NPRM Notice of Proposed Rulemaking
CFR Code of Federal Regulation

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, 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 at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

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 the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Requests for a public meeting must be received on or before March 9, 2015. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

B. Regulatory History and Information

On a routine basis, the Coast Guard previously established similar temporary moving security zones around escorted vessels as temporary final rules for the Lower Mississippi River. Those temporary final rules are accessible as explained above under **ADDRESSES**, [Docket Number USCG–2013–0994, 79 FR 7587, Feb. 10, 2014

and Docket Number USCG–2011–1063, 77 FR 30402, May 23, 2012]. There is a difference in the size of the moving security zones previously established. Docket USCG–2013–0994 established a 100 yard zone and Docket USCG–2011–1063 established a 300 yard zone. Based on the quality of communication and additional time allowed to grant permission to deviate from the rules, the Coast Guard will utilize the 300 yard zone for this interim rule. Through this interim rule, effective January 31, 2015 through July 1, 2015, the Coast Guard will enforce temporary moving security zones around vessels being escorted by one or more Coast Guard or other Federal, State, or local law enforcement assets on the navigable waters of the Lower Mississippi River between river miles 90.0 to 106.0 Above Head of Passes (AHP), New Orleans, LA. Once in effect, the specific enforcement dates and times for a temporary moving security zone around an escorted vessel will be noticed through broadcast notices to mariners.

The Coast Guard is issuing this interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Minimal notice regarding vessel escort operations is customary for security purposes. Based on risk evaluations completed, and information gathered after evaluating the security needs for escorted vessels during a period of high activity on and around the waterway, the Coast Guard determined that moving security zones are required. These moving security zones are needed to protect life and property, surrounding and including escorted vessels and their personnel from destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of a similar nature during vessel escort operations. The NPRM process would be contrary to public interest by delaying the effective date or foregoing the necessary protections required for persons and property, surrounding and including escorted vessels and their personnel. Immediate action for each vessel escort and security zone is necessary to provide both waterway and waterside security and protection for life and property, surrounding and including escorted vessels and their personnel on the Lower Mississippi River.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register.** Providing a full 30 day notice would be contrary to the public interest because immediate action is needed to provide both waterway and waterside security and protection during vessel escort operations.

C. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Public Law 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory security zones.

The purpose of this rule is to provide enhanced protections related to escorted vessels transiting through the Lower Mississippi River between river miles 90.0 to 106.0 AHP during times of increased activity on and around the waterway. During these times, certain vessels, including high capacity passenger vessels, vessels carrying certain dangerous cargoes as defined in 33 CFR part 60, tank vessels constructed to carry oil or hazardous materials in bulk, and vessels carrying liquefied hazardous gas as defined in 33 CFR part 127 have been deemed by the Captain of the Port (COTP) New Orleans to require escort protection.

As an additional protective measure for all those transiting the waterway during a vessel's escort, the Coast Guard will establish temporary moving security zones restricting navigation in portions of the Lower Mississippi River between river miles 90.0 to 106.0 AHP to provide both waterway and waterside security and protection. These security zones are necessary to protect life and property, surrounding and including escorted vessels and their personnel from destruction, loss or injury from sabotage or other subversive acts, accidents or other causes of a similar nature. This interim rule enables the COTP New Orleans to provide effective port security. This interim rule is also intended to minimize confusion and reduce administrative burdens related to implementing multiple individual temporary rulemakings for each security zone related to an escorted vessel.

D. Discussion of the Interim Rule

The Coast Guard is establishing this interim rule under which the COTP New Orleans will enforce temporary moving security zones related to escorted vessels. Each security zone will extend 300 yards in all directions from the escorted vessel as it transits the Lower Mississippi River between river miles 90.0 to 106.0 AHP. Persons and vessels are prohibited from entering, remaining in or transiting through the security zone surrounding escorted vessels, unless authorized by the Coast Guard COTP New Orleans or a COTP designated representative. A vessel may request permission from the COTP New Orleans or the on-scene Coast Guard or enforcement agency asset to deviate from the requirements of this rule. Deviations from this rule may be requested from the COTP New Orleans through the on-scene Coast Guard or enforcement agency asset, via VHF Ch. 16 or 67. If permitted to enter the security zone or deviate from this rule, a vessel must proceed at the minimum safe speed possible for safe navigation and must comply with all orders issued by the COTP New Orleans or the on-scene asset. Vessels permitted to deviate from this rule and transit through the security zone shall maintain a distance of at least 50 yards from the escorted vessel.

An escorted vessel is a vessel, other than a large U.S. naval vessel as defined in 33 CFR 165.2015, that is accompanied by one or more Coast Guard assets or other Federal, State or local law enforcement agency assets, clearly identifiable by flashing lights, vessel markings, or with agency insignia as listed below: Coast Guard surface or air asset displaying the Coast Guard insignia; Federal, State and/or local law enforcement asset displaying the applicable agency markings and/or equipment associated with the agency.

In addition to the presence of these law enforcement assets for escorted vessels, the COTP New Orleans or a designated representative will inform the public through a broadcast notice to mariners that a temporary moving security zone is in effect around the escorted vessel. The broadcast notice to mariners of each temporary moving security zone concerning escorted vessels will inform the public of the enforcement period, size of the zone, and the navigable waters that will be affected. The broadcast notice will normally be issued at approximately 30-minute intervals while the temporary moving security zone restrictions remain in effect.

This rule is effective on January 31, 2015 through July 1, 2015.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This 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, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). Due to the duration of each individual temporary moving security zone that may be enforced under this interim rule and location, the impacts on routine navigation are expected to be minimal.

This rule is not a significant regulatory action because each individual temporary moving security zone enforced under this interim rule will be in effect for short periods of time and notifications to the marine community will be made through broadcast notices to mariners. Deviation from this rule may be requested and will be considered on a case-by-case basis by the COTP New Orleans or the on-scene Coast Guard or enforcement agency asset. Approved deviations will allow other vessels transiting the area to transit through the security zone, maintaining a distance of at least 50 yards from the escorted vessel. Additionally, the security zones are located within the New Orleans Harbor Vessel Service Area where vessels are required to check in when entering the area or departing berth. This check in requirement can assist in early review and granting of permission to deviate from this rule. Therefore, the impacts on routine navigation are expected to be minimal.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels, intending to transit in the vicinity of escorted vessels between river miles 90.0 and 106.0 AHP of the Lower Mississippi River. This rule will not have significant impact on a substantial number of small entities because the zones will be of limited sizes, encompassing the escorted vessel, of short durations and notifications to the marine community will be made through broadcast notices to mariners. In some cases, the security zones will leave ample space for vessels to navigate around them. If not, and security conditions permit, the COTP will attempt to provide flexibility for individual vessels to transit through the zones as needed. Deviation from this rule may be requested and will be considered on a case-by-case basis by the COTP or the on-scene Coast Guard or enforcement agency asset. Approved deviations will allow other vessels transiting the area to transit through the security zone, maintaining a distance of at least 50 yards from the escorted vessel. Additionally, the security zones are located within the New Orleans Harbor Vessel Service Area where vessels are required to check in when entering the area or departing berth. This check-in requirement can assist in early review and granting of permission to deviate from the rule.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section, above.

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). 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.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. 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 determined 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 involves temporary moving security zones that prohibits persons and vessels from entering, remaining in or transiting through the security zone surrounding escorted vessels as they transit within the navigable waters of the Lower Mississippi between river miles 90.0 to 106.0 AHP, unless authorized by the Coast Guard COTP or a COTP designated representative. This rule is categorically excluded from further review under paragraph (34)(g) of Figure 2–1 or the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.843 to read as follows:

§ 165.843 Moving Security Zone; Escorted Vessels; Lower Mississippi River; New Orleans, LA.

(a) *Definitions.* The following definitions apply to this section:

COTP means Captain of the Port New Orleans, LA.

Designated representatives means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and Federal, State, and local officers designated by or assisting the COTP, in the enforcement of the security zone.

Escorted vessel means a vessel, other than a large U.S. naval vessel as defined in 33 CFR 165.2015, that is accompanied by one or more Coast Guard assets or other Federal, State or local law enforcement agency assets clearly identifiable by flashing lights, vessel markings, or with agency insignia as follows: Coast Guard surface or air asset displaying the Coast Guard insignia. State and/or local law enforcement asset displaying the applicable agency markings and/or equipment associated with the agency.

Minimum safe speed for navigation means the speed at which a vessel proceeds when it is fully off plane, completely settled in the water and not creating excessive wake or surge. Due to the different speeds at which vessels of different sizes and configurations may travel while in compliance with this definition, no specific speed is assigned to minimum safe speed for navigation. In no instance should minimum safe speed be interpreted as a speed less than that required for a particular vessel to maintain steerageway. A vessel is not proceeding at minimum safe speed if it is:

(i) On a plane;

(ii) In the process of coming up onto or coming off a plane;

(iii) Creating an excessive wake or surge.

(b) *Effective date.* This rule is effective in the CFR on February 5, 2015, and effective with actual notice for purposes of enforcement on January 31, 2015, through July 15, 2015.

(c) *Regulated area.* All navigable waters, as defined in 33 CFR 2.36, on the Lower Mississippi River between river miles 90.0 to 106.0 Above Head of Passes (AHP), New Orleans, Louisiana.

(d) *Security zone.* A temporary moving security zone, extending 300 yards in all directions of an escorted vessel, will be established around each escorted vessel within the regulated area described in paragraph (b) of this section. The security zone will not extend beyond the boundary of the regulated area in this section.

(e) *Notice of security zone.* The COTP will inform the public of the existence or status of any temporary moving security zones around escorted vessels in the regulated area by broadcast notices to mariners. The broadcast notice to mariners will inform the public of the enforcement period, size of the zone, and the navigable waters that will be affected, and will normally be issued at approximately 30-minute intervals while the moving security zone remains in effect. Escorted vessels will be identified by the presence of Coast Guard assets or other Federal, State or local law enforcement agency assets clearly identified by flashing lights, vessel markings, or agency insignia.

(f) *Regulations.* (1) In accordance with the general regulations in § 165.33, No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port. Section 165.33 also contains other general requirements.

(2) Vessels may request permission from the Captain of the Port New Orleans through the on-scene Coast Guard or other agency asset to enter the security zone described in paragraph (c) of this section.

(i) If permission to enter and transit through the security zone is granted, the vessel shall operate at the minimum speed necessary to maintain a safe course, unless required to maintain speed by the Navigation Rules, and must proceed as directed by the COTP or a designated representative. When within the security zone, no vessel or person is allowed within 50 yards of the escorted vessel unless authorized by the Coast Guard.

(ii) [Reserved]

(g) *Contact information.* The COTP New Orleans may be reached via phone at (504) 365–2200. Any on-scene Coast Guard or designated representative assets may be reached via VHF–FM channel 16 or 67.

Dated: January 9, 2015.

P.C. Schifflin,

Captain, U.S. Coast Guard, Captain of the Port New Orleans.

[FR Doc. 2015–02322 Filed 2–4–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Parts 369 and 371

[Docket ID ED–2013–OSERS–0083]

RIN 1820–AB66

Vocational Rehabilitation Services Projects for American Indians With Disabilities

AGENCY: Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final rule.

SUMMARY: The Secretary amends the definition of ''reservation'' under the regulations governing the American Indian Vocational Rehabilitation Services (AIVRS) program to conform to the Department's current interpretation and practices. ''Reservation'' means Federal or State Indian reservations; public domain Indian allotments; former Indian reservations in Oklahoma; land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act; and defined areas of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.

DATES: These regulations are effective March 9, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Finch, U.S. Department of Education, 400 Maryland Avenue SW., Room 5147, Potomac Center Plaza (PCP), Washington, DC 20202–2800. Telephone: (202) 245–7343, or by email: *Tom.Finch@ed.gov*.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On June 23, 2014, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the **Federal Register** (79 FR 35502). The NPRM followed a process of consultation under E.O. 13175 that began with a request for tribal input that we published in the **Federal Register** on July 5, 2013 (78 FR 40458) and continued with tribal consultation listening sessions in August and September 2013 in Smith River, California, and Scottsdale, Arizona, respectively. In the NPRM, we discussed this process in detail (79 FR 35506).

In the NPRM, we sought comment on two alternative definitions of ''reservation'' as the term is used in section 121(d) of the Rehabilitation Act of 1973, as amended (the Rehabilitation Act) (29 U.S.C. 741(d)).[1] Only the governing bodies of Indian tribes and consortia of those governing bodies located on a Federal or State reservation are eligible for grants under the AIVRS program.

''Alternative A'' proposed to amend §§ 369.4(b) and 371.4(b) to reflect the Department's current interpretation and practices. The Department currently interprets the statutory definition of ''reservation,'' which uses the term ''includes'' before listing areas identified as ''reservations'' as non-exhaustive, and the Department's practice has been to include other land areas that it views as equivalent to those listed in the statutory definition. Under this interpretation, tribes eligible for AIVRS grants are those located on land specifically identified in the statute—Federal or State Indian reservations; public domain Indian allotments; former Indian reservations in Oklahoma; and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act—and those located on a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services. This definition includes lands identified in the U.S. Census as a State-designated tribal statistical area or a tribal-designated statistical area or are defined areas of land designated by statute, judicial decision, or administrative determination as areas where members of a particular State or federally recognized tribe reside.

Proposed ''Alternative B'' proposed to amend §§ 369.4(b) and 371.4(b) to define ''reservation'' more narrowly as only those land areas specifically identified in the statutory definition of ''reservation'': Federal or State Indian reservations; public domain Indian allotments; former Indian reservations in Oklahoma; and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

We adopt Alternative A. There are no differences between Alternative A in the NPRM and these final regulations.

Public Comment: In response to our invitation in the NPRM, 56 parties submitted comments on the proposed alternatives. Fifty commenters wrote in support of Alternative A, one wrote in support of Alternative B, and five suggested other alternatives. We organize our discussion of substantive issues by the proposed alternative definitions.

Analysis of Comments and Changes: An analysis of the comments follows.

Proposed Alternative A

Comments: Nearly all of the commenters supported proposed Alternative A. They gave a number of reasons for doing so. Many commenters stated that their tribes would lose eligibility under Alternative B, that they wished to keep the services they currently have, and that the loss of services would unnecessarily harm hundreds of individuals. Without access to services, some of these commenters stated, many individuals would return to prison, relapse into addiction, or be unemployed, dependent on welfare, or homeless. Others related their personal experiences with their tribal vocational rehabilitation (VR) programs and stated how the programs helped them complete necessary education or training, find or keep jobs, start small businesses, and be productive citizens.

Some tribal entities, regardless of their eligibility under Alternative B, stated that the Department should adopt Alternative A because broader eligibility means that more disabled Indians, who are among the neediest Americans and are already underserved, could receive necessary VR services. These commenters also noted that tribes operate their VR programs well, even often serving nearby members of other tribes in addition to their own, and that the current standard for eligibility under the AIVRS program works well. Still other commenters noted that members of tribes who would lose eligibility under Alternative B would not receive equivalent services from State VR

[1] Previously, we have referred to section 121(c) but subsection (c) was redesignated as subsection (d), without substantive change to the definition, by the amendments to the Rehabilitation Act made by the Workforce Innovation and Opportunity Act (WIOA), P.L. 113–128.

agencies. This is so, they stated, because State VR agencies are sometimes too far away to be accessible. Even if they were closer by, State VR agencies have limited experience providing vocational rehabilitation services in a culturally relevant manner, so tribal members would be less likely to have successful outcomes or to seek services in the first place. Other commenters said that, given current funding levels, State VR agencies are not able to provide services to many more individuals than they currently serve. As a result, if some tribes could no longer provide VR services, many of their members would not receive services from the State VR agency either.

Finally, one commenter noted that Alternative A would further the purpose of the AIVRS program, namely to provide culturally appropriate VR services to as many tribal members as possible. Two other commenters noted that the broader definition of ''reservation'' in Alternative A is consistent with many other Federal programs under which tribes deliver services to their members in federally defined service areas.

Discussion: We thank the commenters who shared their personal thoughts and experiences. The Department is aware of the hardships that removing VR services could cause some tribal members. We received comments to this effect not only in response to the NPRM but also during our tribal consultation process: The request for tribal input that we published on July 5, 2013 (78 FR 40458), and the tribal consultation listening sessions that we held in August and September 2013 in Smith River, California, and Scottsdale, Arizona, respectively. We are similarly aware of how tribal members have benefitted from tribal VR services and of the good work that tribal VR agencies do.

We agree that the broader interpretation of ''reservation'' in the Department's current practice and under the definition in Alternative A would maintain a larger pool of eligible tribes than would the definition in Alternative B. Our experience does not, however, support the assertion that Alternative A would result in tribal VR agencies actually serving more tribal members overall or placing more total tribal members overall in employment than would Alternative B. Nor do we see that Alternative B would result in services being provided to any more or any fewer tribal members than Alternative A. As we stated in the NPRM, we expect to fund future grantees at the same level as we fund current grantees, depending on appropriations, and the number of tribal members served nationwide would remain essentially the same whether we adopt Alternative A or Alternative B (79 FR 35505). Alternative B would just result in a shift of resources from one applicant pool of tribes to another.

We agree with the comment that, if tribal VR agencies lost eligibility under Alternative B, their members would most likely go unserved because State VR agencies would not be able to provide services to any more, or many more, individuals than they already do. Again as we noted in the NPRM, our own inquiries to State VR agencies resulted in similar concerns. While the Washington State VR agency would be able to serve some of the tribal members served by the two tribal VR agencies in that State, the North Carolina and Louisiana VR agencies did not expect to be able to serve any additional consumers. We noted also that Louisiana is under an order of selection whereby it serves only individuals with the most severe or significant disabilities. Therefore, it is unlikely that the current consumers who do not have the most significant disabilities would be able to receive VR services under an order of selection. (79 FR 35505).

We disagree with the commenter's statement that the purpose of the AIVRS program is to provide services to as many tribal members as possible. The purpose of the program is to enable the tribes themselves to provide culturally relevant VR services to their members with disabilities.

While we do agree with the commenter who noted that Alternative A is consistent with other Federal programs that allow tribes to provide services to their members in designated services areas, we note that having a service area under another Federal program does not, in and of itself, qualify that service area as a ''reservation'' under this definition. For example, a service area can be created for a particular program as part of a tribe's program application. This self-identification does not reflect any formal decision-making or considered recognition by a State or the Federal Government about the status of the service area for any other purposes.

By contrast, a State or Federal administrative determination not tied to funding a specific program application would qualify as ''land recognized by a State or the Federal Government'' under this definition. These administrative determinations might include an executive order issued by a Governor to provide formal State recognition of a tribe or the Department of the Interior's recognition of a service area a part of the Federal acknowledgement process.

Finally, we agree with the general viewpoint of these comments, namely that we should favor the broader interpretation of ''reservation'' in Alternative A over the narrower interpretation of Alternative B. We need not repeat any of the legal analysis we set out in the NPRM (78 FR 35504). It is well established that the Rehabilitation Act has a remedial purpose, namely to promote and expand employment opportunities for individuals with disabilities, *Consol. Rail Corp.* v. *Darrone,* 465 U.S. 624, 634 (1984), and that a remedial statute should be interpreted broadly to effect its purposes. *Tcherepnin* v. *Knight,* 389 U.S. 332, 336 (1967). As we stated in the NPRM, we believe that the definition of ''reservation'' in section 121 of the Rehabilitation Act is subject to different interpretations and that Alternative A is a reasonable interpretation (79 FR 35504).

Given all of this, we decline to change our current practice or our current interpretation of ''reservation'' as the term is used in section 121(d) of the Rehabilitation Act (29 U.S.C. 741(d)). Choosing the narrow definition in Alternative B and limiting eligibility under AIVRS to only those tribes located on areas of land explicitly identified in the statute would not improve the AIVRS program. There would be no net gain in the number of VR consumers served nationwide. Instead, some consumers would lose the VR services they now receive. Though a similar number of other consumers elsewhere in the country would begin to receive VR services, the consumers who would lose services would not likely receive equivalent VR services elsewhere, and many would suffer hardship as a result.

Alternative A would likewise result in no change in the number of consumers served under AIVRS. However, this alternative has allowed grantees in the program to serve their consumers well for more than two decades and would not cause the disruption and harm to individual consumers that Alternative B would cause. Therefore, we believe that the best approach to achieve the statute's purpose is to continue to interpret a reservation as a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services, making tribes with those areas of land eligible for a grant under the AIVRS program.

Change: None. We adopt Alternative A unchanged from the NPRM.

Proposed Alternative B

Comment: One commenter supported the adoption of Alternative B. This commenter acknowledged that Alternative B might cause some tribes that are currently funded to lose eligibility under the AIVRS program. The commenter stated, however, that the narrower interpretation was more consistent with the trust relationship between the United States and the Indian tribes, which, by definition, exists only with federally recognized tribes, many but not all of which have a reservation. According to the commenter, Alternative B would therefore better ensure that tribes with whom the United States has a trust relationship would have access to the funds available under the AIVRS program.

Discussion: By authorizing the Department to make grants to tribes ''located on Federal and State reservations'' the Rehabilitation Act makes both federally and State-recognized tribes eligible under AIVRS. By including State-recognized tribes as eligible applicants under the AIVRS program, Congress has already concluded that the benefits of the AIVRS program may be shared with those tribes that are not federally recognized and thus, do not have the trust relationship with the United States as described by the commenter. Additionally, Congress has already concluded that having land associated with the tribe (*i.e.* a Federal or State reservation), as opposed to having the trust relationship referred to by the commenter, is a necessary condition for eligibility. It is consistent with this broad intent to include in the definition of ''reservation'' land that has characteristics similar in all important and practical respects to a traditional reservation, thereby providing an opportunity to a greater number of tribes to participate in the AIVRS program. Finally, we note that nothing precludes federally recognized tribes from establishing VR programs and applying to be AIVRS grantees.

Change: We adopt Alternative A unchanged from the NPRM.

Other Alternatives

Comments: Other commenters suggested four alternative interpretations of ''reservation.'' One commenter suggested that ''reservation'' should be defined to mean any territory where indigenous people of the United States are located and observe traditional practices, religions, or culture. Another commenter suggested that we expand the reference to ''incorporated Native groups . . . under the provisions of the Alaska Native Claims Settlement Act'' to any incorporated group anywhere because 78 percent of Indians do not live on reservations. Two commenters stated that any federally or State-recognized tribe should be eligible, regardless of whether the tribe is landless. And one commenter suggested limiting eligibility to federally recognized tribes.

Discussion: All of these suggestions would require a change in the statutory definition of ''reservation.'' This requires congressional action; the Department does not have the authority to make any of these changes by regulation.

Change: None.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and therefore subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is a significant regulatory action subject to review by OMB under section 3(f)(4) of Executive Order 12866.

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select 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 the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these final regulations only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that these final regulations are consistent with the principles in Executive Order 13563.

The amendment to the regulatory definition of ''reservation'' we adopt, Alternative A, should produce no change in costs or benefits as it conforms the definition to the Department's current interpretation and practices.

Paperwork Reduction Act of 1995

These regulations do not contain any information collection requirements.

Assessment of Education Impact

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register,** in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department. Catalog of Federal Domestic Assistance Number 84.250.

List of Subjects

34 CFR Part 369

Grant programs—social programs, Reporting and recordkeeping requirements, Vocational rehabilitation.

34 CFR Part 371

Grant programs-Indians, Grant programs-social programs Indians, Vocational rehabilitation.

Dated: February 2, 2015.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

For the reasons discussed in the preamble, the Secretary amends parts 369 and 371 of title 34 of the Code of Federal Regulations as follows:

PART 369—VOCATIONAL REHABILITATION SERVICE PROJECTS

■ 1. The authority citation for part 369 is revised to read as follows:

Authority: 29 U.S.C. 709(c), 741, 773, unless otherwise noted.

■ 2. Section 369.4(b) is amended by revising the definition of ''Reservation'' to read as follows:

§ 369.4 What definitions apply to these programs?

* * * * *

(b) * * *

Reservation means a Federal or State Indian reservation; public domain Indian allotment; former Indian reservation in Oklahoma; land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act; or a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.

(Authority: Sections 12(c) and 121(e) of the Act; 29 U.S.C. 709(c) and 741(e))

* * * * *

PART 371—VOCATIONAL REHABILITATION SERVICES PROJECTS FOR AMERICAN INDIANS WITH DISABILITIES

■ 3. The authority citation for part 371 continues to read as follows:

Authority: 29 U.S.C. 709(c) and 741, unless otherwise noted.

■ 4. Section 371.4(b) is amended by revising the definition of ''Reservation'' to read as follows:

§ 371.4 What definitions apply to this program?

* * * * *

(b) * * *

Reservation means a Federal or State Indian reservation; public domain Indian allotment; former Indian reservation in Oklahoma; land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act; or a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.

(Authority: Sections 12(c) and 121(e) of the Act; 29 U.S.C. 709(c) and 741(e))

* * * * *

[FR Doc. 2015–02306 Filed 2–4–15; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0772; FRL–9922–42–Region 4]

Approval and Promulgation of Implementation Plans; North Carolina; Inspection and Maintenance Program Updates

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve State Implementation Plan (SIP) revisions submitted by the State of North Carolina, through the North Carolina Department of Environment and Natural Resources (NC DENR) on January 31, 2008, May 24, 2010, October 11, 2013, and February 11, 2014, pertaining to state rule changes to the North Carolina Inspection and Maintenance (I/M) program. Specifically, these SIP revisions update the North Carolina I/M program as well as repeal one rule that is included in the federally-approved SIP. In this final rulemaking, EPA is also responding to comments received on the proposed approval.

DATES: This rule will be effective March 9, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2013–0772. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information 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 through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, (formerly the Regulatory Development Section), Air Planning and Implementation Branch, (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Nacosta Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Ward can be reached by telephone at (404) 562–9140 and via electronic mail at *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. This Action

EPA is taking final action to approve SIP revisions submitted on January 31, 2008, May 24, 2010, October 11, 2013, and February 11, 2014, related to changes to North Carolina's I/M regulations. On November 20, 2014, EPA published a direct final rulemaking to approve these changes into the SIP and published an accompanying proposed approval to the direct final rule in the event that EPA received adverse comment and withdrew the direct final rulemaking. *See* 79 FR 69051. In the direct final rule, EPA stated that if adverse comments were received by December 22, 2014, the rule would be withdrawn and not take effect, the proposed rule would remain in effect, and an additional public comment period would not be instituted.

On December 17, 2014, and December 19, 2014, EPA received comments identified with the docket number for the aforementioned rulemaking actions. EPA withdrew the direct final rule on January 20, 2015 (80 FR 2612) and is now taking final action to approve the SIP revisions identified above. EPA has reviewed the changes included in these revisions and has determined that they are consistent with federal regulations and the Clean Air Act (CAA or Act).

II. Background

The North Carolina I/M program began in 1982 in Mecklenburg County utilizing a ''tail-pipe'' emissions test. From 1986 through 1991 the program expanded to include eight additional counties (Wake, Forsyth, Guilford, Durham, Gaston, Cabarrus, Orange and Union County). In 1999, the North Carolina General Assembly passed legislation to expand the coverage area for the I/M program in order to gain additional emission reductions to achieve the 1997 8-hour ozone national ambient air quality standards in the State. This legislation expanded the I/M program from nine counties to 48 counties by adding several counties approximately every six months from July 1, 2003, to July 1, 2006. The I/M program in the expanded coverage area used on-board diagnostic (OBD) rather than tail-pipe testing. On August 7, 2002, North Carolina submitted a SIP revision to amend the I/M regulations included in the SIP at that time to, among other things, expand the counties subject to the I/M program as discussed above, require OBD in the subject counties for all model year (MY) 1996 and newer light duty gasoline vehicles, and terminate the tail-pipe testing program on January 1, 2006, for the nine counties subject to continued tail-pipe testing of MY 1995 and older vehicles.

EPA approved these changes to North Carolina's I/M program into the SIP on October 30, 2002. *See* 67 FR 66056. Since that time, North Carolina has submitted additional changes to its program, which EPA is now acting upon. Specifically, North Carolina submitted SIP revisions related to the State's I/M program on January 31, 2008, May 24, 2010, October 11, 2013, and February 11, 2014. EPA's response to comments received on EPA's November 20, 2014, rulemaking is provided in Section III of this rulemaking. EPA's detailed analysis of these SIP revisions is provided in EPA's direct final rulemaking published on November 20, 2014, and incorporated herein by reference. *See* 79 FR 69051.

III. Response to Comments

On December 19, 2014, EPA received comments on the proposed SIP revisions from an anonymous commenter and withdrew the direct final rule. EPA also received comments from the United States Department of Defense (DOD) on December 17, 2014. These comments are addressed below.

Comment: EPA received a comment from DOD expressing concern regarding the language in 15A North Carolina Administrative Code (NCAC) 02D.1002(a)(3) applying the I/M program to federal facilities. DOD believes that EPA should rescind its prior approval of section .1002(a)(3) into the SIP, disapprove North Carolina's ''proposed revisions thereto,'' and identify section .1002(a)(3) ''as no longer approved as part of the SIP.''

Response: These comments are not relevant to this rulemaking because EPA approved 15A NCAC 02D.1002(a)(3) into the SIP in 1995 (60 FR 28720 (June 2, 1995)) and North Carolina did not propose any substantive changes to section .1002(a)(3) as part of its January 31, 2008, May 24, 2010, October 11, 2013, and February 11, 2014 SIP submissions. The changes to 15A NCAC 02D.1002(a)(3) are merely typographical due to a reorganization of section .1002 and do not impact its scope or effect any substantive change in the regulations.

Comment: EPA received a comment from an anonymous commenter who does not believe that EPA can approve the state implementation plan (SIP) revisions because ''North Carolina used the wrong modeling approach when determining whether the proposed revisions to the inspection program negatively affect the attainment and maintenance of the NAAQS.'' The Commenter contends that North Carolina used MOVES modeling inputs that did not consider the removal of the State's tailpipe emissions testing program and that the modeling approach is therefore inconsistent with EPA's guidance on performance standard modeling and the use of MOVES to model changes to states' I/M programs. According to the Commenter, proper modeling would show that ''simply expanding the required model years that are subject to inspection would not have gained the necessary emission reductions required to offset the loss of reductions from dropping tailpipe testing.'' The Commenter also believes that ''expanding the [I/M] program to the rest of the state cannot be included as a way to offset the reductions from the tailpipe testing'' and that North Carolina ''must show that for each nonattainment/maintenance area, (1) dropping the tailpipe test still meets the applicable performance standard, and (2) the emission reductions provided in the past by the tailpipe test are offset by some other way since expanding the model years of new vehicles has typically not provided the requisite emissions reductions as tailpipe testing for older (more polluting) vehicles has done.''

Response: EPA disagrees with the Commenter. North Carolina's January 31, 2008 SIP submission asks EPA to remove the State's regulation governing tailpipe testing, 15A NCAC 02D.1004, from the SIP. As the State noted in its 2008 submission, 15A NCAC 02D.1004 is obsolete because the tailpipe testing requirements of that rule expired on January 1, 2006, pursuant to subsection .1004(e). EPA approved the addition of 15A NCAC 02D.1004(e) into the SIP in 2002. *See* 67 FR 66056 (Oct. 30, 2002). Therefore, the SIP revision only eliminates inoperative regulatory text and does not ''drop'' tailpipe testing. The tailpipe testing requirement expired in 2006 pursuant to the terms of the regulation which EPA approved in 2002. Therefore, this comment is not relevant to the SIP revisions EPA is acting on today.

The removal of 15A NCAC 02D.1004 from the SIP will not interfere with any applicable requirement concerning attainment or any other applicable requirement of the CAA because its removal has no impact on emissions. Tailpipe testing ended in North Carolina on January 1, 2006, and 15 NCAC 02D.1004(e) had already been approved into the SIP at the time of the State's 2008 submission. Therefore, no modeling or other technical analysis is required to satisfy CAA Section 110(l). Moreover, the Commenter's claim that North Carolina used an inappropriate

application of MOVES to demonstrate that the revisions to the I/M program will not interfere with any applicable requirement concerning attainment is based solely on the fact that the modeling did not consider removal of the tailpipe emissions testing provision. As explained above, the tailpipe emissions testing program expired pursuant to a previously-approved SIP revision, and therefore is not at issue in today's action.

IV. Final Action

EPA is approving North Carolina's January 31, 2008, May 24, 2010, October 11, 2013, and February 11, 2014, SIP revisions pertaining to state rule changes to the State's I/M program. EPA has determined that these SIP revisions are approvable because they are consistent with section 110 of the CAA.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act 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 approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 6, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 26, 2015.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401 *et seq.*

Subpart II—North Carolina

■ 2. In § 52.1770:

■ a. Table 1, in paragraph (c) is amended by revising the entries for ''Sect .1002,'' ''Sect .1003,'' ''Sect .1004,'' and ''Sect .1005''; and

■ b. In paragraph (e), the table is amended by adding a new entry ''Non-Interference Demonstration for the North Carolina Inspection and Maintenance Program'' at the end of the table.

The revisions and addition read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Subchapter 2D Air Pollution Control Requirements				
*	*	*	*	*	*

TABLE 1—EPA APPROVED NORTH CAROLINA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section .1000 Motor Vehicle Emissions Control Standard				
*	*	*	*	
Sect .1002	Applicability	1/1/2014	2/5/2015 [Insert **Federal Register** citation].	
Sect .1003	Definitions	2/1/2014	2/5/2015 [Insert **Federal Register** citation].	
Sect .1004	Tailpipe Emission Standards for CO and HC	7/11/2007	2/5/2015 [Insert **Federal Register** citation].	Repealed.
Sect .1005	On-Board Diagnostic Standards	1/1/2014	2/5/2015 [Insert **Federal Register** citation].	
*	*	*	*	

* * * * * (e) * * *

EPA APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
*	*	*	*	
Non-Interference Demonstration for the North Carolina Inspection and Maintenance Program.	10/11/2013	2/5/2015	[Insert **Federal Register** citation].	

[FR Doc. 2015–02071 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1991–0006; FRL–9922–55–Region 8]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Deletion of the Midvale Slag Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Region 8 is publishing a direct final Notice of Deletion of the Midvale Slag Superfund Site (Site), located in Salt Lake County, Utah, 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 deletion is being published by EPA with the concurrence of the State of Utah, through the Utah Department of Environmental Quality (UDEQ), because EPA has determined that all appropriate response actions under CERCLA, other than operation, maintenance and five-year reviews of the Site, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: This direct final deletion is effective April 6, 2015 unless EPA receives adverse comments by March 9, 2015. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1991–0006, by one of the following methods: (1) *http://www.regulations.gov:* Follow on-line instructions for submitting comments. (2) *Email: waterman.erna@epa.gov* (3) *Fax:* 303–312–7151 (4) *Mail:* Erna Waterman, Remedial Project Manager, U.S. EPA, Region 8, Mail Code 8EPR–SR, 1595 Wynkoop Street, Denver, CO 80202–1129 (5) *Hand delivery:* US EPA, Region 8, 1595 Wynkoop Street, EPR–SR, Denver, CO 80202–1129. Such deliveries are only accepted during EPA's normal hours of operation (9 a.m. to 5 p.m.), and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID no. EPA–HQ–SFUND–1991–0006. 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.

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 electronically at *http://www.regulations.gov* or in hard copy at Ruth Tyler Branch Library, 8041 South Wood, Midvale, UT 84047; Phone: (801–944–7641); Hours: M–Th: 9 a.m.–9 p.m.; Fri-Sat: 9:00 a.m.–5:30 p.m.

FOR FURTHER INFORMATION CONTACT: Erna Waterman, Remedial Project Manager, U.S. EPA Region 8, Mail code: 8EPR–SR, 1595 Wynkoop Street, Denver, CO 80202–1129; Phone: (303) 312–6762; Email: *waterman.erna@epa.gov.* You may contact Erna to request a hard copy of publicly available docket materials.

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 8 is publishing this direct final Notice of Deletion of the Midvale Slag Superfund Site from the National Priorities List. The NPL constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA maintains the NPL as the list of sites that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial action if future conditions 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 Midvale Slag Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete 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 persons have implemented all appropriate response actions required;

ii. all appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. the remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the 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 Site.

(1) EPA consulted with the State of Utah prior to developing this direct final Notice of Deletion and the Notice of Intent to Delete the Site co-published today in the ''Proposed Rules'' section of the **Federal Register**.

(2) EPA has provided the State 30 working days for review of this direct final Notice of Deletion and the parallel Notice of Intent to Delete prior to their publication today, and the State, through UDEQ, has concurred on the deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final Notice of Deletion, a notice of the availability of the parallel Notice of Intent to Delete is being published in a major local newspaper, the *Salt Lake Tribune.* The newspaper notice announces the 30-day public comment period concerning the Notice of Intent to Delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this deletion action, EPA will publish a timely notice of withdrawal of this direct final Notice of Deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the Notice of Intent to Delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion 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 management. 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 Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL.

Site Background and History

The 446-acre Midvale Slag Superfund Site (UTD08134277) is located 12 miles south of Salt Lake City in the city of Midvale, with a small portion extending into the adjacent city of Murray. The Site is a former smelting facility on the Jordan River. Five separate smelters were located on or near the Site from 1871 to 1958. An adjacent mill continued operating until 1971. The smelters treated ores from Bingham Canyon and other mines. Investigations

at the Site showed that groundwater and soils were contaminated with heavy metals. Lead smelting was the dominant industrial activity at the Site; lead and arsenic were the primary products associated with ore processing. At times copper, gold, silver, and other metals were also produced at the Site. Ore processing and disposal of waste products on the site have resulted in contamination of soils and groundwater at the Site.

The EPA proposed the Midvale Slag Superfund Site on the National Priorities List (NPL) on June 10, 1986 and finalized listing of the site on February 11, 1991 (51 FR 21099 and 56 FR 5598). The Site was divided into two operable units (OUs). OU1 is the northern 266 acres of the site. OU2 is the remaining 180 acres to the south. The dividing boundary that runs through the Site between OU1 and OU2 is 7200 South Parkway and Jordan River Boulevard.

OU1 includes a mobile home park, an abandoned waste water treatment plant with lagoons, and jurisdictional wetlands. Wastes have been present on the Site for many years and, in some locations, groundwater is in direct contact with visible slag without appreciable effects on groundwater. Concentrations of contaminants of concern (COCs) in OU1 groundwater are generally below federal maximum contaminant levels (MCLs).

OU2 is subdivided into areas based on the distribution of unique smelter and mill wastes. Included within OU2 are the silver refinery area and the Butterfield Lumber property. In addition, numerous piles of smelter slag and other smelter wastes were distributed broadly across this area.

The EPA proposed the Site to the NPL based on studies conducted between 1982 and 1985 that found groundwater, soil and sediments contaminated with heavy metals. Potential human health threats included drinking contaminated groundwater or ingesting, inhaling, or handling contaminated soils, wastes or sediments. The EPA fenced portions of the Site in December 1990 to restrict access to the contaminated wastes.

The EPA conducted eight removal actions at this Site. The first removal action after the NPL listing occurred on June 20, 1991, with the disposal of explosives and lab chemicals at a former on-Site lab. Additional removal actions conducted between 1995 and 2001 included: Construction of additional fencing, contaminated soil removal, plugging contaminated water supply wells, removal of approximately 90 deteriorated drums, and preservation work for the small Midvale Pioneer Cemetery located near the southeastern corner of the Site.

Remedial Investigation and Feasibility Study (RI/FS)

Remedial Investigation for OU1: The suspected waste areas within OU1 were a small landfill and an abandoned waste water treatment plant with its associated lagoons. Analysis of sample data determined that neither area contributed to the contaminants of concern detected in Site soils. Soil contamination was caused by smelter waste from OU2 transported by environmental factors as well as deliberate use of waste as fill. The Baseline Risk Assessment determined arsenic, cadmium, and lead as the contaminants of concern in soils at OU1. The OU1 Feasibility Studies (FS) were completed in 1995 for the trailer park located on the northern end of the Site, and in 1998 for the remaining portions of OU1.

Remedial Investigation for OU2: The Site investigations for OU2 focused on mixed smelter waste, slag, and groundwater. These were evaluated during Site investigations conducted for the Engineering Evaluation/Cost Analysis (EE/CA) prepared in 1993, the Supplemental Remedial Investigation in 1997 and 1998, and additional characterizations performed in 2001 and 2002. Surface and subsurface soil samples were analyzed in five mixed smelter waste areas, calcine waste, silver refinery waste, and contaminated soils.

Metals analysis of samples in the former baghouse dust pond area contained high levels of arsenic trioxide which was determined to be principal-threat waste (later classified as Category I waste). Four areas of slag-covered surfaces were also sampled: Air-cooled slag, water-quenched slag, copper slag, and iron slag for the EE/CA. Analysis of the slag in these areas found that this slag is not leachable in concentrations that impact groundwater. The smelter waste and soil maximum contaminant concentrations were 20,400 mg/kg for arsenic and 26,300 mg/kg for lead. The sediment maximum contaminant concentrations were 96 mg/kg for arsenic and 721 mg/kg for lead.

Groundwater evaluations were conducted in the EE/CA. Additional groundwater studies and RI work was conducted between 1997 and 2002. The RI activities found significant arsenic in groundwater under the old smelter works area. The area around the former arsenic plant and baghouse exhibited the highest levels of arsenic contamination in ground water at an elevated concentration of 1,300,000 parts per billion (ppb). The Upper Sand and Gravel (US&G) Aquifer, which underlies the entire Site from about 15 to 150 feet below ground surface (bgs), was found to contain a plume that is contaminated with arsenic up to 4,000 ppb. The Deep Principal Aquifer, which is below the US&G Aquifer which is used for drinking water is clean. During the Site investigations in 2001 and 2002, a tetrachloroethylene (PCE) plume crossing the Site was identified and referred to UDEQ for further investigation. Since the source of the PCE plume is not on the Site, CERCLA action is not appropriate. In 2001, surface and subsurface soil samples were collected from former river meander locations, upland areas of the corridor, and both banks of the Jordan River. Elevated levels of metals were detected in surface and subsurface soil samples, but not the surface water. Consequently, portions of the Jordan River riparian corridor adjacent to the former smelter were added to the Site in the 2006 Explanation of Significant Differences for OU2.

The April 2002 OU2 FS is for the groundwater and the May 2002 OU2 FS is for mixed smelter waste. Many remedial technologies were considered, including no action, institutional controls, treatment, and disposal.

Summary of Risk Assessment Activities

Results of the baseline risk assessment indicate that contaminants identified in the RI in Site surface and subsurface soil pose a risk of excess cancer and adverse health effects to current and future populations at the Site. Risks to future residents, future workers, and current and future trespasser scenarios exceed acceptable threshold levels. Estimated risk and hazard were greatest for potential future residents at the Site. Contaminants in shallow ground water also pose a risk to future residents and workers. However, shallow ground water is not currently used as a source of drinking water.

Redevelopment plans for the Site preclude the presence of ecological receptors throughout most of the Site. Exceptions consist of the Jordan River and the recreational park planned for the riparian area on the east bank of the Jordan River. Results of the ecological risk assessment indicate that contaminants in sediment and surface water pose little risk to aquatic receptors. In addition, Site data indicate that the Site is contributing very little to contaminants concentrations detected in sediment and surface water. Upstream sources are the likely contributors to detected concentrations. However, contaminants are present in the riparian area at concentrations that could pose a

potential threat to aquatic receptors if allowed to enter the river; therefore, bank stabilization was completed to minimize migration of contaminants into the river.

The recreational park is unlikely to provide significant habitat for terrestrial receptors. It is more likely that wildlife will have sporadic exposure in the area. It is anticipated that remedial action performed to protect child recreational visitors at the park will also be protective of terrestrial receptors.

OU1 Selected Remedy

On April 28, 1995, EPA issued a Record of Decision (ROD) for OU1 selecting the following remedy: (1) Excavation of a minimum of 18 inches of soil in 14 residential yards in the Winchester Estates development, placement of clean fill and off-site disposal of soils. (2) The placement of a 2-foot thick monolayer soil cover over an undeveloped portion of the Winchester Estates. (3) Institutional controls for the area receiving the soil cover. (4) Institutional controls for four other parcels prohibiting future residential land use without additional remediation. (5) Ground water monitoring at the hydraulically downgradient Site boundary for a minimum of 5 years.

In May 1998 and also in February 2006, EPA and UDEQ issued Explanation of Significant Differences (ESDs) changing the remedy called for in the 1995 OU1 ROD. The 1998 ESD required the excavation of contaminated soils on one parcel of land, rather than capping, and thus eliminated the need for ICs on that parcel. The 2006 ESD changed land use restrictions to accommodate multiple land uses, created a consistent approach for both operable units, included riparian management (both sides of the river) and contained a comprehensive groundwater monitoring plan in coordination with the OU2 remedy. The 2006 ESD identified the lack of remedial action objectives for groundwater in the OU1 ROD and adopted the remedial action objectives selected for groundwater in the OU2 ROD. A final ESD was issued in October, 2013, clarifying the groundwater Remedial Action Objectives (RAOs) for OU1 and OU2.

The amended RAOs for OU1 are as follows: (1) *Soil RAO*—Prevent unacceptable exposure risks to current and future human populations presented by contact, ingestion, or inhalation of smelter materials, associated contaminated materials, or contaminants of concern (COCs) derived from the smelter wastes. (2) *Ground Water RAOs*—Prevent unacceptable exposure risk to current and future human populations presented by direct contact, inhalation, or ingestion of contaminated ground water. Provide that future migration of COCs into previously uncontaminated portions of the US&G Aquifer and into the Deep Principal Aquifer is protective of these aquifers as sources of drinking water. Provide that future discharge of contaminated ground water from the Site to the Jordan River is protective of the aquatic environment and designated use.

OU2 Selected Remedy

On October 29, 2002, EPA signed the Record of Decision for OU2. The OU2 ROD defined four categories of smelter wastes found throughout OU2. Principal threat wastes such as crude arsenic trioxide were designated as Category I waste. Category II wastes included non-slag soils and smelter waste failing Toxicity Characteristic Leaching Procedure (TCLP) and containing COCs above commercial land use-based remediation goals. Category III wastes included non-slag soils and smelter wastes passing TCLP and containing COCs below residential land use-based remediation goals. EPA classified slag as Category IV waste. The major components of the selected remedy include: (1) Ground Water: The Deep Principal Aquifer which is a primary source of drinking water in the Salt Lake Valley, is not impacted by the Site, although the shallower US&G is impacted by the Site. The limited action remedy for ground water does not actively attempt to restore the US&G, but provides compliance points for monitoring and assessing as well as institutional controls. The limited action approach relies on ground water and surface water monitoring to assess whether ground water and surface water criteria are being met for selected COCs. These selected COCs were established as a result of using alternate concentration limit (ACL) calculations and site-specific analyses to be protective of surface water quality criteria for the Jordan River. An IC to restrict well installation was also selected as a part of the remedy. The ACLs for the four groundwater COCs were set at the following: Arsenic 7,000 μg/L; Cadmium 1,560 μg/L; Selenium 900 μg/L; and Antimony 380 μg/L. (2) Mixed Smelter Waste: The selected remedy for mixed smelter waste required the excavation and off-Site disposal of Category I Material, if found, and the installation of appropriate covers over the remainder of the Category II and III Materials. (3) Slag: The selected remedy for the slag (Category IV Material) required re-grading of the slag piles and the installation of appropriate covers. (4) Land use controls (ICs) were also selected for OU2 to restrict future excavations and guide future use of the property.

The 2006 ESD added the riparian area along the Jordan River corridor to the Site to prevent river migration erosion which could impact the remedy. In addition, the ESD eliminated the need for ICs on portions of OU1 which were clean and called for a site wide groundwater monitoring plan. The 2013 ESD clarified the RAOs for groundwater for both OU1 and OU2. This clarification removed the groundwater restoration RAO for both OUs.

The amended RAOs for OU2 are as follows: (1) *Ground Water RAOs*—Prevent unacceptable exposure risk to current and future human populations presented by direct contact, inhalation, or ingestion of contaminated ground water. Provide that future migration of COCs into previously uncontaminated portions of the US&G Aquifer and into the Deep Principal Aquifer is protective of these aquifers as sources of drinking water. Provide that future discharge of contaminated ground water from the Site to the Jordan River is protective of the aquatic environment and designated use. (2) *Mixed Smelter Waste RAOs*—Prevent unacceptable exposure risks to current and future human populations presented by contact, ingestion, or inhalation of smelter materials, associated contaminated materials, or COCs derived from the smelter areas. Prevent unacceptable exposure risks to current and future ecological receptors presented by contact, ingestion, inhalation, or uptake from smelter materials, associated contaminated materials, or COCs derived from the smelter areas. Provide that the future migration of contaminants from the smelter materials is within limits considered protective of ground water. Prevent smelter materials from entering the Jordan River via surface water flow. (3) *Slag RAOs* Prevent unacceptable exposure risks to current and future human populations presented by contact, ingestion, or inhalation of slag or associated contaminated materials. Prevent unacceptable exposure risks to current and future ecological receptors presented by uptake from slag, associated contaminated materials within slag, or COCs derived from the slag areas. Provide that the future migration of contaminants from the slag or contaminated materials within slag is within limits considered protective of ground water. Prevent slag or

contaminated materials within slag from entering the Jordan River via surface water flow.

Response Actions

UDEQ was the lead agency for the OU1 remediation as defined in a cooperative agreement between EPA and UDEQ. Remediation work was conducted in two phases, with work on the residential portion of Winchester Estates portion beginning in September 1995 and ending in April 1996. Remediation of the undeveloped southeast portion of Winchester Estates was completed by November 1998. The final inspection of the OU1 remedial action occurred in January 1999 and the RA report for OU1 signed in March 1999. EPA and UDEQ installed the groundwater monitoring system and performed the riparian remediation selected in the 2006 ESD during the implementation of the OU2 remedy.

A consent decree governed work conducted by the main property owner, Littleson, Inc. In the consent decree signed with EPA, Midvale City, and the Union Pacific Railroad, the property owner, Littleson, Inc., agreed to perform the remedial design/remedial action (RD/RA) for the smelter wastes, slags and impacted soils components of the OU2 ROD remedy. In the consent decree, Midvale City agreed to enact and enforce ICs in the form of an ordinance. This consent decree was entered on November 16, 2004.

UDEQ was the lead for the ground water portion of the OU2 ROD remedy as well as the 2006 ESD for OU1. This work was performed under a cooperative agreement with EPA. EPA was the primary lead for the riparian portion of the OU2 ROD remedy.

Smelter Wastes, Slags, and Impacted Soils

Littleson, Inc., completed all remedial activities as planned, and no additional areas of contamination were identified. EPA, UDEQ and Midvale City conducted a final inspection of the work upon completion of the physical construction on June 26, 2006. A one-year warranty period began on July 6, 2006, to ensure that the remedy continued to operate as designed. On May 15, 2007, EPA, UDEQ and Midvale City representatives conducted a second final inspection to verify that the remedy remained effective. This remedy was declared operational and functional on August 13, 2007 when EPA approved the Remedial Action Report. On the same day, EPA certified the completion of the construction work required under the consent decree.

Riparian Zone OU1 and OU2

EPA and UDEQ conducted the RD/RA work along 6,800 feet of the Jordan River riparian corridor adjacent to the western boundary of the Site. The objective for this work included the reduction and elimination of river bank erosion that could release smelter waste from the Site into the river. This work was conducted in four phases, with the final phase being completed in August 2011. Salt Lake County conducted the Phase 3 portion of this work under EPA and UDEQ oversight. Phase 3 involved completing the riparian work from Winchester Estates south along the eastern bank of the Jordan River and was funded through a grant from EPA using special account funding.

EPA, UDEQ and Salt Lake County completed all remedial activities as planned. EPA and UDEQ conducted a pre-final inspection on August 10, 2011, which included a description and schedule for correcting minor construction contract items by the contractor. The remaining ''punch'' list item was replacement of some damaged vegetation. EPA and the State determined that all Riparian Zone work was constructed and/or completed according to the ROD and design specifications in 2013.

Groundwater OU1 and OU2

UDEQ completed the installation of the groundwater monitoring system in December 2008. Construction of the system was completed under a cooperative agreement established between the EPA and UDEQ. Under this cooperative agreement, the UDEQ implemented the groundwater monitoring system design developed by the EPA and conducts quarterly monitoring. In September 2009, EPA approved the groundwater Remedial Action Report in which EPA determined that construction of the monitoring system was complete in accordance with the OU2 ROD and design specifications.

UDEQ conducts semi-annual groundwater and surface water monitoring at the Site using a plan developed during the remedial design. The monitoring system at the Site currently consists of co-located wells at 15 locations (a total of 30 wells) and two surface water sampling locations. Each well pair consists of one shallow monitoring well, screened in the upper interval of the US&G Aquifer, and one intermediate monitoring well, screened at a lower interval within the US&G Aquifer. The monitoring system is divided into four groups and consists of up-gradient, down-gradient, plume core and ACL monitoring wells. The process for developing ACLs is discussed in the OU2 ROD with supporting documentation provided in the Administrative Record.

Although the selected remedy did not attempt to actively restore the US&G Aquifer, it provided for the monitoring of groundwater and surface water to assess whether applicable groundwater and surface water quality criteria are being met for the selected COCs. It also provided for the creation of ICs to prevent exposure to the contaminated US&G Aquifer.

Point of assessment locations for monitoring the US&G Aquifer were selected based on the location and movement of arsenic contamination on the Site. Arsenic was selected as the indicator chemical since it is the most mobile and widespread of the COCs in this aquifer. Monitoring wells for points of assessment were installed in the shallow and deep portions of the US&G Aquifer in accordance with plans and specifications developed during the remedial design. The specific monitoring objectives are as follows: (1) Conduct groundwater and surface water monitoring to assess if applicable groundwater and surface water quality criteria are being met for COCs (antimony, arsenic, cadmium and selenium). (2) Assess monitoring data and determine if contamination is moving laterally or vertically within the boundaries of the Site.

The UDEQ's Semi-Annual Groundwater and Surface Water Monitoring Report—Midvale Slag Superfund Site dated May 24, 2013 states that ''COC concentrations in the ACL monitoring wells have not exceeded their respective ACL values and that COC concentrations in surface water have not exceeded established surface water quality criteria values for the Jordan River in monitoring results from 2008 to present.''

Operation and Maintenance

Maintaining an appropriate soil cover with adequate drainage is an operation and maintenance activity required as an IC. Midvale City is responsible for this IC and conducting the following activities: Inspection/observation during redevelopment construction; review of development construction plans and specification for conformance with cover requirements; storm water management and irrigation restrictions; and temporary stockpile and covering of soil and slag. UDEQ conducts semi-annual groundwater and surface water monitoring at this Site. COC concentrations in the ACL monitoring wells have not exceeded their respective

ACL values and COC concentrations in surface water have not exceeded established surface water quality criteria values for the Jordan River in monitoring results from 2008 to present.

ICs adopted by the Midvale City support limited commercial and residential re-use of this Site. The OU2 ROD required the establishment of ICs including land use controls, to prevent exposure to contaminated materials and review of proposals to change the type of land use at the Site. In addition, ICs for groundwater and surface water were established to prevent access to contaminated ground and surface water and to limit the infiltration in the plume area. Additionally, groundwater beneath the Site is not used for drinking water under the State of Utah ICs.

An Institutional Control Process Plan for OU1 was developed in 2004 as a mechanism to assure that consistent and effective inspection, maintenance and enforcement activities occurred throughout the Site. The objective of the ICs are (i) to limit or prohibit exposure of people and the environment to subsurface contaminants remaining at the Site by ensuring the protection and maintenance of the cap; (ii) to prevent or limit certain activities in certain areas of the Site that may increase the risk of damage to the cap; and (iii) to manage stormwater and irrigation water to prevent unacceptable impact to the cap and underlying groundwater.

In 2007, an ordinance for Bingham Junction, Jordan Bluffs and designated rights-of-way was implemented by Midvale City which set forth the requirements and procedures for the public ICs for the redevelopment and reuse of the Bingham Junction and Jordan Bluffs properties. The purpose of the ICs was to prevent unacceptable human exposure to contaminants that remain on Site by ensuring the protection, maintenance, and improvement of physical barriers that had been on the various properties.

Midvale City is responsible for enforcement of the land use ICs. Midvale City utilizes a grant from EPA to hire a Development Site Coordinator who is responsible for enforcing the ICs and provides IC on-Site training for the developer's Special Inspectors when needed. The Special Inspectors, as well as the Development Site Coordinator, know which areas of the Site have buried contamination and the exact location of the protective cap or inert slag demarcation layer located above the contamination. Midvale City issued permits identify planned development above the demarcation layer. The Development Site Coordinator conducts inspections several times a day during construction as well as visits temporary soil stockpiling, road construction, storm drain, and landscaping phases of the work to ensure that the ICs are being followed and the remedy remains protective. In addition, the Development Site Coordinator monitors the riparian restoration area and maintains ongoing weekly communication with UDEQ, EPA and Salt Lake County.

Five-Year Review

Three statutory five-year reviews have been conducted at the Site: in October 2003, December 2008, and April 2014. The remedy at the Site was determined to be protective and no issues were identified in the latest five-year review. Pursuant to CERCLA section 121(c) and the NCP, EPA will conduct the next five-year review to ensure the continued protectiveness of remedial actions where hazardous substances, pollutants, or contaminants remain at the Site above levels that allow for unlimited use and unrestricted exposure. The next five-year review is scheduled for completion by April 2019.

Community Involvement

Major community involvement activities at the Site initially included establishing a local information repository and forming a Technical Advisory Group (TAG) and working with the Jordan River Stakeholders Group. EPA, with representatives from the UDEQ, conducted community interviews with a broad array of interested residents, agency representatives, local elected officials and others. These interviews were the foundation of the Site Community Involvement Plan and information from these interviews was considered in the remedy selection process for the Site. Outreach efforts included community interviews, fact sheets, letters, flyers, door-to-door visits, public meetings, neighborhood meetings, public comment periods and Web site updates. The most recent interviews were conducted in the Spring 2013 for the upcoming five-year review.

Because the community requested future development be considered in the remedy selection, slag piles were graded to better support redevelopment and appropriate soil covers were designed as an interim measure to facilitate future redevelopment. The Site is located right off the I–15 and I–215 freeways, barely 20 minutes from most Salt Lake County locations. On August 29, 2006, Midvale Mayor Joanne Seghini said, ''The land constitutes 20 percent of Midvale and is one of the last pieces of undeveloped property in the City and was a discouraging blight.'' Redevelopment began once the institutional controls were established. A Ready for Reuse Determination was issued by EPA in 2008.

Today, approximately 70 percent of the Site has been fully developed for mixed-use that incorporates major retail and office space, along with needed housing for Midvale City. The Utah Transit Authority mass transit train system opened a station at the Site which serves the ''green sustainable community.'' The successful revitalization of the Midvale community is sustainable, provides mixed use, and elevates the quality of life with revitalization for years to come. Improvement of the riparian corridor and bike trail along the Jordan River has also helped this area thrive. These successful efforts have resulted in the influx of new residents now inhabiting the Site.

Determination That the Site Meets the Criteria for Deletion

The implemented Site-wide remedy achieves the RAOs specified in the 1995 ROD, 2002 ROD, and 1998, 2006 and 2013 ESDs for all pathways of exposure. No further Superfund responses are needed to protect human health and the environment at the Site.

The NCP (40 CFR 300.425(e)) states that a Site may be deleted from the NPL when no further response action is appropriate. EPA, in consultation with UDEQ, has determined that all required response actions have been implemented and no further response action by responsible parties is appropriate.

V. Deletion Action

The EPA, with concurrence of the State of Utah through the Utah Department of Environmental Quality (UDEQ), has determined that all appropriate response actions under CERCLA, other than operation, maintenance, monitoring and five-year reviews have been completed. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective April 6, 2015 unless EPA receives adverse comments by March 9, 2015. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion, and it will not take effect. EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the

comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: January 23, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

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. 9601–9657; E.O. 13626, 77 FR 56749, 3 CFR, 2013 Comp., p.306; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

Appendix B to Part 300—[Amended]

■ 2. Table 1 of Appendix B to part 300 is amended by removing the entry for ''UT'', ''Midvale Slag'', ''Midvale''.

[FR Doc. 2015–02326 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 001005281–0369–02]

RIN 0648–XD709

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) to close the hook-and-line component of the commercial sector for king mackerel in the Florida west coast southern subzone. This closure is necessary to protect the Gulf of Mexico (Gulf) king mackerel resource.

DATES: This rule is effective 12:01 a.m., local time, February 5, 2015, through June 30, 2015.

FOR FURTHER INFORMATION CONTACT: Susan Gerhart, telephone: 727–824–5305, email: *susan.gerhart@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The Gulf migratory group king mackerel is divided into western and eastern zones. The Gulf's eastern zone for king mackerel is further divided into the Florida west coast northern and southern subzones that have separate commercial quotas. On January 30, 2012, NMFS implemented the final rule (76 FR 82058, December 29, 2011) that established annual catch limits (ACLs). The 2014 to 2015 fishing year quota for the hook-and-line component of the commercial sector in the Florida west coast southern subzone is 551,448 lb (250,133 kg) (50 CFR 622.384(b)(1)(i)(B)(*1*)).

From November 1 through March 31, the southern subzone encompasses an area of the exclusive economic zone (EEZ) south of a line extending due west of the Lee and Collier County, FL, boundary on the Florida west coast, and south of a line extending due east of the Monroe and Miami-Dade County, FL, boundary on the Florida east coast, which includes the EEZ off Collier and Monroe Counties, FL. From April 1 through October 31, the southern subzone is reduced to the EEZ off Collier County, and the EEZ off Monroe County becomes part of the Atlantic migratory group area.

On January 24, 2015, NMFS implemented a 500-lb (227-kg) trip limit for vessels in the hook-and-line component of the commercial king mackerel sector in this subzone, because 75 percent of quota had been reached (622.385(a)(2)(ii)(B)).

Under 50 CFR 622.8(b) and 622.388(a)(1), NMFS is required to close any component of the king mackerel commercial sector when its quota has been reached, or is projected to be reached, by filing a notification at the Office of the Federal Register. NMFS has determined the quota for the hook-and-line component of the commercial sector for Gulf migratory group king mackerel in the southern Florida west coast subzone has been reached. Accordingly, the hook-and-line component of the commercial sector for Gulf migratory group king mackerel in the southern Florida west coast subzone is closed effective 12:01 a.m., local time, February 5, 2015, through June 30, 2015, the end of the fishing year.

As specified in 50 CFR 622.384(e), during the closure period no person aboard a vessel for which a commercial permit for king mackerel has been issued may harvest or possess Gulf migratory group king mackerel in or from Federal waters of the closed subzone. However, there is one exception that a person aboard a vessel that has a valid charter/headboat permit and also has a commercial king mackerel permit for coastal migratory pelagic fish may continue to retain king mackerel in or from the closed subzone under the 2-fish daily bag limit, provided the vessel is operating as a charter vessel or headboat. Charter vessels or headboats that hold a commercial king mackerel permit are considered to be operating as a charter vessel or headboat when they carry a passenger who pays a fee or when more than three persons are aboard, including operator and crew.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of Gulf migratory group king mackerel and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.8(b) and 622.388(a)(1) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the hook-and-line component of the commercial sector constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment are unnecessary and

contrary to the public interest. Such procedures are unnecessary, because the regulations at 50 CFR 622.388(a)(1) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest, because there is a need to immediately implement this action to protect the king mackerel resource since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment on this action would require time and would potentially result in a harvest well in excess of the established quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in effectiveness of the action under 5 U.S.C. 553(d)(3).

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

Dated: February 2, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–02321 Filed 2–2–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 80, No. 24

Thursday, February 5, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2014–0233]

RIN 3150–AJ47

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM 100 Cask System, Certificate of Compliance No. 1014, Amendment No. 8, Revision No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the Holtec International HI–STORM 100 Cask System listing within the ''List of approved spent fuel storage casks'' to add Amendment No. 8, Revision No. 1, to the Certificate of Compliance (CoC) No. 1014. Amendment No. 8, Revision No. 1, changes burnup/cooling time limits for thimble plug devices; changes Metamic-HT material testing requirements; changes Metamic-HT material minimum guaranteed values; and updates fuel definitions to allow boiling water reactor fuel affected by certain corrosion mechanisms with specific guidelines to be classified as undamaged fuel.

DATES: Submit comments by March 9, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any one of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0233. Address questions about NRC dockets to Carol Gallagher, telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.
- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.
- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.
- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Gregory R. Trussell, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6445, email: *Gregory.Trussell@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2014–0233 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0233.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to: *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2014–0233 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Procedural Background

This proposed rule is limited to adding Amendment No. 8, Revision No. 1, which will supersede Amendment No. 8 (effective May 2, 2012, and corrected on November 16, 2012), to CoC No. 1014 to the ''List of approved spent fuel storage casks,'' and does not include other aspects of the Holtec International HI–STORM 100 Cask System design. Amendment No. 8 continues to be effective but is now being modified with respect to certain specified provisions, as outlined in Amendment No. 8, Revision No. 1, which apply to all general licensees using the casks for Independent Spent Fuel Storage Installations (ISFSI). Thus, Amendment No. 8, Revision No. 1, supersedes the previously issued Amendment No. 8. In requesting this

revision, Holtec indicated that it has not manufactured any cask under CoC No. 1014, Amendment No. 8, and, consequently, no ISFSI licensee has placed such a cask into service. Because the NRC considers this action noncontroversial and routine, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. Adequate protection of public health and safety continues to be ensured. The direct final rule will become effective on April 21, 2015. However, if the NRC receives significant adverse comments on this proposed rule by March 9, 2015, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to these proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC staff to make a change (other than editorial) to the rule, CoC, or Technical Specifications.

For additional procedural information, including the regulatory analysis and the environmental assessment and finding of no significant impact, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

Section 218(a) of the Nuclear Waste Policy Act (NWPA) of 1982, as amended, requires that ''the Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, that ''[the Commission] shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule which added a new subpart K in part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR) entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled, ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on May 1, 2000 (65 FR 25241), that approved the Holtec International HI–STORM 100 Cask System design and added it to the list of NRC-approved cask designs in 10 CFR 72.214 as Coc No. 1014.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner that also follows other best practices appropriate to the subject or field and the intended audience. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31883). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No.
CoC No. 1014, Amendment No. 8, Revision No. 1.	ML14262A478
Safety Evaluation Report	ML14262A476
Technical Specifications, Appendix A.	ML14262A480
Technical Specifications, Appendix B.	ML14262A479
Application (portions are non-public/proprietary).	ML13235A082
December 20, 2013, Application Supplement.	ML14009A271
February 28, 2014, Application Supplement.	ML14064A344

The NRC may post materials related to this document, including public comments, on the Federal rulemaking Web site at *http://www.regulations.gov* under Docket ID NRC–2014–0233. The Federal rulemaking Web site allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: 1) Navigate to the docket folder (NRC–2014–0233); 2) click the ''Sign up for Email Alerts'' link; and 3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is proposing to adopt the following amendments to 10 CFR part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2239, 2273, 2282, 2021); Energy Reorganization Act secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842,

5846, 5851); National Environmental Policy Act sec. 102 (42 U.S.C. 4332); Nuclear Waste Policy Act secs. 131, 132, 133, 135, 137, 141, 148 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168); Government Paperwork Elimination Act sec. 1704 (44 U.S.C. 3504 note); Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 788 (2005).

Section 72.44(g) also issued under Nuclear Waste Policy Act secs. 142(b) and 148(c), (d) (42 U.S.C. 10162(b), 10168(c), (d)).

Section 72.46 also issued under Atomic Energy Act sec. 189 (42 U.S.C. 2239); Nuclear Waste Policy Act sec. 134 (42 U.S.C. 10154).

Section 72.96(d) also issued under Nuclear Waste Policy Act sec. 145(g) (42 U.S.C. 10165(g)).

Subpart J also issued under Nuclear Waste Policy Act secs. 117(a), 141(h) (42 U.S.C. 10137(a), 10161(h)).

Subpart K also issued under Nuclear Waste Policy Act sec. 218(a) (42 U.S.C. 10198).

■ 2. In § 72.214, Certificate of Compliance No. 1014 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1014.

Initial Certificate Effective Date: May 31, 2000.

Amendment Number 1 Effective Date: July 15, 2002.

Amendment Number 2 Effective Date: June 7, 2005.

Amendment Number 3 Effective Date: May 29, 2007.

Amendment Number 4 Effective Date: January 8, 2008.

Amendment Number 5 Effective Date: July 14, 2008.

Amendment Number 6 Effective Date: August 17, 2009.

Amendment Number 7 Effective Date: December 28, 2009.

Amendment Number 8 Effective Date: May 2, 2012, as corrected on November 16, 2012 (ADAMS Accession No. ML12213A170), superseded by Amendment 8, Revision 1 on April 21, 2015.

Amendment Number 8, Revision No. 1, Effective Date: April 21, 2015.

Amendment Number 9 Effective Date: March 11, 2014.

SAR Submitted by: Holtec International.

SAR Title: Final Safety Analysis Report for the HI–STORM 100 Cask System.

Docket Number: 72–1014.

Certificate Expiration Date: May 31, 2020.

Model Number: HI–STORM 100.

* * * * *

Dated at Rockville, Maryland, this 26 day of January.

For the Nuclear Regulatory Commission.

Mark A. Satorius,

Executive Director for Operations.

[FR Doc. 2015–02309 Filed 2–4–15; 8:45 am]

BILLING CODE 7590–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Parts 1005 and 1026

[Docket No. CFPB–2014–0031]

RIN 3170–AA22

Prepaid Accounts under the Electronic Fund Transfer Act (Regulation E) and the Truth in Lending Act (Regulation Z)

Correction

In proposed rule document 2014–27286, appearing on pages 77102 through 77335 in the issue of Tuesday, December 23, 2014, make the following corrections:

1. On pages 77103 to 77104, in footnote 1, ''*https://.frbservices.org/files/communications/pdf/general/2013_fed_res_paymt_study_detailed_rpt.pdf*'' should read ''*https://www.frbservices.org/files/communications/pdf/general/2013_fed_res_paymt_study_detailed_rpt.pdf*''.

2. On page 77105, in footnote 19, ''*https://www.fdic.gov/householdsurvey/report.pdf*'' should read ''*https://www.fdic.gov/householdsurvey/2013report.pdf*''.

3. On page 77107, in footnote 36, ''*http://.com/blackhawkcomments-on-parent-company-safeways-spin-offannouncement/*'' should read ''*http://blackhawknetwork.com/blackhawk-comments-on-parent-company-safeways-spin-off-announcement/*''.

4. On page 77109, in footnote 43, ''*http://.consumerfinance.gov/f/201309_cfpb_payroll-cardbulletin.pdf*'' should read ''*http://www.consumerfinance.gov/f/201309_cfpb_payroll-card-bulletin.pdf*''.

5. On page 77120, in the third column, in the third paragraph, on the fifth and sixth line, ''et se'' should read ''*et seq.*''.

6. On page 77131, in footnote 206, ''*https://www.consumer.ftc.gov//0182-gift-cards*'' should read ''*https://www.consumer.ftc.gov/articles/0182-gift-cards*''.

7. On page 77141, in footnote 222, ''*http://www.federalreserve.gov/publications/es/2014_Prepaid_Cards_Final.pdf*'' should read ''*http://www.federalreserve.gov/publications/files/2014_Prepaid_Cards_Final.pdf*''.

8. On page 77154, in footnote 258, ''*http://www.nielsen.com/content//corporate/us/en/reportsdownloads/2014%20Reports/the-digital-consumerreport-feb-2014.pdf*'' should read ''*http://www.nielsen.com/content/dam/corporate/us/en/reports-downloads/2014%20Reports/the-digital-consumer-report-feb-2014.pdf*''.

9. On the same page, in the same footnote, ''*http://www.Federalreserve.gov//mobile-device-report-201203.pdf*'' should read ''*http://www.Federalreserve.gov/econresdata/mobile-device-report-201203.pdf*''.

10. On the same page, in footnote 259, in the fifth line, ''100 a.m.'' should read ''100 Am.''.

11. On page 77179, in footnote 296, ''*http://cfsinnovation.s3.amazonaws.com/_Prepaid_Industry_Scorecard_2014.pdf*'' should read ''*http://cfsinnovation.s3.amazonaws.com/CFSI_Prepaid_Industry_Scorecard_2014.pdf*''.

12. On page 77227, in footnote 365, on the ninth line, ''1026.4(c)(4)).'' should read ''1026.4(C)(4).)''.

13. On page 77262, in footnote 430, ''*http://.pewtrusts.org/en/research-and-analysis/reports/2014/02/06/consumers-continue-to-load-up-on-prepaid-cards*'' should read ''*http://www.pewtrusts.org/en/research-and-analysis/reports/2014/02/06/consumers-continue-to-load-up-on-prepaid-cards*''.

PART 1005 [Corrected]

Supplement I to Part 1005 [Corrected]

14. In Supplement I to Part 1005, on page 77315, in the first column, in the first paragraph, on the eleventh line, ''2(a)(15))–2)'' should read ''2(a)(15)–2)''.

15. In Supplement I to Part 1005, on the same page, in the same column, in the second paragraph, on the forty-first line, ''2(a)(15))–2.i.F'' should read ''2(a)(15)–2.i.F''.

16. In Supplement I to Part 1005, on the same page, in the third column, in the second paragraph, on the first line, ''12(a))–'' should read ''12(a)–''.

[FR Doc. C1–2014–27286 Filed 2–4–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2015–C–0245]

Signature Brands, LLC; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Signature Brands, LLC, proposing that the color additive regulations be amended to provide for the safe use of mica-based pearlescent pigments in egg decorating kits for coloring shell eggs.

DATES: The color additive petition was filed on December 22, 2014.

FOR FURTHER INFORMATION CONTACT: Ellen Anderson, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1309.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 5C0301), submitted by Signature Brands, LLC, c/o Keller and Heckman, LLP, 1001 G Street NW., Suite 500 West, Washington, DC 20001. The petition proposes to amend the color additive regulations in § 73.350 *Mica-based pearlescent pigments* (21 CFR 73.350), to provide for the safe use of mica-based pearlescent pigments in egg decorating kits for coloring shell eggs.

We have determined under 21 CFR 25.32(r) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: January 30, 2015.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2015–02239 Filed 2–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–5767–N–02]

RIN 2506–AC35

Section 108 Loan Guarantee Program: Announcement of Proposed Fee To Cover Credit Subsidy Costs and Solicitation of Comment

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice announces and solicits public comment on the fee that HUD proposes to collect from borrowers of loans guaranteed under the HUD's Section 108 Loan Guarantee Program (Section 108 Program) for the purpose of covering the credit subsidy costs of operating the program. Elsewhere in today's **Federal Register**, HUD is publishing a proposed rule that would amend its regulations for the Section 108 Program to permit HUD to collect a fee for the Section 108 Program.

DATES: *Comment Due Date:* March 9, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Paul Webster, Director, Financial Management Division, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7180, Washington, DC 20410; telephone number 202–708–1871 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339. FAX inquiries (but not comments) may be sent to Mr. Webster at 202–708–1798 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

HUD's proposed rule, published elsewhere in today's **Federal Register**, describes the current Congressional funding status of the Section 108 Program. HUD's Fiscal Year (FY) 2014 Appropriations Act [1] authorized HUD in FY 2014 to impose a fee to eliminate the need for credit subsidy appropriations. As discussed in more detail in the preamble to the proposed rule, imposition of a fee, as statutorily authorized, will permit the Section 108 guaranteed loan financing to remain available.

II. Proposed 2015 Fee: 2.42 Percent of the Principal Obligation of the Loan

As described in the proposed rule, when determining the appropriate level of fee to charge, HUD took into consideration the amount required to fully offset the credit subsidy cost to the Federal Government associated with making a loan guarantee. Credit subsidy cost calculations incorporate assumptions based on: (i) Data on default frequency for municipal debt where such debt is comparable to loans in the Section 108 loan portfolio; (ii) data on recovery rates on collateral security for comparable municipal debt; (iii) the expected composition of the Section 108 portfolio by end users of the guaranteed loan funds (*e.g.,* third party

[1] The 2014 HUD Appropriations Act is Title II of Division L of Public Law 113–73, approved January 17, 2014.

borrowers and public entities); and (iv) other factors that HUD determines may be relevant to this calculation.

Taking these factors into consideration, HUD determined that the initial fee to be imposed on the program is 2.42 percent, which percentage will be applied to guaranteed loan disbursements as they occur in fiscal year 2015. The fee will be effective after available credit subsidy appropriations are depleted, which HUD anticipates will occur around May 2015. Note that future notices may provide for a combination of up-front and periodic fees.

The expected cost of a Section 108 loan guarantee is difficult to estimate accurately using historical program data, because there have been no defaults in the history of the program. HUD has never had to invoke its full faith and credit guarantee, nor has it paid out on any guarantee from the credit subsidy reserved each year for future losses.[2] This is due to a variety of factors, including the availability of CDBG funds as security. Borrowers may plan to make payments on Section 108 loans from CDBG grant funds. However, when a borrower plans to make Section 108 loan payments from other anticipated sources, it has been able to repay the Section 108 loan using CDBG funds when there are shortfalls in anticipated repayment sources, as authorized by Section 108 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5308).

The proposed fee of 2.42 percent offsets the expected cost to the government due to default, financing costs, and other relevant factors. To arrive at this measure, HUD analyzed data on comparable municipal debt over an extended 16- to 23-year period. The estimated rate is based on the default and recovery rates for general purpose municipal debt and industrial development bonds. The cumulative default rates on industrial development bonds were higher than the default rates on general purpose municipal debt during the period from which the data were taken. These two subsectors of municipal debt were chosen because their purposes and loan terms most closely resemble those of Section 108 loans. In this regard, Section 108 loans can be broken down into two categories: (i) Loans that finance public infrastructure and activities to support subsidized housing (other than financing new construction) and (ii) development projects (*e.g.,* retail, commercial, industrial). The 2.42 percent fee was derived by weighting the default and recovery data for general purpose municipal debt and the data for industrial development bonds according to the expected composition of the Section 108 portfolio by corresponding project type. Based on dollar amount of Section 108 commitments awarded during the period 2005—2013, HUD expects that 27 percent of the Section 108 portfolio will be similar to general purpose municipal debt and 73 percent of the portfolio will be similar to industrial development bonds. In determining the appropriate level of fee, HUD will consider the amount required to fully offset the cost to the Federal Government associated with making a loan guarantee. Credit subsidy cost calculations incorporate assumptions based on: (i) data on default frequency for municipal debt where such debt is comparable to loans in the Section 108 portfolio; (ii) data on recovery rates on collateral security for comparable municipal debt; (iii) the expected composition of the Section 108 cohort by end users of the guaranteed loan funds (*e.g.,* third party borrowers and public entities); and (iv) other relevant information (*e.g.,* statutory changes) that would affect the applicability of the default and recovery data on comparable municipal debt.

III. Solicitation of Comment

HUD solicits comment on the initial fee to be imposed on the Section 108 Program.

Dated: December 17, 2014.

Clifford Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2015–02261 Filed 2–4–15; 8:45 am]

BILLING CODE 4210–67–P

[2] U.S. Department of Housing and Urban Development, Study of HUD's Section 108 Loan Guarantee Program, (prepared by Econometrica, Inc. and The Urban Institute), September 2012.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 570

[Docket No. FR–5767–P–01]

RIN 2506–AC35

Section 108 Loan Guarantee Program: Payment of Fees To Cover Credit Subsidy Costs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend HUD's Section 108 Loan Guarantee Program (Section 108 Program) regulations to permit HUD, in accordance with statutory authority, to collect fees from Section 108 borrowers to offset the costs of Section 108 loan guarantees. HUD is proposing this rule to ensure that it can begin to make Section 108 loan guarantee commitments without appropriated subsidy. The Department of Housing and Urban Development Appropriations Act, 2014, authorizes HUD to collect fees from borrowers for this program. In anticipation of further appropriations acts authorizing the collection of fees for Section 108 loan guarantees, HUD proposes to add a new section to its current regulations to reflect that when appropriations for credit subsidy costs as authorized by Congress are either not available or insufficient and HUD has statutory authority to collect fees, HUD will impose a fee on Section 108 Program borrowers and explain the basis for the fee imposed. The proposed new regulatory section would provide for HUD to set the fee by notice.

Elsewhere in today's **Federal Register**, HUD is publishing the notice that would propose the fee to be established for the fiscal year 2015, subject to statutory authorization.

DATES: *Comment Due Date:* March 9, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Communications must refer to the above docket number and title. There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. *Submission of Comments by Mail.* Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500.

2. *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov*. HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments submitted electronically through the *www.regulations.gov* Web site can be

viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

Note: To receive consideration as public comments, comments must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the rule.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable.

Public Inspection of Public Comments. All properly submitted comments and communications submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m., weekdays, at the above address. Due to security measures at the HUD Headquarters building, an appointment to review the public comments must be scheduled in advance by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Paul Webster, Director, Financial Management Division, Office of Block Grant Assistance, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7180, Washington, DC 20410; telephone number 202–708–1871 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339. FAX inquiries (but not comments) may be sent to Mr. Webster at 202–708–1798 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Section 108 Program is the loan guarantee component of the Community Development Block Grant (CDBG) program and is authorized by section 108 (42 U.S.C. 5308) of the Housing and Community Development Act of 1974, as amended (HCD Act). HUD's regulations implementing the Section 108 Program are codified at 24 CFR part 570, subpart M (entitled ''Loan Guarantees''). The Section 108 Program provides States and local governments with access to long-term (up to 20 year) fixed-rate loans at relatively low interest rates to finance certain categories of eligible CDBG activities. Under section 108(a) of the HCD Act and authorizing language in HUD's annual appropriations, HUD enters into commitments to guarantee, and subsequently guarantees, promissory notes issued by units of general local government (or their designated public agencies) or States. Under section 108(r) of the HCD Act, HUD, acting on behalf of these borrowers, periodically arranges for the issuance of a series of trust certificates based on a large pool of such notes and engages underwriters (investment banking firms) to market and sell interests in the trust certificates to private investors in a public offering.

HUD guarantees the timely payment of the principal of and interest on the trust certificates and, under the provisions of the section 108 statute, the full faith and credit of the United States is pledged to honor the guarantee. Because of the federal guarantee, interest payable on the trust certificates and the underlying notes can be set at relatively low, fixed-rates and investors are willing to purchase interests in the certificates because of the security provided by such guarantee. Proceeds of the sale, less certain underwriting and trust administration fees and costs, are advanced to the borrowers, who pay interest on a given year's principal installment at the fixed interest rate borne by the trust certificate of corresponding maturity.

To accommodate borrowers that require financing for projects in the months between the periodic public offering of fixed-rate trust certificates, interim financing is made available pursuant to an agreement between HUD and an interim lender. HUD guarantees promissory notes that initially are issued to the interim lender and bear interest at rates that adjust monthly. Such notes are typically pooled with other issuers' notes in the next public offering of fixed-rate trust certificates, at which time, under the terms of the notes, the interest rates convert to the fixed rates borne by the trust certificates.

Contemporaneously with HUD's guarantee, borrowers enter into contracts with HUD in which they agree to use funds for eligible activities, to make the payments required under their notes and to reimburse HUD from sources pledged as security in the contract for any payments made on their behalf. Section 108 notes are secured by pledges of annual CDBG allocations, which are the local government's own allocations in the case of CDBG entitlement communities and the State's allocations in the case of local governments in non-entitlement areas or States that borrow on behalf of these areas. HUD is also authorized to require borrowers to furnish other security, such as interests in real property and pledges of local revenues, in addition to pledged CDBG funds.

Historically, Congress has annually appropriated funds to cover the credit subsidy costs of the Section 108 Program. These appropriations, consistent with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 *et seq.*), reflect the net present value of future costs to the Federal Government of operating the Section 108 Program. These costs, referred to here as credit subsidy costs, are the estimated long-term cost to the federal government of the loan guarantee, excluding administrative costs and any incidental effects on governmental receipts or outlays. More specifically, the cost is the net present value of expected cash outflows by HUD (*e.g.,* due to default) and the expected cash inflows to HUD (*e.g.,* from recovery on collateral), discounted to the point of disbursement of the guaranteed loan. In recent years, the budgeted Section 108 credit subsidy rates (*i.e.,* credit subsidy cost expressed as a percentage of loan disbursements) have ranged from 2.48% in FY 2012 to 2.56% in FY 2014.

The President's FY 2014 Budget Request [1] did not request an appropriation for the credit subsidy costs of new Section 108 guaranteed loans but instead called for statutory authorization to allow HUD to collect fees to offset such costs, making the Section 108 Program a zero credit subsidy program. To assist with the conversion to a fee-based financing mechanism, HUD's FY 2014 Congressional Justification for the Section 108 Program proposed to allow Section 108 borrowers to include the fee in the guaranteed loan amount.[2] Borrowers would also have the option to utilize existing statutory authority that permits the fee to be paid with CDBG funds.

Both the Senate Report (S. Rep. No. 113–45) accompanying the Senate's FY 2014 Transportation, Housing and Urban Development and Related Agencies Appropriation bill and the House Report (H.R. Rep. No. 113–136) accompanying the House's FY 2014 Transportation, Housing and Urban Development and Related Agencies Appropriation bill accepted HUD's request to convert the Section 108 Program into a fee-based program. The Senate bill adopted the President's proposal to eliminate the credit subsidy

[1] The President's Budget for FY 2014 can be found at: *http://www.gpo.gov/fdsys/browse/collectionGPO.action?collectionCode=BUDGET*.

[2] *http://portal.hud.gov/hudportal/documents/huddoc?id=COMDEVLOANGUAR.pdf* at page R–2.

entirely in FY 2014. Accordingly, the Senate Report states that the Senate Committee on Appropriations expects HUD to implement a fee based program upon enactment of the fee authority to ensure that there is no delay for grantees that wish to utilize the program under a new fee-based structure.

The Department of Housing and Urban Development Appropriations Act, 2014 [3] (2014 HUD Appropriations Act) authorized HUD to collect such fees. The 2014 HUD Appropriations Act included a credit subsidy appropriation designed to enable HUD to continue making loan guarantee commitments during the rulemaking process and prevent a gap in the availability of the program.

This proposed rule is consistent with the expectations expressed in the joint explanatory statement (160 Cong. Rec. H1193–94 (daily ed., January 15, 2014) (joint explanatory statement submitted by Congressman Rogers)), which explains that ''HUD is not expected to be ready to implement a new fee-based section 108 loan program upon enactment of this Act. Instead, prior to the collection of fees, HUD is directed to establish regulations articulating how a fee-based, zero-subsidy program shall be implemented.''

Further, the 2014 HUD Appropriations Act authorizes HUD to impose a fee to eliminate the need for credit subsidy appropriations. Such authority is necessary because, in 1988, Congress amended the statute authorizing the Section 108 Program, section 108 of the HCD Act (42 U.S.C. 5308), to add subsection (m), which limits HUD's ability to impose a fee or charge with respect to a Section 108 guaranteed loan. The 2014 HUD Appropriations Act provides HUD the discretion to collect a fee from Section 108 borrowers ''notwithstanding subsection (m) of such section 108.'' [4]

II. This Proposed Rule

A. New § 570.712 (Collection of Fees; Procedure To Determine Amount of Fee).

This rule proposes to amend the Section 108 regulations at 24 CFR part 570, subpart M, to establish a new section, § 570.712, entitled ''Collection of fees; procedure to determine amount of the fee,'' that would provide for the collection of fees for the Section 108 Loan Guarantee Program. New § 570.712 would provide that where HUD has been authorized to collect a fee for the Section 108 Program and Congress has not appropriated a subsidy for the Section 108 Program or the appropriated subsidy is insufficient to offset the costs of the Section 108 loan guarantees, HUD will collect a fee for the program. When such conditions occur, HUD will announce its intent to impose a fee through notice published in the **Federal Register** and explain the basis for the fee imposed.

HUD will provide for announcement of the fee through notice in the **Federal Register** rather than codifying the fee in § 570.712, as the fee may change from year to year. The imposition of the fee is dependent upon the authority provided for in annual appropriations acts. HUD will solicit comment on the initial proposed fee through this initial proposed rule and Notice, and may solicit comment on future Notices that impose the fee if changes to the assumptions underlying the fee calculation or the fee structure itself raise new considerations for borrowers.

The fee to be imposed will not be expressed as a dollar amount but rather as percentages of the principal amount of the guaranteed loan. The fee will be based on a determination that such fees, when collected, will reduce the credit subsidy cost to a level that eliminates the need for appropriated subsidy budget authority. The required fees may include both an up-front and a periodic component, depending on market conditions and the credit risk to the Section 108 program. New § 570.712 would provide that each public entity or its designated public agency and each State issuing debt obligations would be responsible for the payment of all fees charged under this section.

B. Related Amendments to Existing Regulations

In addition to establishing new § 570.712, this proposed rule would make related amendments to other sections of part 570, subpart M.

1. Definition of ''Credit Subsidy Cost''

The proposed rule would amend § 570.701 (Definitions) to add a definition of ''credit subsidy cost.'' Specifically, ''credit subsidy cost'' would be defined as the estimated long-term cost to the Federal Government of a Section 108 loan guarantee or a modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays. This definition is the definition of ''cost'' in the Federal Credit Reform Act of 1990 [5] (2 U.S.C. 661–661f at § 661a), modified to exclude direct loans, which are not authorized under the Section 108 program.

2. Requirements for Payment of Fees and Payment Options

Paragraph (g) of § 570.705 (Loan requirements) would be amended to add, as a loan requirement, that each public entity or its designated public agency and each State issuing debt obligations must pay any and all fees charged by HUD for the purpose of paying the credit subsidy costs of the loan guarantee. In addition to including this requirement, the rule proposes to remove redundant language in § 570.705(g) addressing a borrower's ability to pay issuance, underwriting, servicing, and other costs with guaranteed loan funds. This language duplicates authority granted in § 570.703.

As permitted by § 570.705(c)(1)(i), borrowers will be able to pay the fee using CDBG funds. To further facilitate the payment of these charges, HUD also proposes to permit the payment of these fees from guaranteed loan proceeds. As such, § 570.703 (Eligible activities) would be amended to provide that guaranteed loan funds may be used for the payment of fees charged by HUD, when such fees are paid from the disbursement of guaranteed loan funds. Additionally, to notify the public of plans to use grant funds or loan proceeds to pay the fee, HUD proposes changes to § 570.704 (Application requirements) to require applicants to include the estimated amount of the fee to be paid in the application for loan guarantee assistance. Use of grant funds for fees or payments of principal and interest must also be included in each applicant's consolidated plan.

Specific solicitation of comment: HUD acknowledges that financing the fees could also result in net higher costs to borrowers because the fee needed to achieve zero subsidy would have to account for risk of default and the borrower would have to pay interest on the financed fee. HUD specifically seeks comment on whether to require borrowers to pay fee amounts from other sources or allow borrowers to add upfront fees to the face value of the guaranteed loan by paying fees from guaranteed loan funds at the time of loan disbursement.

[3] See Title II of Division L of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76, 128 Stat. 5, approved January 17, 2014; see 128 Stat. 604) (2014 HUD Appropriations Act).

[4] 2014 HUD Appropriations Act at 128 Stat. 614.

[5] The 2014 HUD Appropriations Act references section 502 of the Congressional Budget Act of 1974. Section 502 was added to the Congressional Budget Act of 1974 by the Federal Credit Reform Act of 1990, Public Law 101–508, title XIII, subtitle B, § 13201(a), 104 Stat. 1388–610.

3. Exemption From Statutory Primary Objective

HUD proposes to amend paragraph (a)(3)(iii) of § 570.200 of HUD's CDBG regulations to clarify that when the fee is paid from the proceeds of a guaranteed loan, grant funds used to repay that loan are not subject to the requirement that not less than 70 percent of a grantee's aggregate CDBG expenditures over a specified one-, two-, or three-year period shall be for activities benefitting low- and moderate-income persons.[6] This exclusion from the overall benefit calculation would be added to make clear that payment of fees is covered by the existing exclusion of grant funds used for repayment of Section 108 guaranteed loans at § 570.200(a)(3)(iii). Expenditures of guaranteed loan funds for payment of the fee are treated as part of the cost of carrying out the activity financed with the guaranteed loan. Section 108 activities that benefit low- and moderate-income persons are already included in the calculation, and such activities should only be considered once when calculating overall benefit.

III. Proposed 2015 Fee: 2.42% of the Principal Obligation of the Loan

As noted in the Summary to this proposed rule, elsewhere in today's **Federal Register**, HUD proposes the initial fee to be imposed for the Section 108 Program.

In determining the appropriate level of fee, HUD will consider the amount required to fully offset the cost to the Federal Government associated with making a loan guarantee. Credit subsidy cost calculations incorporate assumptions based on: (i) data on default frequency for municipal debt where such debt is comparable to loans in the Section 108 portfolio; (ii) data on recovery rates on collateral security for comparable municipal debt; (iii) the expected composition of the Section 108 cohort by end users of the guaranteed loan funds (*e.g.,* third party borrowers and public entities); and (iv) other relevant information (*e.g.,* statutory changes) that would affect the applicability of the default and recovery data on comparable municipal debt.

Paragraph (b) of § 570.712 would provide that HUD will publish a notice in the **Federal Register** with the fee structure and levels, taking into consideration total available commitment authority and what level of fees may be needed to operate the program for the covered period. Such notice will set forth the fee financing structure to be applied, the effective date, and any other necessary information regarding payment of the fee. HUD anticipates issuing such notices prior to the beginning of the fiscal year, with an effective date of the beginning of the fiscal year, and may provide updated notices as necessary. Additionally, HUD will periodically publish the estimated subsidy cost and fee as part of the President's Budget.

IV. Justification for Abbreviated Public Comment Period

It is the general practice of HUD to provide a 60-day public comment period on all proposed rules. However, HUD is shortening its usual 60-day public comment period to 30 days for this proposed rule. As stated in this preamble, HUD anticipates that in the coming fiscal years appropriated funds will no longer be available for the credit subsidy costs of the Section 108 program or available in amounts sufficient to maintain the program. Imposition of a fee, as statutorily authorized, will maintain the continued availability of Section 108 guaranteed loan financing. Through HUD's Congressional Justifications for FY 2014 and 2015, HUD has provided public notice of its proposal to make the Section 108 program a fee-based program.

Section 108 is a valuable financing source for community and economic development projects. As stated in HUD's Congressional Justifications for FY 2015 and FY 2014, States and local governments face daunting challenges in addressing their community and economic development needs, and the Section 108 Loan Guarantee Program enables CDBG grantees to borrow up to 5 times their current CDBG allocation to finance economic development, public facilities and housing activities consistent with CDBG program requirements.

For these reasons and those already presented in this preamble, it is important to implement a Section 108 fee-based program as soon as possible to ensure the continued availability of the Section 108 program, and therefore HUD has determined that a 30-day public comment period is appropriate.

V. Findings and Certifications

Regulatory Review—Executive Order 12866

Under Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant, and therefore, subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the order. This rule was determined to constitute a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866. The fee proposed to be imposed under this rule would only be at such level to cover the costs of administration of the program that would have otherwise been covered by appropriations.

Consistent with Executive Order 12866, HUD prepared a regulatory impact analysis (RIA) for the rule. Based on recent annual program activity, HUD determined that the amount to cover the costs of the program is generally not more than $5 million in a fiscal year. Transfers resulting from the proposed fee to be imposed are likely to range from $4 million to $6 million. The clear economic benefit of the imposition of the proposed fee would be to continue to provide for the guarantee of loans that are underprovided by the private sector. HUD's RIA, which describes in detail the costs and benefits and impact of the proposed rule is available at *www.regulations.gov* under the docket number for this rule.

The docket file is available for public inspection between the hours of 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the docket file by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Persons with hearing or speech impairments may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 800–877–8339.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule proposes to implement the statutorily authorized power for HUD to collect fees from borrowers to cover the credit subsidy costs of operating the program. As discussed in this preamble, HUD proposes to assist Section 108 borrowers' transition to a fee-based financing mechanism by allowing borrowers to include the fee in the guaranteed loan amount. This rule also proposes to permit borrowers to pay the

[6] *See* Housing and Community Development Act of 1974, as amended (Pub. L. 93–383, § 101(c) (1974); 42 U.S.C. 5301).

fee with pledged CDBG funds. The amount of the fee would be determined by the amount required to fully offset the credit subsidy cost of the program.

The 2014 HUD Appropriations Act authorized HUD to charge a fee for the Section 108 Program. Charging a fee will become a practical necessity at such time when current appropriations for the program's credit subsidy costs are exhausted.

This proposed rule reflects statutorily authorized actions which HUD determined that it must take to ensure uninterrupted operation of the Section 108 Loan Guarantee Program. By allowing borrowers to include the fee in the guaranteed loan amount or pay the fee with pledged CDBG funds, HUD has strived to minimize the impact that imposing a fee may otherwise have on the program. Accordingly, it is HUD's determination that this proposed rule would not have a significant economic impact on a substantial number of small entities.

Notwithstanding HUD's determination that this rule will not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Environmental Review

In accordance with 24 CFR 50.19(c)(6), this proposed rule involves establishment of a rate or cost determinations and related external administrative requirements and procedures which do not constitute a development decision that affects the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this proposed rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either: Imposes substantial direct compliance costs on state and local governments and is not required by statute; or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule does not have federalism implications and does not impose substantial direct compliance costs on state and local governments nor preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule does not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of UMRA.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) program number for the Section 108 Loan Guarantee program is 14.248.

List of Subjects in 24 CFR Part 570

Administrative practice and procedure, American Samoa, Community Development Block Grants, Grant programs—education, Grant programs—housing and community development, Guam, Indians, Loan programs—housing and community development, Low and moderate income housing, Northern Mariana Islands, Pacific Islands Trust Territory, Puerto Rico, Reporting and recordkeeping requirements, Student aid, Virgin Islands.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 570 as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

■ 1. The authority citation for 24 part 570 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5301–5320.

■ 2. In § 570.200, revise paragraph (a)(3)(iii) to read as follows:

§ 570.200 General Policies.

* * * * *

(a) * * *

(3) * * *

(iii) Funds expended for the repayment of loans guaranteed under the provisions of subpart M (including repayment of the portion of a loan used to pay any issuance, servicing, underwriting, or other costs as may be incurred under § 570.705(g)) shall also be excluded;

* * * * *

■ 3. In § 570.701, add in alphabetical order the definition of ''Credit Subsidy Cost'' to read as follows:

§ 570.701 Definitions.

* * * * *

Credit subsidy cost means the estimated long-term cost to the Government of a Section 108 loan guarantee or a modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

* * * * *

■ 4. In § 570.703, add paragraph (n) to read as follows:

§ 570.703 Eligible activities.

* * * * *

(n) Payment of fees charged by HUD pursuant to § 570.712.

■ 5. Amend § 570.704, by revising paragraphs (a)(1)(i)(D) and (a)(1)(v) and removing and reserving paragraph (c)(2).

§ 570.704 Application requirements.

(a) * * *

(1) * * *

(i) * * *

(D) A description of any CDBG funds, including guaranteed loan funds and grant funds, that will be used to pay fees required under § 570.705(g). The description must include an estimate of the amount of CBDG funds that will be used for this purpose. If the applicant will use grant funds to pay required fees, it must include this planned use of grant funds in its consolidated plan.

* * * * *

(v) If an application for loan guarantee assistance is to be submitted by an entitlement or nonentitlement public entity simultaneously with the public entity's submission for its grant, the public entity shall include and identify in its proposed and final consolidated plan the activities to be undertaken with the guaranteed loan funds, the national objective to be met by each of these activities, the amount of any program income expected to be received during the program year, and the amount of guaranteed loan funds to be used. The public entity shall also include in the consolidated plan a description of the pledge of grants, as required under § 570.705(b)(2), and the use of grant funds to pay for any fees required under § 570.705(g). In such cases the proposed and final application requirements of paragraphs (a)(1)(i), (iii), and (iv) of this section will be deemed to have been met.

(c) * * *

(2) [Reserved]

* * * * *

■ 6. Amend § 570.705, by revising the heading of paragraph (c) and paragraph (g) to read as follows:

§ 570.705 Loan requirements.

* * * * *

(c) *Use of grants for loan repayment, issuance, underwriting, servicing, and other costs.*

* * * * *

(g) *Issuance, underwriting, servicing, and other costs.* (1) Each public entity or its designated public agency and each State issuing debt obligations under this subpart must pay the issuance, underwriting, servicing, trust administration and other costs associated with the private sector financing of the debt obligations.

(2) Each public entity or its designated public agency and each State issuing debt obligations under this subpart must pay any and all fees charged by HUD pursuant to § 570.712.

* * * * *

■ 7. Add § 570.712 to read as follows:

§ 570.712 Collection of fees; procedure to determine amount of the fee.

This section contains additional procedures for guarantees of debt obligations under section 108 when HUD is required or authorized to collect fees to pay the credit subsidy costs of the loan guarantee program.

(a) *Collection of fees.* HUD may collect fees from borrowers for the purpose of paying the credit subsidy cost of the loan guarantee. Each public entity or its designated public agency and each State issuing debt obligations under this subpart is responsible for the payment of any and all fees charged pursuant to this section. Such fees are payable from grants allocated to the issuer pursuant to the Act or from other sources, but are only payable from guaranteed loan funds if the fee is deducted from a disbursement of guaranteed loan funds.

(b) *Amount of fee.* (1) HUD shall calculate the level of the fee as a percentage of the principal amount of the guaranteed loan as provided by this section based on a determination that such fees when collected will reduce the credit subsidy cost to the level established by applicable appropriation acts. The amount of the fee payable by the public entity or State shall be determined by applying separately the percentages announced by **Federal Register** notice to guaranteed loan disbursements as they occur or periodically to outstanding principal balances, or both.

(2) HUD shall publish the proposed fees required under paragraph (a) of this section in the **Federal Register** and provide a 30-day public comment period for the purpose of inviting comment on the proposed fee prior to adoption of the fee if changes to the assumptions underlying the fee calculation or the fee structure itself raise new considerations for Borrowers. After consideration of public comments, HUD will publish a second **Federal Register** notice announcing the fee to be applied, the effective date of the fee, and any other necessary information regarding payment of the fee.

Dated: December 17, 2014.

Clifford Taffet,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 2015–02262 Filed 2–4–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2014–0043]

Request for Comments on Enhancing Patent Quality

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Request for comments; notice of meeting.

SUMMARY: The United States Patent and Trademark Office (USPTO) is seeking public input and guidance to direct its continued efforts towards enhancing patent quality. These efforts focus on improving patent operations and procedures to provide the best possible work products, to enhance the customer experience, and to improve existing quality metrics. In pursuit of these goals, the USPTO is launching a comprehensive and enhanced quality initiative. This initiative begins with a request for public comments on the set of proposals outlined in this document and will continue with a two-day ''Quality Summit'' with the public to discuss the outlined proposals. The conversation with the public held at this Quality Summit, complemented by written comments to these proposals, is the first of many steps toward developing a new paradigm of patent quality at the USPTO. Through an active and long-term partnership with the public, the USPTO seeks to ensure the issuance of the best quality patents and provide the best customer service possible.

DATES: *Comment Deadline Date:* To be ensured of consideration, written comments must be received on or before May 6, 2015.

The USPTO will hold a Quality Summit on March 25 and 26, 2015 at the Madison Building, USPTO Headquarters, in Alexandria, Virginia. This Summit will be broadcast via webinar and recorded for later viewing. For webinar participants, participation in all Summit sessions, including the group brainstorming sessions, will be possible. See the Supplementary Information section for the proposed agenda. In order to best prepare for the Quality Summit, the USPTO requests that those interested in attending the Quality Summit send an email to *WorldClassPatentQuality@uspto.gov* indicating their planned attendance by March 18, 2015.

ADDRESSES: Written comments should be sent by electronic mail message over the Internet addressed to: *WorldClassPatentQuality@uspto.gov.* Comments may also be submitted by postal mail addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313–1450, marked to the attention of Michael Cygan, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy.

Although comments may be submitted by postal mail, the USPTO prefers to receive comments by electronic mail message over the Internet because sharing comments with the public is more easily accomplished. Electronic comments are preferred to be submitted in plain text, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. Comments not submitted electronically should be submitted on paper in a format that facilitates convenient digital scanning into ADOBE® portable document format.

The comments will be available for public inspection at the Office of the Commissioner for Patents, currently located in Madison East, Tenth Floor, 600 Dulany Street, Alexandria, Virginia. Comments also will be available for viewing via the USPTO's Internet Web site (*http://www.uspto.gov/patents/init_events/Patent-Quality-Initiative.jsp*). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments. It would be helpful to the USPTO if written comments included information about: (1) the name and affiliation of the individual responding; and (2) an indication of whether comments offered represent views of the respondent's organization or are the respondent's personal views.

FOR FURTHER INFORMATION CONTACT: Michael T. Cygan, Senior Legal Advisor, at (571) 272–7700; Maria Nuzzolillo, Legal Advisor, at (571) 272–8150; or Jeffrey R. West, Legal Advisor, at (571) 272–2226.

SUPPLEMENTARY INFORMATION:

Background

The innovation that is fostered by a strong patent system is a key driver of economic growth and job creation. Effectively promoting such innovation requires that issued patents fully comply with all statutory requirements and, of equal importance, that the patent examination process advance quickly, transparently, and accurately. The USPTO has taken steps to provide clear and consistent enforcement of its statutory examination mandates. For instance, the USPTO has released new training for examiners in the area of functional claiming, guidance on subject matter eligibility of claims, and an improved classification system for searching prior art. Additionally, the USPTO has begun to implement long-range plans to improve its operational capabilities, such as upgrading IT tools for its patent examiners through the Patents End-to-End program and expanding international work-sharing capabilities, all of which will help improve the quality of issued patents.

Presently, the USPTO is launching a new, wide-ranging initiative to enhance the quality of patents issued by the USPTO. High quality patents permit certainty and clarity of rights, which in turn fuels innovation and reduces needless litigation. Moreover and importantly, for the first time in recent history, the USPTO has the financial resources to consider longer-term and more expensive improvements to patent quality by leveraging the sustainable funding model provided by the fee setting provisions in the America Invents Act. The USPTO also has made steady progress in reducing both the backlog of unexamined patent application and patent pendency. The current backlog of unexamined patent applications has dropped from a high of more than 764,000 in January 2009 to presently less than 605,000. Similarly, the pendency from filing to a disposition has dropped from a high of 34.5 months in August 2010 to currently 27.0 months. While the agency still has progress to make in further reducing both the backlog and pendency, the confluence of these events make it the optimal time for the USPTO to pursue this enhanced quality initiative.

Herein, the USPTO presents its approach to partnering with the public in enhancing patent quality. Specifically, the USPTO is setting forth its ongoing efforts to address quality and is announcing a variety of proposals designed to further enhance patent quality. Additionally, the USPTO is announcing a Quality Summit to dialogue with the public about its new enhanced quality initiative and is seeking written comments about the same.

The USPTO intends for this request for comments and the Quality Summit to be the first of many conversations and collaborations with the public as the USPTO continues to enhance patent quality. Through this document, the USPTO presents various questions about its new enhanced quality initiative and proposals. The purpose of these questions is to stimulate the public's thinking on the larger topic of patent quality, as well as focus discussion at the Quality Summit on a limited number of concrete proposals. The public's response to these questions will guide the agency in formulating, prioritizing, and implementing changes to enhancing patent quality. Accordingly, the USPTO welcomes the public's views on both the specific questions included in the Notice and any other issues that the public's believes to be important to patent quality. To communicate about events and actions related to the enhanced patent quality initiative, the USPTO is introducing a Web site: *http://www.uspto.gov/patents/init_events/Patent-Quality-Initiative.jsp.*

Lastly, the USPTO has held internal focus sessions with USPTO employees, including patent examiners, to engage in discussions on how to enhance quality at every step of prosecution. These internal discussions will continue in parallel with the discussions being held with the public through written comments to this document and in-person at the Quality Summit. Engaging in a dialogue with examiners to receive input from those who are responsible for the crucial day-to-day work of examining applications and issuing high quality patents is essential to initiating and sustaining the success of our quality enhancing efforts.

Patent Quality Pillars

As the USPTO commences its enhanced patent quality initiative, the USPTO is targeting three aspects of patent quality, termed the ''patent quality pillars.'' These pillars are:

(1) Excellence in work products, in the form of issued patents and Office actions;

(2) excellence in measuring patent quality, including appropriate quality metrics; and

(3) excellence in customer service.

As the first pillar, the USPTO is focusing on the quality of the work products provided at every stage of the patent process. This pillar includes both the quality of issued patents and the quality of all work products during the filing, examination, and issuance process. The USPTO is committed to issuing patents that clearly define the scope of the rights therein, that are within the bounds of the patent statutes as interpreted by the judiciary, and that provide certainty as to their validity to encourage investment in research, development, and commercialization.

The USPTO is committed to issuing patents that clearly define the scope of the rights therein, that are within the bounds of the patent statues as interpreted by the judiciary, and that provide certainty as to their validity to encourage investment in research, development, and commercialization. The USPTO recognizes that examiners are the fundamental resource essential to building and strengthening the first pillar. Examiners are the key building block to the infrastructure and foundation needed to enhance and sustain quality. The USPTO is committed to taking the steps necessary to evaluate the needs of examiners to ensure that they have the tools, resources, and training required to perform their jobs optimally and to provide a superior work product.

Regarding the second pillar, the USPTO is focusing on its measurement of quality to evaluate work products and customer interactions. The USPTO welcomes the public's input on its measurement of patent quality and how it may be improved.

Turning to the third pillar, the USPTO is focusing on the quality of the customer experience. The USPTO seeks feedback to ensure that customers are treated promptly, fairly, consistently, and professionally at all stages of the examination process. The USPTO also is focused on maximizing the effectiveness and professionalism of all customer interactions, be it through examiner interviews, official USPTO communications, or call center exchanges.

In moving forward with the enhanced quality initiative framed by these three pillars, the USPTO seeks to deepen and refine its thinking about general aspects of quality. To that end, the USPTO welcomes feedback about the following questions that the public may wish to address via written comments or at the Quality Summit. Moreover, the USPTO solicits any other input outside of these questions that the public believes can

lead to the issuance of higher quality patents.

- Are there aspects of enhanced quality other than the three ''pillars'' previously described that should guide the USPTO's enhanced quality initiative?
- Are there any new or necessary changes to existing procedures that the USPTO should consider to improve the efficiency and effectiveness of the examination process?
- What should be included at the time of application filing in order to enhance patent quality?
- While specific questions have been provided to initiate the discussion on patent quality, the USPTO solicits any other input outside of these questions that the public believes can lead to the issuance of higher quality patents.

Existing Quality Efforts

The USPTO has several ongoing efforts to improve the quality of issued patents under the three patent quality pillars. The following non-exhaustive list describes some of the recent initiatives that the USPTO has undertaken to improve overall quality.

First, the USPTO has taken steps to provide more robust training to examiners. In furtherance of a White House Executive Action designed to keep examiners' technical knowledge current with the rapid advancements in the state of the art, the USPTO initiated the Patent Examiner Technical Training Program. Through this program, scientists, engineers, professors, and industrial designers may volunteer to participate as guest lecturers to examiners in their field of art. More information on this program can be found at *http://www.uspto.gov/patents/pettp.jsp.* Additionally, the USPTO has adopted, and trained all examiners on, the Cooperative Patent Classification (CPC) system. The CPC is a multi-office classification system developed by the USPTO and the European Patent Office to not only enhance the examiner's ability to locate the most relevant art as efficiently as possible, but also to enable work sharing with other patent offices around the globe.

Second, as part of its ongoing commitment to legal training, the USPTO has developed training modules on claim clarity and functional claiming and is in the midst of training all examiners on those modules. These modules, which have been developed in furtherance of a White House Executive Action on clarity in patent claims, focus on evaluating functional claiming and improving the clarity of the examination record. More information, including four training modules provided to examiners on functional claiming, may be found at *http://www.uspto.gov/patents/init_events/executive_actions.jsp#heading-2.* Additionally, the USPTO routinely provides legal training as the law changes due to new legislation and case law developments. For example, the USPTO has offered extensive training on the new provisions of the America Invents Acts, as well as on subject matter eligibility in view of recent judicial rulings. More information about these trainings may be found respectively at *http://www.uspto.gov/aia_implementation/index.jsp* and *http://www.uspto.gov/patents/law/exam/interim_guidance_subject_matter_eligibility.jsp.*

Third, as a further initiative to enhance clarity in patent claims, the USPTO has launched a voluntary glossary pilot program. This pilot program provides a framework for applicants in certain fields of art to include definitions of key claim terms within the patent specification in exchange for expedited examination through a first Office action. More information about this pilot may be found at *http://www.uspto.gov/patents/init_events/glossary_initiative.jsp.*

Fourth, the USPTO is engaged in pilot programs such as the Quick Path IDS Program (QPIDS) and the After Final Consideration Pilot (AFCP). Each of these programs serve to reduce pendency and improve quality by more expeditiously identifying and resolving those issues preventing the grant of a high-quality patent. Specifically, the QPIDS pilot permits an examiner to consider an Information Disclosure Statement after payment of the issue fee without the need to reopen prosecution, effectively obviating the need to pursue a Request for Continued Examination. The AFCP program allows applicants to submit an amendment after final action for consideration by the examiner without reopening prosecution. For more information on these pilot programs, see respectively *http://www.uspto.gov/patents/init_events/qpids.jsp* and *http://www.uspto.gov/patents/init_events/afcp.jsp.*

Fifth, the USPTO has implemented programs to take advantage of the search and examination work done in corresponding applications filed in other intellectual property offices through a variety of international cooperation efforts, for example, the Patent Prosecution Highway (PPH) program and the Common Citation Document program (CCD). The PPH enables the USPTO to leverage fast-track examination procedures already in place among participating foreign patent offices to allow applicants to reach final disposition of a patent application more quickly and efficiently than standard examination processing. The CCD program consolidates the prior art cited by the five largest intellectual property offices of the world (*i.e.,* USPTO, EPO, JPO, KIPO, and SIPO) for the family members of a patent application, thus enabling the search results for the same invention produced by several offices to be visualized on a single page. The CCD therefore enables USPTO examiners to have a single point of access to up-to-date prior art information. For more information, see respectively *http://www.uspto.gov/patents/init_events/pph/index.jsp* and *http://www.uspto.gov/patents/process/search/index.jsp?tag=infraredheaters consumerreports-20#heading-8.*

Sixth, the USPTO has actively promoted interviews between applicants and examiners throughout prosecution, including through specific initiatives such as the First Action Interview Pilot Program. Under this particular pilot, applicants are permitted to conduct an interview with the examiner after reviewing a ''Pre-Interview Communication'' from the examiner containing the results of a prior art search conducted by the examiner. Through this interaction, the examiner and the applicant are in a position to rapidly advance prosecution of the application by resolving certain patentability issues at the beginning of the prosecution process with the goal of early allowance, when appropriate. For further details about the pilot, see *http://www.uspto.gov/patents/init_events/faipp_landing.jsp.*

Seventh, the USPTO continues to expand its assistance to independent inventors through educational programs hosted by the Office of the Innovation Development, as well as through the Pro Se Pilot Examination Unit. The Pro Se Pilot Examination Unit is comprised of experienced examiners from all scientific disciplines, who have received training specific to issues most often encountered by pro se applicants. The examiners communicate with the USPTO's pro se applicants by providing customer support, answering general patent-related questions via a toll-free number, email, or a walk-in service, and spearheading the development of training materials on the intricacies of filing a patent application. For further details on this pilot, see *http://www.uspto.gov/blog/director/entry/uspto_establishes_special_examination_unit.*

Eighth, the USPTO has provided, in addition to its numerous call centers, such as the Inventors Assistance Center and Application Assistance Unit, a

dedicated customer service America Invents Act (AIA) Contact Center and HELP–AIA hotline, to assist in navigating the America Invents Act, including the new legal provisions and rules regarding inventor's oath or declarations, supplemental examination, preissuance submissions, citation of patent owner claim scope statements, post grant reviews, *inter partes* reviews, and the transitional program for covered business methods. This hotline implements the concept of guided assistance in which the initial USPTO operator stays with the caller throughout the call until the question is resolved rather than employ the often typical paradigm where the operator routes the call to a call center staffer. By using guided assistance for the AIA Contact Center, the USPTO aims to give callers a ''one-stop-shopping'' experience and eliminate the frustration that often occurs with call centers where a call may be routed several times before the caller reaches a staffer knowledgeable on the subject of the question.

Ninth, the USPTO is exploring the use of crowdsourcing under a White House Executive Action to leverage the knowledge of those in the technical and scientific community to uncover hard-to-find prior art. The USPTO is currently investigating, through partnership with the public, the most effective means of employing crowdsourcing to obtain such art. At the same time, the USPTO is working to improve the preissuance submissions process through which third parties submit patents, published patent applications, or other printed publications of potential relevance to the examination of a particular published application. In particular, the agency has improved the electronic user interface for making a submission to increase the volume of these submissions and make it easier for an examiner to ascertain the relevance of the art contained in the submission. More information on crowdsourcing and preissuance submissions may be found at *http://www.uspto.gov/patents/init_events/executive_actions.jsp#heading-6.*

Tenth, as mentioned earlier, the USPTO measures and reports a Quality Composite Metric composed of seven factors: (1) the final disposition review; (2) the in-process review; (3) the first action on the merits (FAOM) search review; (4) the complete FAOM review; (5) the external quality survey; (6) the internal quality survey; and (7) the quality index report. To facilitate an understanding of these metrics, the USPTO has developed two brief videos and two documents explaining the Quality Composite Metric, along with the Metric scores. These videos and explanatory documents are available at *http://www.uspto.gov/patents/init_events/Patent-Quality-Initiative.jsp.*

Lastly, the Patents End-to-End Program (PE2E) sets forth a new way of processing patent applications by providing a single online environment to manage examination activities and the work done across multiple systems. Among other things, PE2E aims to reduce the number of manual tasks required by examiners to access and coordinate their systems so that their focus can remain on the essential task of performing high-quality examination. Further, as part of PE2E, the USPTO is investigating the design and implementation of an improved notification system that would provide additional prosecution-related alerts to patent applicants in real-time.

New Quality Proposals

Beyond the existing quality improvements, the USPTO seeks to make additional enhancements and, to start, has developed six proposals for the public's consideration and feedback. We recognize that enhancing patent quality will require long-term and sustained efforts. These six proposals are meant to renew the conversation about this very important USPTO priority. We also intend that our conversation with the public will not end after this document or upcoming Quality Summit, but instead continue well into the future through a variety of fora.

At this time, the USPTO seeks to have a discussion with the public about targeting the most desirable proposals and modifying and/or fine-tuning those proposals to maximize the benefit to the patent system. The USPTO also welcomes the public's input on other programs or initiatives not reflected in the proposals that the public believes may enhance patent quality. Recognizing that USPTO time and resources are limited and must be balanced to support many efforts simultaneously, the USPTO welcomes input on the prioritization of these proposals.

The USPTO invites the public to discuss these proposals and the information above by sending written comments in response to this document and/or by attending the USPTO Quality Summit. Following the Quality Summit and the receipt of comments to this document, the USPTO plans to continue its engagement about these proposals through a series of additional events after making refinements, as needed, to the proposals based upon the initial public feedback. The USPTO anticipates hosting future events in locations across the country to solicit input about the proposals and their operation before implementation. Through such continued engagement with the public, the USPTO can take the correct next steps towards improving the quality of patents issued.

The USPTO's six proposals for enhanced patent quality are summarized in the table below, followed by a discussion of each proposal for the public's consideration and comment.

Pillar	Title of proposal
1: Excellence in work products	1. Applicant Requests for Prosecution Review of Selected Applications 2. Automated Pre-Examination Search 3. Clarity of the Record
2: Excellence in measuring patent quality	4. Review of and Improvements to Quality Metrics
3: Excellence in customer service	5. Review of Current Compact Prosecution Model and the Effect on Quality 6. In-Person Interview Capability with All Examiners

Proposal 1 Under Pillar 1: Applicant Requests for Prosecution Review of Selected Applications

The Office of Patent Quality Assurance (OPQA) conducts reviews of randomly selected Office actions from examiners. The USPTO proposes a mechanism for an applicant to request OPQA prosecution review of a particular application where the applicant believes that the application contains an issue that would benefit from further review. An applicant would identify the application by serial number, which would then be placed into a pool of applications for selection by OPQA for review. Through this process, the applicant would be able to

bring issues to the attention of OPQA so that the Office can analyze the data from the reviews to identify trends and challenges to better inform future training and improvements to examination process.

Proposal 2 Under Pillar 1: Automated Pre-Examination Search

The USPTO is continuously looking into better ways to get the best prior art in front of an examiner as soon as possible in the examination process. One way this might be done is by an automated pre-examination search. Currently, before an examiner begins substantive examination, the examiner may request, at his/her discretion, that the USPTO's Scientific and Technical Information Center (STIC) perform an automated pre-examination search. To do so, STIC uses a computerized linguistic tool, called the Patent Linguistic Utility Service (PLUS), which includes an algorithm to analyze an application for the presence of frequently-used terms. STIC then searches a database of prior art limited to U.S. patents and U.S. patent application publications for references containing those terms to generate a list of possible references for the examiner's consideration with the frequently-used terms highlighted. With these references in hand as a starting point, the examiner is positioned to begin substantive examination, which includes their own search of the prior art done based upon a review of the specification and actual claim language (as opposed to mere frequently-used terms).

Given that computerized searching algorithms and database technologies have advanced significantly in recent years, the USPTO is seeking input on new tools that might be useful to conduct a pre-examination search. For instance, the new tool might utilize a custom extraction routine that enables keyword, stemming, concept-semantic, and relational word searching capabilities. The USPTO's current pre-examination search tool PLUS does not possess these functionalities. Likewise, the new tool might employ more modern natural language search queries, which PLUS also cannot do.

Proposal 3 Under Pillar 1: Clarity of the Record

The USPTO recognizes that, in order for the patent system to fulfill its critical role in promoting innovation, issued patents must not only fully comply with all statutory requirements, but also contain an Official record that is unambiguous and accurate. Such a complete record provides patent boundaries that are clearly defined to the benefit of the patent owner, the courts, third-parties, and the public at large, giving inventors and investors the confidence to take the necessary risks to launch products and start businesses, and the public the benefit of knowing the precise boundaries of an exclusionary right. The USPTO is actively pursuing further measures and initiatives for enhancing the clarity and completeness of all aspects of the Official record during prosecution of an application. The USPTO is seeking to initiate a discussion to identify procedures that could be made part of standard examination practices to improve the clarity of the prosecution record.

As an example of the USPTO's current efforts to improve the clarity of the Official record, examiners have completed five training modules on functional claiming under 35 U.S.C. 112(f). This training covers identifying 112(f) limitations, interpreting those limitations under the broadest reasonable interpretation standard, making the record clear as to the presence and treatment of 112(f) type claims, and evaluating 112(f) limitations in software-related claims for definiteness, plain and customary meaning of terms, and treating claims as a whole. Furthermore, the USPTO is providing training modules covering other statutory requirements under 35 U.S.C. 112(a) and 112(b) and providing additional training to examiners on identifying compliance to 35 U.S.C. 112 in continuation applications. A list of upcoming training modules can be found at *http://www.uspto.gov/patents/init_events/executive_actions.jsp.*

The USPTO seeks the assistance of the public in identifying procedures to enhance the clarity and completeness of the Official record during prosecution of an application. Any and all ideas for such procedures are invited for discussion. Exemplary procedures under consideration include:

- Making claim construction explicit in the record, including the scope of claim terms, claim preambles, and functionally defined clauses (*e.g.,* wherein clauses).
- Further detail in the recordation of interviews, pre-appeal conference decisions, and appeal conferences, including identifying which arguments presented in the interview overcome individual rejections of record.
- Where a statement of the reasons for allowance is necessary, providing a more detailed summary of the reasons for allowing a claim; for example, identifying the amendment, argument, or evidence that overcomes a rejection of record, so as to clearly communicate to the public the examiner's reasons why the claimed invention is patentable.

Proposal 4 Under Pillar 2: Review of and Improvements to Quality Metrics

The USPTO proposes to re-assess the effectiveness of the Quality Composite Metric and welcomes stakeholder guidance on the effectiveness of the current Metric, as well as ways to improve it. As noted earlier, details about the Quality Composite Metric are available at *http://www.uspto.gov/patents/init_events/Patent-Quality-Initiative.jsp.* By reevaluating the Quality Composite Metric, the USPTO aims to increase the effectiveness, transparency, clarity, and simplicity of USPTO review, employ a system that measures both errors by commission and errors by omission, and obtain examination metrics that are specifically tied to procedures for improving performance based on identified trends. Additionally, the USPTO proposes to re-evaluate its current ways of measuring the impact of training provided to examiners to enhance the effectiveness of examiner training.

Proposal 5 Under Pillar 3: Review of the Current Compact Prosecution Model and the Effect on Quality

In an effort to resolve outstanding issues in an application before prosecution on the merits closes, the USPTO seeks assistance from the public on determining whether the current compact prosecution model should be modified. Such revisions to the compact model seek to enhance both the overall pendency and the quality of the prosecution. Under normal compact prosecution practice, an applicant typically receives only a single non-final Office action. The USPTO seeks ideas for proactive alternatives to Request for Continued Examination filings or appeals to the Patent Trial and Appeal Board. The goal of such an alternative is to increase the quality of the communication between applicant and examiner during prosecution, thereby focusing the prosecution on resolution of patentability issues rather than on concluding the prosecution. Such an increased emphasis on the resolution of any and all patentability issues during prosecution may enhance the quality of the patents that issue.

For example, the USPTO seeks feedback on the desirability of a procedure by which an applicant might pay for entry of an additional response that may or may not require an examiner interview to further prosecution in an application before a final rejection is issued, thereby

providing for at least two non-final Office actions in an application. An additional response, either with or without an interview, may give an applicant the opportunity to present arguments or amendments to overcome outstanding rejections, which may result in a more efficient and expeditious disposal of the application.

Proposal 6 Under Pillar 3: In-Person Interview Capability With All Examiners

Effective interviews between the examiner and the applicant lead to the issue of better quality patents and to greater customer satisfaction with the prosecution. Currently, in-person interviews are conducted at the USPTO Headquarters in Alexandria, VA. Interviews may also be conducted at the fully operational USPTO Satellite Offices (currently, Detroit and Denver) for those examiners stationed at those Offices and for those examiners hoteling within the local commuting areas of those Offices (*e.g.,* within 50 miles). Although recent improvements USPTO collaboration tools permit applicant interviews via video, some applicants nevertheless prefer in-person interviews. The USPTO thus proposes that in-person interviews could be conducted at additional locations, such as at regional libraries across the country that have partnered with the USPTO to serve as repositories for patent materials, for example, the Boston Public Library, Chicago Public Library, and Los Angeles Public Library. Upon a request for an in-person interview with a specific examiner, the USPTO would designate an acceptable remote interview location nearest to that examiner's official duty station and provide arrangements for that examiner to travel to the interview location and conduct the interview. This proposal would ensure the availability of in-person interviews for all applications as the USPTO refines its telework program and leverages other USPTO affiliated locations. This proposal would have cost implications on the USPTO, and the USPTO welcomes a discussion on the public's desire and willingness to pay for such additional service.

Quality Summit

In addition to seeking written comments from the public and further input from our employees, the USPTO is planning to hold a two-day Quality Summit on March 25 and 26, 2015 in the Madison Building, USPTO Headquarters, in Alexandria, Virginia. The Quality Summit is an important opportunity for the public to voice their feedback and ideas about quality to ensure the most efficient prosecution processes and the issuance of the highest quality patents. Likewise, the USPTO intends to utilize significant portions of the Summit to work with the public to brainstorm additional options to enhance patent quality.

The agenda for the morning session of the first day of the Quality Summit includes stakeholder presentations and a panel discussion on ''Perspectives on the Importance of Quality,'' as well as a discussion about ''Key Aspects of Quality.'' The afternoon session of the first day will be dedicated to the first pillar of quality, ''Providing the Best Possible Work Products,'' by focusing on prosecution and examination improvements. The agenda for the second day of the Quality Summit will be dedicated to the second and third pillars of quality, with the morning session covering ''Establishing Appropriate Quality Metrics'' and the afternoon session directed to ''Improving the Customer Experience and Providing Excellent Customer Service.'' When discussing the three pillars of the Patent Quality Initiative and the proposals, the USPTO intends to interact and listen to the public through both large group discussions and small group brainstorming sessions. During these discussions, the USPTO welcomes an in-depth, specific, and expansive conversation about its proposals, as well as any and all aspects of enhanced quality that the public would like to raise. A more detailed agenda follows:

Time	Topic
DAY 1: MORNING SESSION INTRODUCTION TO THE ENHANCED QUALITY INITIATIVE AND DISCUSSION OF THE IMPORTANCE OF QUALITY	
8:30 to 8:40 am	Welcome.
8:40 to 9:00 am	Opening Remarks.
9:00 to 10:30 am	Perspectives on the Importance of Quality Speakers to include corporate counsel, private practitioners, academics, economists, and jurists.
10:30 to 10:45 am	Break.
10:45 to 12:00 pm	All Audience Discussion of Key Aspects of Quality
12:00 to 1:00 pm	Break for lunch.
DAY 1: AFTERNOON SESSION PROVIDING THE BEST POSSIBLE WORK PRODUCTS	
1:00 to 1:30 pm	Pillar 1: Overview of Currently Available Improvements.
1:30 to 1:45 pm	Introduction of Proposals 1 and 2.
1:45 to 2:30 pm	All Audience Discussion of Proposals 1 and 2.
2:30 to 2:45 pm	Break.
2:45 to 4:45 pm	Brainstorming for Pillar 1 in General and Proposals 1 and 2 Small group break-out session to be followed by sharing of ideas with all audience.
4:45 to 5 pm	Concluding Remarks.
DAY 2: MORNING SESSION ESTABLISHING APPROPRIATE QUALITY METRICS	
8:30 to 8:45 am	Welcome.
8:45 to 9:15 am	Pillars 1 and 2: Overview of Currently Available Improvements and the Quality Composite.
9:15 to 9:30 am	Introduction of Proposals 3 and 4.
9:30 to 10:15 am	All Audience Discussion of Proposals 3 and 4.
10:15 to 10:30 am	Break.
10:30 to 12:30 pm	Brainstorming for Pillars 1 and 2 in General and Proposals 3 and 4 Small group break-out session to be followed by sharing of ideas with all audience.
12:30 to 1:30 pm	Break for lunch.

Time	Topic
DAY 2: AFTERNOON SESSION IMPROVING THE CUSTOMER EXPERIENCE AND PROVIDING EXCELLENT CUSTOMER SERVICE	
1:30 to 2:00 pm	Pillar 3: Overview of Currently Available Improvements.
2:00 to 2:15 pm	Introduction of Proposals 5 and 6.
2:15 to 3:00 pm	All Audience Discussion of Proposals 5 and 6.
3:00 to 3:15 pm	Break.
3:15 to 5:15 pm	Brainstorming for Pillar 3 in General and Proposals 5 and 6 Small group break-out session to be followed by sharing of ideas with all audience.
5:15 to 5:30 pm	Concluding Remarks and Next Steps.

Date: February 3, 2015.

Michelle K. Lee,

Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.

[FR Doc. 2015–02398 Filed 2–4–15; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[EPA–HQ–OAR–2013–0795; FRL–9922–OAR]

RIN 2060–AR65

Air Quality: Revision to the Regulatory Definition of Volatile Organic Compounds—Requirements for t-Butyl Acetate

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to amend the EPA's regulatory definition of volatile organic compounds (VOCs) under the Clean Air Act (CAA). The regulatory definition of VOCs currently excludes t-butyl acetate (also known as tertiary butyl acetate or TBAC; CAS NO: 540–88–5) for purposes of VOC emissions limitations or VOC content requirements on the basis that it makes a negligible contribution to tropospheric ozone formation. However, the current definition includes TBAC as a VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOCs. The regulatory definition requires that TBAC be uniquely identified in emission reports. TBAC is used as a solvent in paints, inks and adhesives, in which it substitutes for compounds that are regulated as VOCs. This proposed action would remove recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of TBAC as a VOC.

The EPA has concluded that these requirements are not resulting in useful information. Furthermore, there is no evidence that TBAC is being used at levels that would cause concern for ozone formation. As these requirements are unnecessary and can be burdensome for states and industry, we are proposing to revoke these requirements and exclude TBAC from the regulatory definition of VOCs for all purposes. Note that the EPA is not reconsidering its determination that TBAC is ''negligibly reactive'' with respect to ground-level ozone formation.

DATES: Comments must be received on or before April 6, 2015.

Public Hearing. If anyone contacts the EPA requesting a public hearing concerning the proposed regulation on or before March 9, 2015 we will hold a public hearing on March 23, 2015. If a public hearing is requested, it will be held at 10 a.m. on the EPA campus in Research Triangle Park, NC, or at an alternate site nearby. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period and the public hearing.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0795, 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@epamail.epa.gov.* Include docket ID No. EPA–HQ–OAR–2013–0795 in the subject line of the message.
- Fax: (202) 566–9744.
- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code: 28221T, Attention Docket ID No. EPA–HQ–OAR–2013–0795, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW., Washington, DC 20004, Attention Docket ID No. EPA–HQ–OAR–2013–0795. 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–OAR–2013–0795. 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 *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 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 *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/epahome/dockets.htm.*

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, *i.e.,* 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 Docket ID No. EPA–HQ–OAR–2013–0795, 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 Air and Radiation Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Ms. Souad Benromdhane, Office of Air Quality Planning and Standards, Health and Environmental Impacts Division, Mail Code C539–07, Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: (919) 541–4359; fax number: (919) 541–5315; email address: *benromdhane.souad@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. General Information
A. Does this action apply to me?
B. What should I consider as I prepare my comments for the EPA?
C. How can I find information about a possible public hearing?
II. Background
A. The EPA's VOC Exemption Policy
B. History of the VOC Exemption for TBAC Including the Unique Recordkeeping, Emissions Reporting, Photochemical Dispersion Modeling and Inventory Requirements
C. Petition to Remove Recordkeeping and Reporting Requirements from the TBAC Exemption
III. The EPA's Assessment of the Petition
IV. Proposed Action
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 and Safety Risks
H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority and Low-Income Populations

I. General Information

A. Does this action apply to me?

Entities potentially affected by this proposed rule include, but are not necessarily limited to, state and local air pollution control agencies that prepare VOC emission inventories and ozone attainment demonstrations for state implementation plans (SIPs). These agencies would be relieved of the requirements to separately inventory emissions of TBAC. This proposed action may also affect manufacturers, distributors and users of TBAC and TBAC-containing products, which may include paints, inks and adhesives. This action would allow state air agencies to no longer require these entities to report emissions of TBAC.

B. What should I consider as I prepare my comments for the EPA?

1. *Submitting CBI:* Do not submit this information to the EPA through *www.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 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 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 submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

C. How can I find information about a possible public hearing?

To request a public hearing or information pertaining to a public hearing, contact Ms. Eloise Shepherd, Health and Environmental Impacts Division, Office of Air Quality Planning and Standards (C504–02), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number (919) 541–5507; fax number (919) 541–0804; email address: *shepherd.eloise@epa.gov.*

II. Background

A. The EPA's VOC Exemption Policy

Tropospheric ozone, commonly known as smog, is formed when VOCs and nitrogen oxides (NO_X) react in the atmosphere in the presence of sunlight. Because of the harmful health effects of ozone, the EPA and state governments limit the amount of VOCs that can be released into the atmosphere. VOCs are organic compounds of carbon, many of which form ozone through atmospheric photochemical reactions. Different VOCs have different levels of reactivity. That is, they do not react to form ozone at the same speed or do not form ozone to the same extent. Some VOCs react slowly or form less ozone; therefore, changes in their emissions have limited effects on local or regional ozone pollution episodes. It has been the EPA's policy that organic compounds with a negligible level of reactivity should be excluded from the regulatory definition of VOCs so as to focus control efforts on compounds that do significantly increase ozone concentrations. The EPA also believes that exempting such compounds creates an incentive for industry to use negligibly reactive compounds in place of more highly reactive compounds that are regulated as VOCs. The EPA lists compounds that it has determined to be negligibly reactive in its regulations as being excluded from the regulatory definition of VOCs (40 CFR 51.100(s)).

The CAA requires the regulation of VOCs for various purposes. Section 302(s) of the CAA specifies that the EPA has the authority to define the meaning of ''VOCs,'' and hence what compounds shall be treated as VOCs for regulatory purposes. The policy of excluding negligibly reactive compounds from the regulatory definition of VOCs was first laid out in the ''Recommended Policy on Control of Volatile Organic Compounds'' (42 FR 35314, July 8, 1977) and was supplemented

subsequently with the ''Interim Guidance on Control of Volatile Organic Compounds in Ozone State Implementation Plans'' (70 FR 54046, September 13, 2005). The EPA uses the reactivity of ethane as the threshold for determining whether a compound has negligible reactivity. Compounds that are less reactive than, or equally reactive to, ethane under certain assumed conditions may be deemed negligibly reactive and, therefore, suitable for exemption by EPA from the regulatory definition of VOCs. Compounds that are more reactive than ethane continue to be considered VOCs for regulatory purposes and, therefore, are subject to control requirements. The selection of ethane as the threshold compound was based on a series of smog chamber experiments that underlay the 1977 policy.

The EPA uses two different metrics to compare the reactivity of a specific compound to that of ethane: (1) The reaction rate constant (known as k_{OH}) with the hydroxyl radical (OH) and (2) the maximum incremental reactivity (MIR) on ozone production per unit mass basis. Differences between these metrics and the rationale for their selection is discussed further in the 2005 Interim Guidance (70 FR 54046, September 13, 2005).

B. History of the VOC Exemption for TBAC Including the Unique Recordkeeping, Emissions Reporting, Photochemical Dispersion Modeling and Inventory Requirements

On January 17, 1997, ARCO Chemical Company (now known as and from here forward referred to as LyondellBasell) submitted a petition to the EPA which requested that the EPA add TBAC to the list of compounds which are designated negligibly reactive in the regulatory definition of VOCs at 40 CFR 51.100(s). The materials submitted in support of this petition are contained in Docket EPA–HQ–OAR–2003–0084. LyondellBasell's case for TBAC being less reactive than ethane was based primarily on the use of relative incremental reactivity factors set forth in a 1997 report by Carter, *et al.*[1] Although the k_{OH} values for TBAC are higher than for ethane, Carter's results indicated that the MIR value for TBAC, expressed in units of grams of ozone per gram of TBAC, was between 0.43 and 0.48 times the MIR for ethane, depending on the chemical mechanism used to calculate the MIR. In other words, TBAC formed less than half as much ozone as an equal weight of ethane under the conditions assumed in the calculation of the MIR scale.

On September 30, 1999, the EPA proposed to revise the regulatory definition of VOCs to exclude TBAC, relying on the comparison of MIR factors expressed on a mass basis to conclude that TBAC is negligibly reactive (64 FR 52731, September 30, 1999). However, in the final rule, the EPA concluded at that time that even ''negligibly reactive'' compounds may contribute significantly to ozone formation if present in sufficient quantities and that emissions of these compounds need to be represented accurately in photochemical modeling analyses. In addition to these general concerns about the potential cumulative impacts of negligibly reactive compounds, the need to maintain recordkeeping and reporting requirements for TBAC was further justified by the potential for widespread use of TBAC, the fact that its relative reactivity falls close to the borderline of what has been considered negligibly reactive, and continuing efforts to assess long-term health risks.[2] Based on these conclusions, the EPA promulgated a final rule under which TBAC was excluded from the definition of VOCs for purposes of VOC emissions limitations or VOC content requirements, but continued to be defined as a VOC for purposes of all recordkeeping, emissions reporting, and inventory requirements which apply to VOCs (69 FR 69298, November 29, 2004).

In the final rule, the EPA argued that the recordkeeping and reporting requirements were not new requirements for TBAC as industry and states were already subject to such requirements to report TBAC as a VOC prior to the exemption. However, in practice, the rule created a new, distinct recordkeeping and reporting burden by requiring that TBAC be ''uniquely identified'' in emission reports, rather than aggregated with other compounds as VOC. The final rule explained that the EPA was in the process of reviewing its overall VOC exemption policy and that the potential for retaining recordkeeping and reporting requirements for compounds exempted from the definition of VOCs in the future would be considered in that process. That process led to the development of the 2005 Interim Guidance (70 FR 54046, September 13, 2005), which encouraged the development of speciated inventories for highly reactive compounds and identified the voluntary submission of emissions estimates for exempt compounds as an option for further consideration, but did not recommend mandatory reporting requirements associated with future exemptions. Thus, TBAC is the only compound that is excluded from the VOCs definition for purposes of emission controls but is still considered a VOC for purposes of recordkeeping and reporting.

C. Petition to Remove Recordkeeping and Reporting Requirements from the TBAC Exemption

The EPA received a petition from LyondellBasell in December 2009, which was re-affirmed in November 2011, requesting the removal of recordkeeping and reporting requirements from the final rule to exempt TBAC from the regulatory VOCs definition. LyondellBasell contends that the emissions reporting requirements are redundant and present an unnecessary bureaucratic burden.

III. The EPA's Assessment of the Petition

In most cases, when a negligibly reactive VOC is exempted from the definition of VOCs, emissions of that compound are no longer recorded, collected, or reported to states or the EPA as part of VOC emissions. When the EPA exempted TBAC from the VOCs definition for purposes of control requirements, the EPA created a new category of compounds and a new reporting requirement. The new definition required that emissions of TBAC be reported separately by states and, in turn, by industry. However, the EPA did not issue any guidance on how TBAC emissions should be tracked and reported, and implementation of this requirement by states has thus been inconsistent. A few states have modified their rules and emissions inventory processes to track TBAC emissions separately and provide that information to the EPA. Others appear to have included TBAC with other undifferentiated VOCs in their emissions inventories. Thus, the data that have been collected to date as a result of these requirements are

[1] Carter, William P.L., Dongmin Luo, and Irina L. Malkina (1997). Investigation of the Atmospheric Ozone Formation Potential of T-Butyl Acetate, Report to ARCO Chemical Corporation, Riverside: College of Engineering Center for Environmental Research and Technology, University of California, 97–AP–RT3E–001–FR, *http://www.cert.ucr.edu/~carter/pubs/tbuacetr.pdf.*

[2] Between the EPA's proposed and final rule exempting TBAC as a VOC, the state of California raised concerns to the EPA about the potential carcinogenicity of tertiary-butanol, or TBA, the principal metabolite of TBAC. At the time, the EPA decided that there was insufficient evidence of health risks to affect the exemption decision, but persuaded LyondellBasell to voluntarily perform additional toxicity testing, use the testing results in a health risk assessment, and have the testing and assessment results reviewed in a peer consultation.

incomplete and inconsistent. In addition, the EPA has not established protocols for receiving and analyzing TBAC emissions data collected under the requirements of the rule.

Although the reactivity of TBAC and other negligibly reactive compounds is low, if emitted in large quantities, they could still contribute significantly to ozone formation in some locations. However, without speciated emissions estimates or extensive speciated hydrocarbon measurements, it is difficult to assess the impacts of any one exempted compound or even the cumulative impact of all of the exempted compounds.

In the 2004 TBAC rule, the EPA stated the primary objective of the recordkeeping and reporting requirements for TBAC was to address these cumulative impacts of ''negligibly reactive'' compounds and suggested that future exempt compounds may also be subject to such requirements. However, such requirements have not been included in any other proposed or final VOC exemptions since the TBAC decision. Having even high quality data on TBAC emissions alone is unlikely to be very useful in assessing the cumulative impacts of exempted compounds on ozone formation. Thus, the requirements are not achieving their primary objective to inform more accurate photochemical modeling in support of SIP submissions.

With regard to the concerns related to efforts to characterize long-term health risks associated with TBAC and its metabolite tertiary-butyl alcohol (TBA), since the rule was finalized, LyondellBasell performed additional toxicity testing and a health risk assessment and submitted the peer-consultation results to the EPA in 2009.[3] In addition, in 2006, the State of California published its own assessment of the potential health effects associated with TBA and TBAC.[4] The EPA is currently in the process of assessing the evidence for health risks from TBA through its Integrated Risk Information System (IRIS) program.[5] A draft of this assessment is expected to be circulated for public comment in 2015. The existing toxicity information being examined in the IRIS assessment does not rely on any of the data collected through the recordkeeping and reporting requirements, and thus those requirements do not appear relevant to any likely future determinations about the health risks associated with TBAC or TBA.

IV. Proposed Action

The EPA is proposing to revise certain aspects of the EPA's regulatory definition of VOCs under the CAA. The regulatory definition of VOCs currently excludes TBAC on the basis that it makes a negligible contribution to tropospheric ozone formation and contains a specific requirement for recordkeeping and reporting of TBAC emissions.

The recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements for TBAC are not resulting in useful information. Furthermore, there is no evidence that TBAC is being used at levels that would cause concern for ozone formation. Additionally, the EPA believes these requirements, which are unique among all VOC-exempt compounds, are of limited utility because they do not provide sufficient information to judge the cumulative impacts of exempted compounds, and because they have not been consistently collected and reported. Because these requirements are not addressing any of the concerns as they were intended, the EPA proposes to revoke the requirements for TBAC and relieve industry and states of the associated information collection burden until such time that the EPA re-evaluates the necessity for reporting and recordkeeping of negligibly reactive compounds generally.

This proposed action would remove recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of TBAC. This action would not affect the existing exclusion of TBAC from the regulatory definition of VOCs for purposes of emission limits and control requirements.

We note that removal of the recordkeeping and reporting requirements does not indicate that the EPA has reached final conclusions about all aspects of the health effects posed by the use of TBAC or its metabolite TBA. The EPA is currently awaiting completion of the IRIS assessment on the potential risks involved with TBA and its toxicity. If it becomes clear that action is warranted due to the health risks of direct exposure to TBA or TBAC, the EPA will consider the range of authorities at its disposal to mitigate these risks appropriately.

V. Statutory and Executive Order Reviews

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 an information collection burden under the provisions of the PRA. It does not contain any new recordkeeping or reporting requirements. This action would remove recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to use of TBAC.

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. This action would remove recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to use of TBAC.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandates 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. This proposed action would remove existing emission inventory reporting and other requirements that uniquely apply to

[3] Toxicology Excellence for Risk Assessment (2009). Report of the Peer Consultation of the Potential Risk of Health Effects from Exposure to Tertiary-Butyl Acetate, January 7–8, 2009, Northern Kentucky University METS Center, Erlanger, Kentucky, Volumes I and II, *http://www.tera.org/Peer/TBAC/index.html.*

[4] Luo, Dongmin, et al. (2006) *Environmental Impact Assessment of Tertiary-Butyl Acetate, Staff Report,* Sacramento: California Environmental Protection Agency, Air Resources Board, January 2006, *http://www.arb.ca.gov/research/reactivity/tbacf.pdf http://www.arb.ca.gov/research/reactivity/tbaca1.pdf http://www.arb.ca.gov/research/reactivity/tbaca2.pdf.*

[5] See *http://www.epa.gov/iris/publicmeeting/iris_bimonthly-dec2013/mtg_docs.htm#etbe.*

TBAC among all VOC-exempt compounds. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in E.O. 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action would remove recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to use of TBAC.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action would remove existing emission inventory reporting and other requirements that uniquely apply to TBAC among all VOC-exempt compounds.

I. National Technology Transfer and Advancement Act (NTTAA)

This action does not involve technical standards.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority and Low-Income Populations

The EPA believes the human health or environmental risks addressed by this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The EPA did not conduct an environmental analysis for this rule because the EPA does not believe that removing the unique reporting requirements will lead to substantial and predictable changes in the use of TBAC in and near particular communities.

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 29, 2015.

Gina McCarthy,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency proposes to amend part 51 of chapter I of title 40 of the Code of Federal Regulations as follows:

PART 51—REQUIREMENTS FOR PREPARATION ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS SUBPART F PROCEDURAL REQUIREMENTS

■ 1. The authority citation for part 51, subpart F, continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7412, 7413, 7414, 7470–7479, 7501–7508, 7601, and 7602.

§ 51.100 [Amended]

■ 2. Section 51.100 is amended by:

■ a. Adding the term ''t-butyl acetate;'' before the phrase ''perfluorocarbon compounds which fall into these classes:'' to paragraph (s)(1) introductory text; and

■ b. Removing and reserving paragraph (s)(5).

[FR Doc. 2015–02325 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52

[EPA–R04–OAR–2014–0220; FRL–9922–41–Region 4]

Air Quality Implementation Plan; Florida; Attainment Plan for the Hillsborough Area for the 2008 Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the state implementation plan (SIP), submitted by the State of Florida through the Florida Department of Environmental Protection (FL DEP), to EPA on June 29, 2012, as amended on June 27, 2013, for the purpose of providing for attainment of the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS) in the Hillsborough 2008 Lead nonattainment area (hereafter referred to as the ''Hillsborough Area'' or ''Area''). The Hillsborough Area is comprised of a portion of Hillsborough County in Florida surrounding EnviroFocus Technologies, LLC (hereafter referred to as ''EnviroFocus''). The attainment plan includes the base year emissions inventory, an analysis of reasonably available control technology (RACT) and reasonably available control measures (RACM), reasonable further progress (RFP) plan, modeling demonstration of lead attainment, and contingency measures for the Hillsborough Area. This action is being taken in accordance with the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before March 9, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R04–OAR–2014–0220 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4-ARMS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2014–0220 Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2014–0220. 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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 at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Zuri Farngalo of the Air Regulatory Management Section in the Air Planning and Implementation Branch; Air, Pesticides and Toxics Management Division; U.S. Environmental Protection Agency; Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Mr. Farngalo may be reached by phone at (404) 562–9152, or via electronic mail at *farngalo.zuri@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What action is EPA proposing to take?
II. What is the background for EPA's proposed action?
III. What is included in Florida's attainment plan submittal for the Hillsborough area?
IV. What is EPA's analysis of Florida's submittal for the Hillsborough area?
1. Pollutants Addressed
2. Emissions Inventory Requirements
3. Attainment Planning Modeling
4. RACM/RACT
5. RFP Plan
6. Contingency Measures
7. Attainment Date
V. Proposed Action
VI. Statutory and Executive Order Reviews

I. What action is EPA proposing to take?

EPA is proposing to approve Florida's SIP revisions for the Hillsborough Area, as submitted through FL DEP to EPA on June 29, 2012 (and later amended on June 27, 2013), for the purpose of demonstrating attainment of the 2008 Lead NAAQS. Florida's lead attainment plan for the Hillsborough Area includes a base year emissions inventory, a modeling demonstration of lead attainment, an analysis of RACM/RACT, a RFP plan, and contingency measures.

EPA has preliminarily determined that Florida's attainment plan for the 2008 Lead NAAQS for the Hillsborough Area meets the applicable requirements of the CAA. Thus, EPA is proposing to approve Florida's attainment plan for the Hillsborough Area as submitted on June 29, 2012, and later amended on June 27, 2013. EPA's analysis for this proposed action is discussed in Section IV of this proposed rulemaking.

II. What is the background for EPA's proposed action?

On November 12, 2008 (73 FR 66964), EPA revised the Lead NAAQS, lowering the level from 1.5 micrograms per cubic meter ($\mu g/m^3$) to 0.15 $\mu g/m^3$ calculated over a three-month rolling average. EPA established the 2008 Lead NAAQS based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to lead emissions.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the United States as attaining or not attaining the NAAQS; this designation process is described in section 107(d)(1) of the CAA. On November 22, 2010 (75 FR 71033), EPA promulgated initial air quality designations for the 2008 Lead NAAQS, which became effective on December 31, 2010, based on air quality monitoring data for calendar years 2007—2009, where there was sufficient data to support a nonattainment designation. Designations for all remaining areas were completed on November 22, 2011 (76 FR 72097), which became effective on December 31, 2011, based on air quality monitoring data for calendar years 2008—2010. Effective on December 31, 2010, the Hillsborough Area was designated as nonattainment for the 2008 Lead NAAQS. This designation triggered a requirement for Florida to submit a SIP revision with a plan for how the Area would attain the 2008 Lead NAAQS, as expeditiously as practicable, but no later than December 31, 2015.

FL DEP submitted its SIP submittal for the Hillsborough Area on June 29, 2012 (and later amended on June 27, 2013), which included the base year emissions inventory and the attainment demonstration. EPA's analysis of the submitted attainment plan includes a review of the pollutant addressed, emissions inventory requirements, modeling, RACT and RACM requirements, RFP plan, and contingency measures for the Hillsborough Area.

III. What is included in Florida's attainment plan submittal for the Hillsborough area?

In accordance with section 172(c) of the CAA and the SIP Toolkit, the Florida attainment plan for the Hillsborough Area includes: (1) An emissions inventory for the plan's base year (2009); and (2) an attainment demonstration. The attainment demonstration includes: technical analyses that locate, identify and quantify sources of emissions contributing to violations of the 2008 Lead NAAQS; a modeling analysis of an emissions control strategy for the EnviroFocus facility that attains the level of the Lead NAAQS by the attainment year (2015), a construction permit for the EnviroFocus facility that includes emissions reduction measures with schedules for implementation and compliance; and contingency measures required under section 172(c)(9) of the CAA.

IV. What is EPA's analysis of Florida's submittal for the Hillsborough area?

The CAA requirements (*see, e.g.,* section 172(c)(4)) and the Lead SIP regulations found at 40 CFR 51.117) require states to employ atmospheric dispersion modeling for the demonstration of attainment of the Lead NAAQS for areas in the vicinity of point sources listed in 40 CFR 51.117(a)(1), as expeditiously as practicable. The demonstration must also meet the requirements of 40 CFR 51.112 and Part 51, Appendix W, and include inventory data, modeling results, and emissions reduction analyses on which the State has based its projected attainment. All these requirements comprise the ''attainment plan'' that is required for

lead nonattainment areas. In the case of the Hillsborough Area, EPA is proposing to approve the attainment plan submitted by Florida on June 29, 2012, and later amended June 27, 2013. More detail on EPA's analysis is provided below.

1. Pollutants Addressed

Florida's lead attainment plan evaluates lead emissions in the Hillsborough Area within the portion of Hillsborough County designated nonattainment for the 2008 Lead NAAQS. There are no precursors to consider for the lead attainment plan.

2. Emissions Inventory Requirements

States are required under section 172(c)(3) of the CAA to develop comprehensive, accurate and current inventories of actual emissions from all sources of the relevant pollutant or pollutants in the area. These inventories provide a detailed accounting of all emissions and emission sources by precursor or pollutant. In the November 12, 2008, Lead Standard rulemaking, EPA finalized the emissions inventories requirements. The current regulations are located at 40 CFR 51.117(e), and include, but are not limited to, the following emissions inventory requirements:

- The SIP inventory must be approved by EPA as a SIP element and is subject to public hearing requirements; and
- The point source inventory upon which the summary of the baseline for lead emissions inventory is based must contain all sources that emit 0.5 or more tons of lead per year.

For the base year inventory of actual emissions, EPA generally recommends using either the year 2010 or 2011 as the base year for the contingency measure calculations, but does provide flexibility for using other inventory years if states can show another year is more appropriate.[1] For Lead SIPs, the CAA requires that all sources of lead emissions in the nonattainment area be submitted with the base-year inventory. In today's action, EPA is proposing to approve the base year emissions inventory portion of the SIP revision submitted by Florida on June 29, 2012 (and later amended on June 27, 2013), as required by section 172(c)(3).

The State of Florida did not elect to use 2011 or 2010 as the base year, but chose to use the year 2009 as the base year. The only source of lead emissions within the Hillsborough Area is EnviroFocus. The facility recycles and processes lead from lead-acid batteries and other lead-bearing materials and produces point source emissions from several stacks in addition to fugitive emissions. The design value used for designating the area as nonattainment was based on monitoring data from 2007–2009. In addition, the facility undertook renovations beginning in 2010, to fully enclose the facility and perform other RACM/RACT measures summarized in Table 3 below, which will facilitate attainment of the 2008 Lead NAAQS by the 2015 attainment date. The State of Florida elected to use the year 2009 as the base year, during which time the renovations activities commenced and further contributed to the monitoring violations that resulted in the Area being designated nonattainment for the revised Lead NAAQS. For the purposes of calculating the nonattainment area emissions inventory, lead emissions data were taken from the facility's 2009 Annual Operating Report (AOR) for EnviroFocus' stacks. According to this report, 0.5733 tons of lead emissions were emitted from stacks in 2009. On this basis, EPA is proposing to approve the State's decision to elect 2009 as a base year as appropriate for this purpose.

Also included in the nonattainment area emissions inventory as point source emissions are the fugitive lead emissions associated with EnviroFocus' on-site truck traffic. The lead emissions associated with the on-site truck traffic were calculated with data used in the attainment modeling demonstration.[2] The annual emissions for each road segment were then summed together to produce annual lead fugitive emissions associated with all on-site truck traffic. According to this calculation, 0.0142 tons of fugitive lead emissions were associated with on-site truck traffic at EnviroFocus in 2009.

The emissions generated from on-site truck traffic are also attributed to the EnviroFocus facility and are therefore considered to be a portion of the point source category. As a result, the fugitive lead emissions associated with the on-site truck traffic were added to the stack lead emissions from EnviroFocus' 2009 AOR. With this adjustment, the lead emissions emitted from EnviroFocus in 2009 equals 0.5875 tons of lead emissions.[3] Table 1 identifies the 2009 base year for the emissions inventory for the Hillsborough Area.

TABLE 1—2009 BASE YEAR NONATTAINMENT AREA EMISSIONS INVENTORY

[Tons per year]

Emissions unit	Unit description	Lead emissions
EU 001*	Blast Furnace Exhaust	0.3804
EU 004*	Blast Furnace Tapping & Charging	0.1594
EU 011*	Four Refining Kettles	0.0232
EU 015*	Blast Furnace Enclosure	0.0103
	Quantifiable Fugitive Emissions	0.0142
Total		0.5875

* All four of the units are currently inactive as they have been replaced as a result of modernization of the facility.

As previously mentioned, other than EnviroFocus, there are no other sources of lead emissions in the Hillsborough Lead nonattainment area. EnviroFocus began a reconstruction and modernization project in 2010 to fully enclose the facility in order to achieve compliance with the new Lead NAAQS. FL DEP has verified that the modernization work has been completed.

EPA has preliminarily determined that the 2009 base year emissions

[1] See EPA document titled ''Addendum to the 2008 Lead NAAQS Implementation Questions and Answers'' dated August 10, 2012, included in EPA's SIP Toolkit located at *http://www.epa.gov/air/lead/implement.html.*

[2] This was accomplished by applying the following mathematical formula: Pb emission rate (pounds (lbs) per hour)/2000 (lbs/ton) * 16 (hours per day that the vehicles operate) * 365 (days per year).

[3] Not included in this figure are the unquantifiable fugitive emissions which have been considered to be the major contributor to monitored violations at the EnviroFocus facility in the past when the process areas were not completely enclosed.

inventory estimates submitted are in compliance with section 172(c)(3). Therefore, EPA is proposing to approve Florida's base year emissions inventory for the 2008 Lead NAAQS for the Hillsborough Area.

3. Attainment Planning Modeling

The Florida modeling analysis was prepared using EPA's preferred dispersion modeling system, the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) consisting of the AERMOD (version 12060) model and two data input preprocessors AERMET (version 11059), and AERMAP (version 11103), consistent with EPA's Modeling Guidance [4] and 40 CFR 51.117. Other EPA processors used in the modeling include AIRMINUTE, AERSURFACE and LEADPOST (version 12114). More detailed information on the AERMOD Modeling system and other modeling tools and documents can be found on the EPA Technology Transfer Network Support Center for Regulatory Atmospheric Modeling (SCRAM) (*http://www.epa.gov/ttn/scram/*) and in Florida's June 29, 2012 submittal, as amended on June 27, 2013, in the docket for this proposed action (EPA–R04–OAR–2014–0220) on the *www.regulations.gov* Web site. A brief description of the modeling used to support the State of Florida's attainment demonstration is provided below.

a. Modeling Approach

The following is an overview of the air quality modeling approach used to demonstrate compliance with the 2008 Lead NAAQS, as submitted in Florida's June 29, 2012 submittal, as amended on June 27, 2013.

- Develop model inputs using the AERMOD modeling system and processors which include the:
  - AERMOD pre-processors, AERMET and AERMAP to process five years (*i.e.,* 2006–2010) of 1-minute meteorological data from the National Weather Service (NWS) at Ruskin and Tampa International Airport (the closest weather station to EnviroFocus), based on FL DEP's land use classifications, in combination with upper-air meteorological data from the Ruskin, Florida, NWS upper-air sounding site;
  - AERMOD pre-processor, AERMAP to generate terrain inputs for the receptors, based on a digital elevation mapping database from the National Elevation Dataset developed by the U.S. Geological Survey;
  - AERMOD pre-processor, AERSURFACE to generate direction specific land use based surface characteristics for the modeling;
  - AERMINUTE processor to reduce the number of calm and missing winds in the surface data;
  - Development of a Cartesian receptor grid across and along the nonattainment boundary (approximately 1.14 miles around the EnviroFocus facility), with 50 meter spacing in ambient air to ensure maximum concentrations are captured; and
  - Development of all other input options commensurate with the EPA's Modeling Guidance;
  - Selection of a Lead background concentration based on local lead monitoring data from monitoring station No. 12–057–0100 (known as the new ''Kenly'' monitor) for the period June 2010 to March 2012. The data was obtained from the EPA Air Quality System. This monitor is approximately 0.9 kilometers to the north of EnviroFocus. Due to its close proximity to the EnviroFocus facility, monitored concentrations at this station are strongly influenced by the facility's emissions. As a result, the data was filtered to remove measurements where the wind direction could transport pollutants from EnviroFocus to the station. More specifically, the data was filtered to remove measurements where at least one hour in the 24-hour measurement period had wind direction in the range of 175° to 200°;
  - Air quality modeling demonstration that includes all lead-emitting sources for the EnviroFocus facility, as well as a complete lead modeling inventory of surrounding sources within 50 kilometers of the Significant Impact Area (SIA) Data for the modeling inventory for surrounding sources was obtained from FL DEP's Air Resource Management System (ARMS) database; and
  - Fugitive emissions associated with paved roadways (*i.e.,* truck traffic) on the EnviroFocus property were modeled based on the methodology described in the Texas Natural Resource Conservation Commission's guidelines, which was specifically developed for modeling roadway fugitive emissions. Similar to the Industrial Source Complex User's Guide (EPA, 1995d), emissions from roadways are represented as a series of volume sources (229 individual road segments). Emission factors were estimated based upon emissions formulas presented in Section 13 of AP–42. Since shipping is conducted with 18-wheeler trucks, maximum vehicle width and height for the State of Florida were used to estimate the dimensions of the volume sources. The modeling assumes continuous truck traffic from 6:00 a.m. to 10:00 p.m., seven days a week, which is a conservative estimate. The methodology for modeling fugitive emissions from roadways was described in the SIP proposed by EnviroFocus and its consultant in 2009, as part of the facility's original permit modeling demonstration. The emissions sources for EnviroFocus and roadway sources used in the modeling are included in the Florida SIP, as amended on June 27, 2013.
- Develop 2009 base year and the 2015 control strategy emissions inventories for input in the air quality model to perform current and control dispersion modeling. The modernization has been completed. The maximum allowable emissions post modernization will be 0.96 tons per year (tpy) of lead emissions, which are slightly less than the allowable emissions prior to the modernization (*i.e.,* 0.97 tpy) which did not account for the substantial fugitive emissions. As detailed below, the air quality analysis demonstrates that the modernized facility will comply with the revised Lead NAAQS because the unquantifiable fugitive emissions will be greatly reduced, primarily due to the negative-pressure total enclosure of all process areas. More specifically, virtually all of the current fugitive emissions will be contained and filtered, with over 99 percent control efficiency prior to being released through the building ventilation stacks.
- Process AERMOD outputs through EPA's LEADPOST post processor (version 12114) deriving the maximum 3-month average rolling design value across the five year meteorological data period.

b. Modeling Results

The Lead NAAQS compliance results of the attainment modeling are summarized in Table 2 below. Table 2 presents the results from the AERMOD modeling that were performed. The modeling used five years (2006–2010) of meteorological data from the NWS site in Tampa, Florida, as processed through AERSURFACE, to develop surface characteristics inputs. Modeling with one set of data was also used since on-site meteorological data is not available at the EnviroFocus facility.

As can be seen in Table 2, the maximum 3-month rolling average across all five years of meteorological data (2006–2010) is less than or equal to the 2008 Lead NAAQS of 0.15 μg/m^3 for one set of AERMOD modeling runs. Output from the LEADPOST processor

[4] 40 CFR part 51 Appendix W (EPA's *Guideline on Air Quality Models)* (November 2005) located at *http://www.epa.gov/ttn/scram/guidance/guide/appw_05.pdf.*

which details all of the concentrations can be found in the body of the June 29, 2012 submittal, as amended on June 27, 2013.

TABLE 2—SUMMARY OF MODELING RESULTS

Pollutant	Averaging time	Maximum predicted impact (μg/m³)	Background concentration (μg/m³)	Total impact (μg/m³)	NAAQS (μg/m³)	Impact greater than NAAQS
Pb	3-month rolling	0.115	0.016	*0.13	0.15 μg/m³	No.

*This is the maximum 3 month rolling average.

The post-control, which includes the RACM and RACT analysis, resulted in a predicted impact of 0.115 μg/m³ (NWS MET data) and 0.016 μg/m³ background data. This data indicates significant reductions in air quality impacts with the future implementation of the post-construction control plan for the EnviroFocus facility. This data also supports that the controls represent RACM and RACT for the SIP, with the control strategy for the facility as reflected in the facility's construction permit, which includes negative pressure total enclosure of the process area and compliance with the Secondary Lead MACT (40 CFR part 63, subpart X). More details on the pre-construction and post-construction operations at the facility are included in the Florida SIP. Therefore, on this basis, FL DEP asserted that the proposed controls are RACM/RACT and should be sufficient to attain 2008 Lead NAAQS.

EPA has reviewed the modeling that Florida submitted to support the attainment demonstration for the Hillsborough Area and has preliminarily determined that this modeling is consistent with CAA requirements, Appendix W and EPA guidance for lead attainment demonstration modeling.

4. RACM/RACT

a. Requirements for RACM/RACT

CAA section 172(c)(1) requires that each attainment plan provides for the implementation of all reasonably available control measures, as expeditiously as practicable and attainment of the NAAQS. EPA interprets RACM, including RACT, under section 172, as measures that a state determines to be both reasonably available and contribute to attainment as expeditiously as practicable in the nonattainment area. A comprehensive discussion of the RACM/RACT requirement for lead attainment plans and EPA's guidance can be found in the SIP Toolkit.[5]

b. Florida's Evaluation of RACM/RACT Control Measures for the Hillsborough Area

On June 29, 2012, and later amended on June 27, 2013, FL DEP submitted a SIP revision that included a construction permit that was issued to EnviroFocus for proposed control measures to reduce lead emissions. Specifically, the construction permit reflecting RACT controls is included in Section 1–3 of the June 29, 2012 submittal, as amended, on June 27, 2013. In accordance with the schedule in the construction permit, the EnviroFocus facility was required to implement the controls on or before December 31, 2015. As discussed in the modeling section above, it is projected that the total enclosure of the building will capture about 99 percent of the fugitive lead emissions, and provide sufficient emissions reductions for the Hillsborough Area to attain the 2008 Lead NAAQS. FL DEP represented to EPA that EnviroFocus has completed implementation of the RACM controls identified in the permit and summarized in Table 3 below:

TABLE 3—SUMMARY OF RACM CONTROLS

Description of measure	Explanation
Total Enclosure of Facility	EnviroFocus Technologies, LLC totally enclosed the facility with negative pressure. Ventilated air will be exhausted from the facility by two large 195,000 and 160,000 actual cubic feet per minute Torit cartridge collector filters. The Torit filters will have high efficiency particulate air filters downstream of them. The filter gases will be emitted from two stacks with heights of 130 and 190 feet (capable of achieving over 99 percent control efficiency).
Baghouses	EnviroFocus Technologies, LLC will use baghouses that are capable of achieving over 99 percent efficiency for exhaust control of all the smelting and refining operations.
Local Exhaust Vents (LEVs)	EnviroFocus Technologies, LLC will capture fugitive emissions from the process using enclosure hoods.
Wet suppression	EnviroFocus Technologies, LLC will use the sprinkler system, vacuum sweeping, and wheel washing of vehicles prior to exiting the building to control fugitive emissions on the facility ground and roadways.

c. Proposed Action on RACM/RACT Demonstration and Control Strategy

EPA is proposing to approve Florida's determination that the proposed controls for lead emissions at EnviroFocus constitute RACM/RACT for that source in the Hillsborough Area based on the summary above. Further, as summarized above, EPA proposes that no further controls will be required at the EnviroFocus facility and that the proposed controls are sufficient for RACM/RACT purposes for the Hillsborough Area, at this time.

Since the Hillsborough Area is projected to have attaining levels of the 2008 Lead NAAQS by the 2015 attainment date, and at this time, no additional measures could be adopted to achieve attainment one year sooner, EPA proposes to approve Florida's June 29, 2012 submittal, amended on June 27, 2013, as meeting the RACM/RACT requirements of the SIP Toolkit and that

[5] "SIP Toolkit—Attainment Demonstrations and Air Quality Modeling," dated April 12, 2012, located at *http://www.epa.gov/air/lead/kitmodel.html.*

the level of control in the State's submission constitutes RACM/RACT for purposes of the 2008 Lead NAAQS. By approving these control measures as RACM/RACT for the EnviroFocus facility for purposes of Florida's attainment planning, these control measures will become permanent and enforceable SIP measures to meet the requirements of the CAA and the 2008 Lead NAAQS.

5. RFP Plan

Section 172(c)(2) of the CAA requires that an attainment plan includes a demonstration that shows reasonable further progress for meeting air quality standards will be achieved through generally linear incremental improvement in air quality. The term ''reasonable further progress'' is defined in section 171 to mean ''such annual incremental reductions in the emissions of the relevant air pollutant as are required'' for purposes of ensuring attainment of the applicable national ambient air quality standard by the applicable date. In accordance with section 172, the RFP requires implementation of all RACM/RACT as ''expeditiously as practicable.'' Historically, for some pollutants, RFP has been met by showing annual incremental emission reductions generally sufficient to maintain linear progress toward attainment by the applicable attainment date. As stated in the final Lead Rule (73 FR 67039), EPA concluded that it was appropriate that RFP requirements be satisfied by the strict adherence to an ambitious compliance schedule, which is expected to periodically yield significant emission reductions. For lead nonattainment areas, RFP is to be achieved by implementing an emission reduction compliance schedule outlined in the SIP. The RACM control measures for attainment of the 2008 Lead NAAQS included in the State's submittal have been modeled to achieve attainment of the NAAQS. The data summarized in Table 2, and analyzed above, demonstrates that the RACM controls in Table 3 will be implemented pursuant to an ambitious compliance schedule and will provide for significant emissions reductions for the Hillsborough Area. Based on the modeled attainment of the NAAQS, and the ambitious compliance schedule for the implementation of the control measures which will yield a significant reduction in lead emissions from the EnviroFocus facility, EPA has preliminarily determined that FL DEP's lead attainment plan for the 2008 Lead NAAQS meets the RFP requirements for the Hillsborough Area. EPA, therefore, proposes to approve the State's attainment plan with respect to the RFP requirements.

6. Contingency Measures

In accordance with section 172(c)(9) of the CAA, contingency measures are required as additional measures to be implemented in the event that an area fails to meet the RFP requirements or fails to attain a standard by its attainment date. These measures must be fully adopted rules or control measures that can be implemented quickly and without additional EPA or state action if the area fails to meet RFP requirements or fails to meet its attainment date and should contain trigger mechanisms and an implementation schedule. In addition, these measures should be ones that are not already included in the SIP control strategy for attaining the standard.

Based on all the improvements that were implemented for EnviroFocus above-referenced in Table 3 (Summary of RACM Controls) which are expected to reduce emissions of lead significantly, EPA has preliminarily determined that the 2008 Lead NAAQS can be achieved on a consistent basis. Since the RACM controls are expected to result in attainment of the Pb NAAQS or maintenance of RFP, any possible exceedances of the Pb NAAQS during any three month period after December 31, 2015 (the attainment date), is likely to be a result of a malfunction of one of the control measures. The contingency measures[6] as discussed below will immediately take effect to offset an increase in air quality concentrations that are expected to result from emission increases due to the likelihood of control malfunction. For example, in the event of any exceedances, upon notification by FL DEP, EnviroFocus would be required to conduct a twelve minute EPA Method 9 visible emissions reading on each Pb source outlet by a certified reader every day, as well as perform dye check on every filtration system that controls a lead source. These control measures will help to determine and detect the source of fugitive emissions not otherwise captured by RACM so that the exceedances can be addressed immediately. Other contingency measures such as increasing the sprinkler frequency to 5 minutes every 30 minutes during daylight hours and 5 minutes every 60 minutes during nighttime hours twenty-four hours a day everyday will serve to reduce fugitive dust emissions. If necessary, even more protective control measures will be required including EnviroFocus discontinuing operation of any emission unit connected to a filtration device that fails the dye leak check until such time as repairs are made and the unit passes a second leak check. Further, if any three consecutive month period averages greater than 0.15 μg/m3 at any one of the SIP-approved Pb monitors in the vicinity of EnviroFocus, FL DEP may require the immediate restriction of the daily production of lead from the blast and reverb furnaces. Since EnviroFocus is the only known major source of lead in the Hillsborough Area, reducing production at that facility will directly correlate to the reduction of Pb emissions. Each of the contingency measures will continue for a minimum of 90 days and remain in place until such time as FL DEP has determined that they are no longer needed.

In addition to the identified contingency measures, pursuant to EnviroFocus' title V permit, if an exceedance of the NAAQS occurs during any three month period after December 31, 2015 (the deadline for full implementation of the control strategy), within 120 days, the facility will submit an investigative study identifying the source(s) of excessive emissions contributing to the exceedance. EnviroFocus will also develop and prepare a strategy to eliminate the likelihood of another exceedance. The 120 day review period will consists of a 30 day evaluation period immediately following a violation and then up to a 90 day consultation period with the facility to determine the best course of action. If a permit modification is deemed necessary, FL DEP would issue a new permit with the statutory timeframes required in Chapters 62–4 and 62–213 of the Florida Administrative Code (FAC). Since the EnviroFocus facility has implemented appropriate RACM control measures, and several protective layers of contingency measures will be triggered and executed immediately in the event of an exceedance of the NAAQS, EPA proposes that the contingency measures strategy submitted by the State of Florida meet the section 172(c)(9) requirements for the 2008 Lead NAAQS.

7. Attainment Date

Florida provided a modeling demonstration to attain the level of the

[6] In a letter dated December 23, 2014, FL DEP supplemented the ''Contingency Measures'' provisions of its Pb nonattainment Area Plan to reflect additional procedures and controls at the EnviroFocus facility that would be implemented immediately upon the trigger of various events related to future monitored exceedances or violations of the Pb NAAQS. The letter with the complete list of contingency measures is available at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2014–0220.

2008 Lead NAAQS for the Hillsborough Area by no later than five years after the Area was designated nonattainment. The modeling indicates that the Hillsborough Area will have attaining data for the 2008 Lead NAAQS by December 31, 2015. While there were violations of the 2008 lead NAAQS in 2013, they occurred during the limited time frame in which the facility was undergoing construction to modernize the facility which included building an enclosure that is expected to reduce emissions of lead significantly. Notwithstanding the violations, EPA believes that these violations, which occurred as part of enclosure and modernization of the facility in order to achieve a significant permanent reduction in lead emissions, do not render Florida's attainment demonstration unapprovable. There have been no violations of the 2008 Lead NAAQS since the last quarter of 2013 which directly corresponds with the installation of the final set of controls for the modernization. EPA does not believe that the facility could have achieved the 2008 Lead NAAQS more expeditiously than the current schedule. Therefore, EPA is proposing to approve the State's submission related to achievement of the 2008 Lead NAAQS as expeditiously as practicable.

V. Proposed Action

EPA is proposing to approve Florida's lead attainment plan for the Hillsborough Area. EPA has preliminarily determined that the SIP meets the applicable requirements of the CAA. Specifically, EPA is proposing to approve Florida's June 29, 2012 submittal, as amended on June 27, 2013, which includes the attainment demonstration, base year emissions inventory, RACM/RACT analysis, contingency measures and RFP plan. The requirement for a RFP plan is satisfied because the State of Florida demonstrated that the Area will attain the 2008 Lead NAAQS as expeditiously as practicable, and could not implement any additional measures to attain the NAAQS any sooner.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submittal that complies with the provisions of the Act 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 proposed action merely approves 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) and 13563 (76 FR 3821, January 21, 2011);
- 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, October 7, 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, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and Recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 26, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–02335 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0792; FRL–9922–51–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to grant approval to four State Implementation Plan (SIP) revisions submitted by the West Virginia Department of Environmental Protection for the State of West Virginia on June 29, 2010, July 8, 2011, July 6, 2012, and July 1, 2014 with the exception of certain revisions related to ethanol production facilities on which EPA is taking no action at this time. These revisions proposed for approval pertain to West Virginia's nonattainment New Source Review (NSR) program, notably provisions for preconstruction permitting requirements for major sources of fine particulate matter ($PM_{2.5}$) and NSR reform. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before March 9, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0792 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: kreider.andrew@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0792, Andrew Kreider, Acting Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, 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–2014–0792. 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 West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Gordon, (215) 814–2039, or by email at *gordon.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The WVDEP submitted four SIP revisions to EPA on June 29, 2010 (the 2010 submittal), July 8, 2011 (the 2011 submittal), July 6, 2012 (the 2012 submittal) and July 1, 2014 (the 2014 submittal). While each of the SIP revisions was submitted individually, EPA is acting on these submittals as a whole. There are some instances where specific language was added in a West Virginia regulation included in one of the earlier SIP submittals but the language was subsequently removed from that same regulation included in a later SIP submittal such that EPA therefore only assessed the approvability of that portion of the regulation included in the later SIP submittal. It should be noted that the most recent version of West Virginia's nonattainment NSR regulations is the version included for SIP approval in the 2014 submittal, and this submittal reflects the sum of the changes made from the 2010, 2011, and 2012 submittals as well.[1] A summary of the changes made in each of the four submittals has been included in the docket for this action under ''Summary of West Virginia NSR Changes.'' These SIP revision requests, if approved, would revise West Virginia's currently approved nonattainment NSR program by amending Series 19 under Title 45 of West Virginia Code of State Rules (45CSR19). Generally, the revisions incorporate provisions related to the 2008 ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' (2008 NSR $PM_{2.5}$ Rule; 73 FR 28321), the 2007 ''Prevention of Significant Deterioration, Nonattainment New Source Review, and Title V: Treatment of Certain Ethanol Production Facilities Under the 'Major Emitting Facility' Definition'' (2007 Ethanol Rule; 72 FR 24060), as well as updates as a result of the 2002 rule ''Prevention of Significant Deterioration (PSD) and Nonattainment NSR (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' (2002 NSR Reform Rules; 67 FR 80186).

The 2002 NSR Reform Rules made changes to five areas of the NSR programs. In summary, the 2002 Rules: (1) Provided a new method for determining baseline actual emissions; (2) adopted an actual-to-projected-actual methodology for determining whether a major modification has occurred; (3) allowed major stationary sources to comply with a Plantwide Applicability Limit (PAL) to avoid having a significant emissions increase that triggers the requirements of the major NSR program; (4) provided a new applicability provision for emissions units that are designated clean units; and (5) excluded pollution control projects (PCPs) from the definition of ''physical change or change in the method of operation.'' On November 7, 2003, EPA published a notice of final action on its reconsideration of the 2002 NSR Reform Rules,[2] which added a definition for ''replacement unit'' and clarified an issue regarding PALs. For additional information on the 2002 NSR Reform Rules, see EPA's December 31, 2002 final rulemaking action entitled: ''Prevention of Significant Deterioration (PSD) and Nonattainment NSR (NSR): Baseline Emissions Determination, Actual-to-Future-Actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' (67 FR 80186), the 2003 final reconsideration: ''Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration'' (68 FR 63021), and *http://www.epa.gov/nsr.*

After the 2002 NSR Reform Rules were finalized, industry, state, and environmental petitioners challenged numerous aspects of the 2002 NSR Reform Rules, along with portions of EPA's 1980 NSR Rules (45 FR 52676, August 7, 1980). On June 24, 2005, the United States Court of Appeals for the District of Columbia (D.C. Circuit) issued a decision on the challenges to the 2002 NSR Reform Rules. *New York* v. *United States,* 413 F.3d 3 (D.C. Cir. 2005) (*New York I*).

In summary, the D.C. Circuit vacated portions of the rules pertaining to clean units and PCPs, remanded a portion of the rules regarding recordkeeping and the term ''reasonable possibility'' found in 40 CFR 52.21(r)(6) and 40 CFR 51.166(r)(6), and either upheld or did not comment on the other provisions included as part of the 2002 NSR Reform Rules. On June 13, 2007 (72 FR 32526), EPA took final action to revise the 2002 NSR Reform Rules to remove from federal law all provisions pertaining to clean units and the PCP exemption that were vacated by the D.C. Circuit.

[1] EPA, however, is proposing to act on all four SIP submittals in this document because each submittal contains necessary procedural information related to West Virginia's revisions to its nonattainment NSR regulations and development of its SIP submittals, which are required for SIP revisions by 40 CFR parts 51 and 52.

[2] See ''Prevention of Significant Deterioration (PSD) and Non-Attainment New Source Review (NSR): Reconsideration.'' 68 FR 63021.

The 2008 NSR $PM_{2.5}$ Rule (as well as the 2007 ''Final Clean Air Fine Particle Implementation Rule'' (2007 $PM_{2.5}$ Implementation Rule) [3]), was also the subject of litigation before the D.C. Circuit in *Natural Resources Defense Council* v. *EPA.*[4] On January 4, 2013, the court remanded to EPA both the 2007 $PM_{2.5}$ Implementation Rule and the 2008 NSR $PM_{2.5}$ Rule. The court found that in both rules EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS solely pursuant to the general implementation provisions of subpart 1 of part D of title I of the CAA (subpart 1), rather than pursuant to the additional implementation provisions specific to particulate matter in subpart 4 of part D of title I (subpart 4).[5] As a result, the court remanded both rules and instructed EPA ''to re-promulgate these rules pursuant to subpart 4 consistent with this opinion.'' [6] Although the D.C. Circuit declined to establish a deadline for EPA's response, EPA intends to respond promptly to the court's remand and to promulgate new generally applicable implementation regulations for the $PM_{2.5}$ NAAQS in accordance with the requirements of subpart 4. In the interim, however, states and EPA still need to proceed with implementation of the 1997 $PM_{2.5}$ NAAQS in a timely and effective fashion in order to meet statutory obligations under the CAA and to assure the protection of public health intended by those NAAQS.

On April 25, 2014, the Administrator signed a final rulemaking that begins to address the remand (*see http://www.epa.gov/airquality/particlepollution/actions.html*). Upon its effective date, the final rule classifies all existing $PM_{2.5}$ nonattainment areas as ''Moderate'' nonattainment areas and sets a deadline of December 31, 2014, for states to submit any SIP submissions, including nonattainment NSR SIPs, that may be necessary to satisfy the requirements of subpart 4 with respect to $PM_{2.5}$ nonattainment areas.

In a separate rulemaking process that will follow the April 2014 rule, EPA is evaluating the requirements of subpart 4 as they pertain to, among other things, nonattainment NSR for $PM_{2.5}$ emissions. With respect to nonattainment NSR in particular, subpart 4 includes section 189(e) of the CAA, which requires the control of major stationary sources of coarse particulate matter (PM_{10}) precursors ''except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area.'' Under the D.C. Circuit's decision in *NRDC,* section 189(e) of the CAA also applies to $PM_{2.5}$.

Additionally, the 2008 NSR $PM_{2.5}$ Rule authorized states to adopt provisions in their nonattainment NSR rules that would allow major stationary sources and major modifications locating in areas designated nonattainment for $PM_{2.5}$ to offset emissions increases of direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors with reductions of either direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors in accordance with offset ratios contained in the approved SIP for the applicable nonattainment area. The inclusion, in whole or in part, of the interpollutant offset provisions for $PM_{2.5}$ is discretionary on the part of the states. In the preamble to the 2008 NSR $PM_{2.5}$ Rule, EPA included preferred or presumptive offset ratios, applicable to specific $PM_{2.5}$ precursors that states may adopt in conjunction with the new interpollutant offset provisions for $PM_{2.5}$, and for which the state could rely on the EPA's technical work to demonstrate the adequacy of the ratios for use in any $PM_{2.5}$ nonattainment area. Alternatively, the preamble indicated that states may adopt their own ratios, subject to the EPA's approval, that would have to be substantiated by modeling or other technical demonstrations of the net air quality benefit for ambient $PM_{2.5}$ concentrations. The preferred ratios were subsequently the subject of a petition for reconsideration, which the EPA Administrator granted. EPA continues to support the basic policy that sources may offset increases in emissions of direct $PM_{2.5}$ or of any $PM_{2.5}$ precursor in a $PM_{2.5}$ nonattainment area with actual emissions reductions in direct $PM_{2.5}$ or $PM_{2.5}$ precursors in accordance with offset ratios as approved in the SIP for the applicable nonattainment area. However, we no longer consider the preferred ratios set forth in the preamble to the 2008 NSR $PM_{2.5}$ Rule to be presumptively approvable. Instead, any ratio involving $PM_{2.5}$ precursors adopted by the state for use in the interpollutant offset program for $PM_{2.5}$ nonattainment areas must be accompanied by a technical demonstration that shows the net air quality benefits of such ratio for the $PM_{2.5}$ nonattainment area in which it will be applied.

II. Summary of SIP Revision

Specifically, the revisions submitted by WVDEP involve amendments to 45CSR19 (Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas) as a result of Federal regulatory actions previously discussed. A summary of the changes made in the 2010, 2011, 2012, and 2014 submittals are available in the docket under ''Summary of West Virginia NSR Changes.'' Additionally, several non-substantive, clarifying and organizational revisions were submitted. WVDEP has included redline/strikeout versions of the submittals so that all revisions to 45CSR19 can be seen. Following is EPA's rationale for the proposed approval.

A. NSR Reform

EPA finds West Virginia's regulations dealing with NSR reform closely mirror the Federal counterpart regulations in 40 CFR parts 51 and 52. Several aspects of NSR reform, including a new method for determining baseline actual emissions, adoption of actual-to-projected-actual methodology for determining whether a major modification has occurred, and the allowance of PALs were submitted to EPA by WVDEP in prior SIP submissions and subsequently approved by EPA on November 2, 2006 (71 FR 64468). However, in this prior submission, WVDEP specifically requested that EPA exclude from its SIP approval the provisions of 45CSR19 pertaining to ''Clean Units'' and ''Pollution Control Project'' in order to ensure that their Federally-approved regulations are consistent with the D.C. Circuit's June 24, 2005 ruling in *New York I.* West Virginia subsequently removed provisions relating to ''pollution control projects'' and ''clean unit'' from 45CSR19 at the state level and updated language relating to ''reasonable possibility'' provisions, as is reflected in the 2010 submittal. Thus, EPA finds the SIP revisions including the revised 45CSR19 meet requirements of NSR Reform for a nonattainment NSR permitting program in 40 CFR parts 51 and 52, and is proposing to fully approve revisions relating to NSR reform.

B. Ethanol Rule

West Virginia's proposed SIP revisions include provisions that exclude facilities that produce ethanol through a natural fermentation process from the definition of ''chemical process plants'' in the major NSR source permitting program as amended in the

[3] 72 FR 20586 (April 25, 2007).

[4] 706 F.3d 428 (D.C. Cir. 2013).

[5] The court's opinion did not specifically address the point that implementation under subpart 4 requirements would still require consideration of subpart 1 requirements, to the extent that subpart 4 did not override subpart 1.

[6] Id. at 437.

2007 Ethanol Rule. The 2010 submittal added provisions at 45CSR19–2.35.e.20 and 3.7.a.20 that remove certain ethanol production facilities from the definition of ''chemical process plants.'' These provisions are also included in the subsequent 2011, 2012, and 2014 submittals. In this rulemaking, we are not at this time proposing to take action on any of the SIP submittals concerning West Virginia's submitted regulation revisions at 45CSR19–2.35.e.20 and 3.7.a.20 addressing the 2007 Ethanol Rule.

C. $PM_{2.5}$

EPA finds the revisions to 45CSR19 submitted by WVDEP for approval that relate to $PM_{2.5}$ mirror the 2008 NSR $PM_{2.5}$ Rule, which: (1) Required NSR permits to address directly emitted $PM_{2.5}$ and precursor pollutants; (2) established significant emission rates for direct $PM_{2.5}$ and precursor pollutants (including sulfur dioxide (SO_2) and oxides of nitrogen (NO_X)); (3) established $PM_{2.5}$ emission offsets; and (4) required states to account for gases that condense to form particles (condensables) in $PM_{2.5}$ emission limits.

Additionally, WVDEP's 2010 submittal includes provisions allowing sources to offset emissions increases of direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors with reductions of either direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors in accordance with offset ratios contained in the approved SIP for the applicable nonattainment area, including the default interpollutant trading ratios that were included in EPA's 2008 NSR $PM_{2.5}$ Rule. EPA continues to support the policy of allowing an interpollutant offset program, provided that a state develops a technical demonstration justifying the ratios to be used, and showing the net air quality benefits of such ratios for the $PM_{2.5}$ nonattainment area in which it will be applied. WVDEP did not provide a technical justification or describe a net air quality benefit of the interpollutant trading ratios in its 2010 submittal. However, in the subsequent 2014 submittal, WVDEP removed the provisions that would have allowed interpollutant trading for $PM_{2.5}$. As previously stated, inclusion of interpollutant trading ratios is discretionary on the part of the states, and only permitted upon approval by EPA. West Virginia's inclusion of these interpollutant trading ratios in the 2010 SIP without proper justification has no bearing on EPA's action in this proposed rule, since the most recent SIP submitted and current regulations in effect in West Virginia (*i.e.* the NSR regulations at 45CSR19 included in the 2014 submittal) do not include these provisions.

In light of the D.C. Circuit's remand of the 2008 NSR $PM_{2.5}$ Rule, EPA is in the process of evaluating the requirements of subpart 4 as they pertain to nonattainment NSR. In particular, subpart 4 includes section 189(e) of the CAA, which requires the control of major stationary sources of PM_{10} precursors (and hence under the court decision, $PM_{2.5}$ precursors) ''except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area.'' The evaluation of which precursors need to be controlled to achieve the standard in a particular area is typically conducted in the context of the state's preparing and the EPA's reviewing an area's attainment plan SIP.

West Virginia's nonattainment NSR regulations at 45CSR19 do not fully address all potential precursors to $PM_{2.5}$. The West Virginia SIP submissions included revisions to the definition of ''regulated NSR pollutant'' at 45CSR19–2.61.c which identifies precursors to both ozone and $PM_{2.5}$ in nonattainment areas. With respect to $PM_{2.5}$, the revised definition of ''regulated NSR pollutant'' at 45CSR19–2.61.c identifies SO_2 and NO_X as regulated $PM_{2.5}$ precursors while volatile organic compounds (VOCs) and ammonia are not identified as regulated $PM_{2.5}$ precursors in $PM_{2.5}$ nonattainment areas in the State. These revisions, although consistent with the 2008 NSR $PM_{2.5}$ Rule as developed consistent with subpart 1, may not contain the elements necessary to satisfy the CAA requirements when evaluated under the subpart 4 CAA statutory requirements. In particular, West Virginia's submission does not include regulation of VOCs and ammonia as $PM_{2.5}$ precursors, nor does it include a demonstration consistent with section 189(e) showing that major sources of those precursor pollutants would not contribute significantly to $PM_{2.5}$ levels exceeding the standard in the area.

However, while West Virginia's submittals do not yet contain all of the elements necessary to satisfy the CAA requirements when evaluated under subpart 4, there are currently no designated $PM_{2.5}$ nonattainment areas in West Virginia for any $PM_{2.5}$ NAAQS since the Martinsburg-Hagerstown nonattainment area in West Virginia was redesignated to attainment on November 25, 2014 (79 FR 70099). As a result, West Virginia is no longer obligated to submit an NNSR SIP revision under section 189 of the CAA addressing $PM_{2.5}$ NNSR permitting requirements, which include the subpart 4 requirements.[7] Therefore, EPA is proposing to grant approval to the nonattainment NSR provisions in West Virginia's 2010, 2011, 2012, and 2014 SIP submittals for revisions to 45CSR19 for nonattainment NSR requirements for $PM_{2.5}$.

III. Proposed Action

EPA's review of this material indicates that the 2010, 2011, 2012 and 2014 SIP submittals collectively meet the federal counterpart requirements in 40 CFR parts 51 and 52 for a nonattainment NSR permitting program. For the reasons stated previously, EPA is proposing to grant approval to these WV SIP submissions with the exception of the revisions to 45CSR19–2.35.e.20 and 3.7.a.20. EPA is taking no action on 45CSR19 regulations relating to the definition of ''chemical process plants'' which are at 45CSR19–2.35.e.20 and 3.7.a.20. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. 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 approves 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

[7] To the extent that any area is designated nonattainment for $PM_{2.5}$ in the future in West Virginia, the State will have to make a submission within the timeframe provided by section 189(a)(2) of the CAA addressing how its NNSR permitting program satisfies the CAA statutory requirements as to $PM_{2.5}$, including subpart 4 and any applicable $PM_{2.5}$ federal implementation rules.

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 proposed rule, relating to West Virginia's nonattainment NSR program, 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: January 23, 2015.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2015–02304 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2014–0831; FRL–9922–44–OAR]

40 CFR Part 98

RIN 2060–AS37

Greenhouse Gas Reporting Rule: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is announcing an extension of the public comment period for the proposed rule titled ''Greenhouse Gas Reporting Program: 2015 Revision and Confidentiality Determinations for Petroleum and Natural Gas Systems''. The public comment period for this proposal began on December 9, 2014. This document announces the extension of the deadline for public comment from February 9, 2015 to February 24, 2015.

DATES: The comment period for the proposed rule published on December 9, 2014 (79 FR 73147) has been extended. Comments must be received on or before February 24, 2015.

ADDRESSES: You may submit your comments, identified by Docket ID No. EPA–HQ–OAR–2014–0831 by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Email: A-and-R-Docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2014–0831 or RIN No. 2060–AS37 in the subject line of the message.

• *Fax:* (202) 566–9744.

• *Mail:* Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode 28221T, Attention Docket ID No. EPA–HQ–OAR–2014–0831, 1200 Pennsylvania Avenue NW., Washington, DC 20460. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th Street NW., Washington, DC 20503.

• *Hand/Courier Delivery:* EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW., Washington, DC 20004. Such deliveries are accepted only during the normal hours of operation of the Docket Center, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2014–0831. 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.

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 for viewing at the EPA Docket Center. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. This Docket Facility 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 Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Carole Cook, Climate Change Division, Office of Atmospheric Programs (MC–6207A), Environmental Protection

Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9263; fax number: (202) 343–2342; email address: *GHGReporting@epa.gov.* For technical questions, please see the Greenhouse Gas Reporting Program Web site *http://www.epa.gov/ghgreporting/index.html.* To submit a question, select *Help Center,* followed by *Contact Us.*

SUPPLEMENTARY INFORMATION:

Worldwide Web (WWW)

In addition to being available in the docket, an electronic copy of this document will also be available through the WWW. Following signature, a copy of this action will be posted on the EPA's greenhouse gas reporting rule Web site at *http://www.epa.gov/ghgreporting/index.html.*

Additional Information on Submitting Comments

To expedite review of your comments by Agency staff, you are encouraged to send a separate copy of your comments, in addition to the copy you submit to the official docket, to Carole Cook, U.S. EPA, Office of Atmospheric Programs, Climate Change Division, Mail Code 6207A, Washington, DC 20460, telephone (202) 343–9263, email address: *GHGReporting@epa.gov.*

Background

In this action, the EPA is providing notice that it is extending the comment period on the proposed rule titled ''Greenhouse Gas Reporting Program: 2015 Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems'', which was published on December 9, 2014 (79 FR 73147). The previous deadline for submitting public comment on that rule was February 9, 2015. The EPA is extending that deadline to February 24, 2015. This extension will provide the general public additional time for participation and comments.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Dated: January 28, 2015.

Sarah Dunham,

Director, Office of Atmospheric Programs.

[FR Doc. 2015–02334 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA–HQ–SFUND–1991–0006; FRL–9922–50–Region 8]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List: Deletion of the Midvale Slag Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of intent.

SUMMARY: The U.S. Environmental Protection Agency (EPA) Region 8 is issuing a Notice of Intent to Delete the Midvale Slag Superfund Site (Site), located in Salt Lake County, Utah from the National Priorities List (NPL) and requests 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). The EPA and the State of Utah, through the Utah Department of Environmental Quality (UDEQ), have determined that all appropriate response actions under CERCLA, other than operation, maintenance and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

DATES: Comments must be received by March 9, 2015.

ADDRESSES: Submit your comments, identified by Docket ID no. EPA–HQ–SFUND–1991–0006, by one of the following methods: (1) *http://www.regulations.gov:* Follow on-line instructions for submitting comments. (2) *Email: waterman.erna@epa.gov* (3) *Fax:* 303–312–7151 (4) *Mail:* Erna Waterman, Remedial Project Manager, U.S. EPA, Region 8, Mail Code 8EPR–SR, 1595 Wynkoop Street, Denver, CO 80202–1129 (5) *Hand delivery:* US EPA, Region 8, 1595 Wynkoop Street, EPR–SR, Denver, CO 80202–1129. Such deliveries are only accepted during EPA's normal hours of operation (9 a.m. to 5 p.m.), and special arrangements should be made for deliveries of boxed information.

FOR FURTHER INFORMATION CONTACT: Erna Waterman, Remedial Project Manager, U.S. EPA Region 8, Mail code: 8EPR–SR, 1595 Wynkoop Street, Denver, CO 80202–1129; Phone: (303) 312–6762; Email: *waterman.erna@epa.gov.* You may contact Erna to request a hard copy of publicly available docket materials.

SUPPLEMENTARY INFORMATION: In the ''Rules and Regulations'' Section of this **Federal Register**, we are publishing a direct final Notice of Deletion of the Midvale Slag Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time.

For additional information, see the direct final Notice of Deletion 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 substances, Hazardous waste, 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. 9601–9657; E.O. 13626, 77 FR 56749, 3CFR, 2013 Comp., p.306; 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 23, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2015–02331 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[WT Docket No. 10–254; WT Docket No. 07–250; DA 15–46]

Request for Updated Information and Comment on Wireless Hearing Aid Compatibility Regulations; Correction and Extension of Comment Dates

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction and extension of comment dates.

SUMMARY: On December 23, 2014, the Wireless Telecommunications Bureau and the Consumer and Governmental Affairs Bureau published a document seeking updated input to better understand the current consumer experience with hearing aid compatible wireless handsets, to explore technical or other barriers to the provision of hearing aid compatible devices on new wireless technologies, and to consider changes to its rules that may be necessary to ensure that wireless handsets used with advanced communications services are accessible in light of directives contained in the Twenty-First Century Communications and Video Accessibility Act (CVAA). The comment date was erroneously published as an effective date and neither the comment nor the comment-reply date was provided. We also failed to provide an address for submission of comments. This document corrects those errors and extends the time within which to file comments and reply comments.

DATES: The comment date for the proposed rule changes published December 23, 2014, at 79 FR 76944, is extended until February 5, 2015. Reply comments are due on or before February 20, 2015.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Eli Johnson, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, (202) 418–1395 or by email *Eli.Johnson@fcc.gov.*

SUPPLEMENTARY INFORMATION: The **DATES** section for the proposed rule changes published December 23, 2014, at 79 FR 76944, was incorrect. It should have provided a comment due date of January 22, 2015, and a comment-reply date of February 6, 2015. In response to a joint request by Telecommunications Industry Association, CTIA—The Wireless Association, and Hearing Loss Association of America (collectively, ''Petitioners''), these comment and comment-reply dates are extended to February 5, 2015, and February 20, 2015, respectively. The **DATES** section in this document is correct, and an **ADDRESSES** section is provided.

Below is a summary of the Order in WT Docket Nos. 10–254 and 07–250; DA 15–46, released January 12, 2015, granting Petitioners' extension request. The full text of the Order is available for public inspection and copying during business hours in the FCC's Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. Also, it may be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554; the contractor's Web site, *http://www.bcpiweb.com;* or by calling (800) 378–3160, facsimile (202) 488–5563, or email *FCC@BCPIWEB.com.* Copies of the Order also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by using the search function for WT Docket No. 10–254 or 07–250. Additionally, the complete item is available on the Federal Communications Commission's Web site at *http://www.fcc.gov.*

1. On November 21, 2014, the Wireless Telecommunications Bureau and the Consumer and Government Affairs Bureau released a Public Notice in which the Commission sought updated comment and reply comment in its ongoing review of the wireless hearing aid compatibility rules. The Public Notice set the deadline for filing comments as January 22, 2015 and the deadline for reply comments as February 6, 2015. On January 6, 2015, Petitioners filed a joint request to extend the established comment and reply comment deadlines by 30 days. Petitioners argue that a 30 day extension is in the public interest as it allows them to develop meaningful, substantive responses to the questions raised in the Public Notice. As a result, Petitioners state that a more robust record will be developed if a 30 day extension is granted. In addition, Petitioners emphasize that the extension would be particularly useful in light of the holidays that fell within the window to file comments.

2. The Commission does not routinely grant extensions of time. Given the intervening holidays, however, the Commission will grant a 14 day extension to the filing deadlines. The Commission wishes to encourage the thoughtful consideration of the complex issues raised in this proceeding, and the Commission believes the additional time will facilitate careful and deliberate considerations of these matters. At the same time, a 14 day extension will not unduly delay the resolution of the issues raised in the Public Notice.

3. Accordingly, *it is ordered* that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and §§ 0.51, 0.261, and 1.46 of the Commission's rules, 47 CFR 0.51, 0.261, and 1.46, the Joint Request for Extension of Comment and Reply Comment Deadlines filed by the Telecommunications Industry Association, CTIA—The Wireless Association, and Hearing Loss Association of America *is granted* to the extent indicated herein and the deadlines to file comments in this proceeding are extended to February 5, 2015, and reply comments to February 20, 2015.

Federal Communications Commission.

Amy Brett,

Associate Division Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2015–02427 Filed 2–4–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 80, No. 24

Thursday, February 5, 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

Forest Service

Annual List of Newspapers To Be Used by the Alaska Region for Publication of Legal Notices of Proposed Projects and Activities Implementing Land and Resource Management Plans, Including Hazardous Fuel Reduction Projects, Subject to the Pre-Decisional Administrative Review Process at 36 CFR 218, Subparts A, B and C

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that Ranger Districts, Forests, and the Regional Office of the Alaska Region will use to publish legal notices of the opportunity to object to proposed projects and activities implementing land and resource management plans, including hazardous fuel reduction projects authorized under the Healthy Forests Restoration Act of 2003. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notice of actions subject to the pre-decisional administrative review process at 36 CFR 218, thereby allowing them to receive constructive notice of the proposed actions, to provide clear evidence of timely notice, and to achieve consistency in administering the pre-decisional review process.

DATES: Publication of legal notices in the listed newspapers begins on March 1, 2015. This list of newspapers will remain in effect until it is superceded by a new list, published in the **Federal Register**.

ADDRESSES: Robin Dale, Alaska Region Group Leader for Appeals, Litigation and FOIA; Forest Service, Alaska Region; P.O. Box 21628; Juneau, Alaska 99802–1628.

FOR FURTHER INFORMATION CONTACT: Robin Dale; Alaska Region Group Leader for Appeals, Litigation and FOIA; (907) 586–9344.

SUPPLEMENTARY INFORMATION: This notice provides the list of newspapers that Responsible Officials in the Alaska Region will use to give notice of projects and activities implementing land and resource management plans, including hazardous fuel reduction projects authorized under the Healthy Forests Restoration Act of 2003, subject to the pre-decisional administrative review process at 36 CFR 218. The timeframe for objection to a proposed project subject to this process shall be based on the date of publication of the legal notice of the project in the newspaper of record identified in this notice.

The newspapers to be used for giving notice of Forest Service projects in the Alaska Region are as follows:

Alaska Regional Office

Decisions of the Alaska Regional Forester: Juneau Empire, published daily except Saturday and official holidays in Juneau, Alaska; and the Anchorage Dispatch News, published daily in Anchorage, Alaska.

Chugach National Forest

Decisions of the Forest Supervisor and the Glacier and Seward District Rangers: Anchorage Dispatch News, published daily in Anchorage, Alaska.

Decisions of the Cordova District Ranger: Cordova Times, published weekly in Cordova, Alaska.

Tongass National Forest

Decisions of the Forest Supervisor and the Craig, Ketchikan/Misty, and Thorne Bay District Rangers: Ketchikan Daily News, published daily except Sundays and official holidays in Ketchikan, Alaska.

Decisions of the Admiralty Island National Monument Ranger, the Juneau District Ranger, the Hoonah District Ranger, and the Yakutat District Ranger: Juneau Empire, published daily except Saturday and official holidays in Juneau, Alaska.

Decisions of the Petersburg District Ranger: Petersburg Pilot, published weekly in Petersburg, Alaska.

Decisions of the Sitka District Ranger: Daily Sitka Sentinel, published daily except Saturday, Sunday, and official holidays in Sitka, Alaska.

Decisions of the Wrangell District Ranger: Wrangell Sentinel, published weekly in Wrangell, Alaska.

Supplemental notices may be published in any newspaper, but the timeframes for filing objections will be calculated based upon the date that legal notices are published in the newspapers of record listed in this notice.

Dated: January 23, 2015.

Rebecca S. Nourse,

Deputy Regional Forester.

[FR Doc. 2015–02230 Filed –2–4; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers for Publication of Legal Notices in the Northern Region

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Forests, Grasslands, and the Regional Office of the Northern Region to publish legal notices for public comment and decisions subject to predecisional administrative review under 36 CFR 218 and 219. The intended effect of this action is to inform interested members of the public which newspapers will be used to publish legal notices for public comment or decisions; thereby allowing them to receive constructive notice of a decision, to provide clear evidence of timely notice, and to achieve consistency in administering the objection processes.

DATES: Publication of legal notices in the listed newspapers will begin with decisions subject to administrative review that are made the first day following the date of this publication. The list of newspapers will remain in effect until another notice is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Regional Administrative Review Coordinator; Northern Region; P.O. Box 7669; Missoula, Montana 59807. Phone: (406) 329–3381.

SUPPLEMENTARY INFORMATION: The newspapers to be used are as follows:

Northern Region Regional Forester Decisions for:

Montana: The Missoulian, Great Falls Tribune, and The Billings Gazette;

Northern Idaho and Eastern Washington: Coeur d'Alene Press and Lewiston Tribune;

North Dakota and South Dakota: Bismarck Tribune.

Northern Region Forest Supervisor and District Ranger Decisions for:

Beaverhead/Deerlodge National Forest (NF)—Montana Standard;

Bitterroot NF—Ravalli Republic;

Custer NF—Billings Gazette (Montana); Rapid City Journal (South Dakota);

Dakota Prairie Grasslands—Bismarck Tribune (North and South Dakota);

Flathead NF—Daily Inter Lake;

Gallatin NF—Bozeman Chronicle;

Helena NF—Independent Record;

Idaho Panhandle NFs—Coeur d'Alene Press;

Kootenai NF—Missoulian (Note this change as it was previously the Daily Inter Lake);

Lewis & Clark NF—Great Falls Tribune;

Lolo NF—Missoulian;

Nez Perce-Clearwater NFs—Lewiston Tribune.

Supplemental notices may be placed in any newspaper, but timeframes/deadlines will be calculated based upon notices in newspapers of record listed above.

Dated: January 26, 2015.

Faye L. Krueger,

Regional Forester.

[FR Doc. 2015–02280 Filed 2–4–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, DOC.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The teleconference meeting is scheduled for Friday, February 27, 2015, at 11:00 a.m. Eastern Standard Time (EST). Please register by 5:00 p.m. EST on Friday, February 20, 2015 to listen in on the teleconference meeting.

ADDRESSES: The meeting will take place via teleconference. For logistical reasons, all participants are required to register in advance by the date specified above. Please contact Ms. Maureen Hinman at the contact information below to register and obtain call-in information.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Hinman, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue, NW., Washington, DC 20230. Phone: 202–482–0627; Fax: 202–482–5665; email: *maureen.hinman@trade.gov.*

SUPPLEMENTARY INFORMATION:

The meeting will take place from 11:00 a.m. to 1:00 p.m. EST. This meeting is open to the public. Written comments concerning ETTAC affairs are welcome any time before or after the meeting. Minutes will be available within 30 days of this meeting.

Topic to be considered: The agenda for the February 27, 2015 includes providing the newly chartered committee with an overview of committee operations and a briefing on Federal Advisory Committee Act (FACA) requirements. The committee will also deliberate on and approve the composition of subcommittees as well as the proposed chair, vice-chair, and subcommittee chairs.

Background: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was originally chartered in May of 1994. It was most recently re-chartered until August 2016.

The teleconference will be accessible to people with disabilities. Please specify any requests for reasonable accommodation when registering to participate in the teleconference. Last minute requests will be accepted, but may be impossible to fulfill.

No time will be available for oral comments from members of the public during this meeting. As noted above, any member of the public may submit pertinent written comments concerning the Committee's affairs at any time before or after the meeting. Comments may be submitted to Ms. Maureen Hinman at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. EST on Friday, February 20, 2015, to ensure transmission to the Committee prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Dated: January 30, 2015.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2015–02349 Filed 2–4–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Tuesday, March 10, 2015, at 8:30 a.m. Eastern Standard Time (EST).

ADDRESSES: The meeting will be held in Room 4830 at the U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Hinman, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230; Phone: 202–482–0627; Fax: 202–482–5665; email: *maureen.hinman@trade.gov.*). This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at (202) 482–5225 no less than one week prior to the meeting.

SUPPLEMENTARY INFORMATION:

The meeting will take place from 8:30 a.m. to 3:30 p.m. EST. The general meeting is open to the public and time will be permitted for public comment from 3:00–3:30 p.m. EST. Those interested in attending must provide notification by Tuesday, February 24, 2015 at 5:00 p.m. EST, via the contact information provided above. Written comments concerning ETTAC affairs are welcome any time before or after the meeting. Minutes will be available within 30 days of this meeting.

Topics to be considered:

The agenda for this meeting will include discussion of priorities and objectives for the newly chartered committee. A status update of the

recommendations rendered by the previous committee will also be provided.

Background: The ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently re-chartered until August 2016.

Dated: January 30, 2015.

Edward A. O'Malley,

Office Director, Office of Energy and Environmental Industries.

[FR Doc. 2015–02352 Filed 2–4–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Ports and Marine Technology Trade Mission to India

February 2–6, 2015.

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice; Recruitment Suspension.

SUMMARY: The United States Department of Commerce, International Trade Administration, Industry and Analysis is amending a notice for the *Ports and Marine Technology Trade Mission to India* scheduled for February 2–6, 2015, published November 19, 2014, to notify potential applicants that recruitment has been suspended until further notice.

Additional Information: On November 19, 2014, the International Trade Administration published a notice in the **Federal Register** (79 FR 68862) announcing an Executive-led ports and marine technology trade mission to India to be held February 2–6, 2014. The notice provided delegates that the trade mission application deadline is extended to November 21, 2014 and to add a second optional stop to an Easter port, Visakhapatnam, India. This notice suspends recruitment for the mission until further notice.

FOR FURTHER INFORMATION CONTACT: Frank Spector, Office of Industry and Analysis, Trade Promotion Programs, Phone: 202–482–2054; Fax: 202–482–9000, Email: *Frank.Spector@trade.gov.*

Frank Spector,

Senior International Trade Specialist.

[FR Doc. 2015–02235 Filed 2–4–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD752

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a Webinar meeting of its Standing and Special Reef Fish Scientific Statistical Committee (SSC).

DATES: The Webinar will be held, Thursday, February 19, 2015, from 2 p.m. to 4 p.m., Eastern Time.

ADDRESSES:

Meeting Address: The meeting will be held via Webinar—registration information can be found at *http://gulfcouncil.org/council_meetings/panel_committee_meetings.php.*

Council Address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *mailto:steven.atran@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Standing and Special Reef Fish SSC Agenda, Thursday, February 19, 2015, From 2 p.m. Until 4 p.m., Eastern Time

(1) Review Provisional 2014 *Red Snapper* Estimates.

(2) Review *Red Snapper* ABC Recommendation.

(3) Other Business.

—Adjourn—

For meeting materials see folder ''SSC meeting-2015–02 webinar'' on the Gulf Council file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. The Agenda is subject to change.

The meeting will be webcast over the Internet. A link to the webcast will be available on the Council's Web site *http://www.gulfcouncil.org.*

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 2, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–02287 Filed 2–4–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant Advisory Board

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Sea Grant Advisory Board (Board). Board members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the agenda found on the National Sea Grant College Program Web site at *http://seagrant.noaa.gov/WhoWeAre/Leadership/*

NationalSeaGrantAdvisoryBoard/UpcomingAdvisoryBoardMeetings.aspx.

DATES: The announced meeting is scheduled Monday, March 2, 2015 from 8:30 a.m.–4:00 p.m. EST, and Tuesday, March 3 from 9:00 a.m.–12:00 p.m. EST.

ADDRESSES: The meeting will be held at the Washington Plaza Hotel, 10 Thomas Circle, Northwest, Washington, DC 20005.

Status: The meeting will be open to public participation with a 15-minute public comment period on Tuesday, March 3 at 9:15 a.m. EST (check agenda on Web site to confirm time.)

The Board expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by the Designated Federal Officer by Monday, February 23, 2015 to provide sufficient time for Board review. Written comments received after February 23, 2015 will be distributed to the Board, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Special Accomodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Elizabeth Rohring, Designated Federal Officer at 301–734–1082 by Wednesday, February 18, 2015.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth Rohring, Designated Federal Officer, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 11843, Silver Spring, Maryland 20910, (301) 734–1082.

SUPPLEMENTARY INFORMATION: The Board, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by Section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Board advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice.

The agenda for this meeting will be available at *http://seagrant.noaa.gov/WhoWeAre/Leadership/NationalSeaGrantAdvisoryBoard/UpcomingAdvisoryBoardMeetings.aspx.*

Dated: January 30, 2015.

Jason Donaldson,

Chief Financial Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–02339 Filed 2–4–15; 8:45 am]

BILLING CODE 3510–KA–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 19 February 2015, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *staff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: 28 January 2015, in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2015–02128 Filed 2–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0011]

Privacy Act of 1974; System of Records

AGENCY: Defense Contract Audit Agency, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Defense Contract Audit Agency (DCAA) proposes to amend a system of records notice, RDCAA 240.3, entitled ''Legal Opinions'' in its existing inventory of record systems subject to the Privacy Act of 1974, as amended. This system is used to maintain a historical reference for matters of legal precedence within DCAA to ensure consistency of action and the legal sufficiency of personnel actions.

DATES: Comments will be accepted on or before March 9, 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: Mr. Keith Mastromichalis, DCAA FOIA/Privacy Act Management Analyst, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219, Telephone number: (703) 767–1022.

SUPPLEMENTARY INFORMATION: The Defense Contract Audit Agency system of records notices subject to the Privacy Act of 1974, 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 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 16, 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.

RDCAA 240.3

SYSTEM NAME:

Legal Opinions (January 3, 2011, 76 FR 115)

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Any DCAA employee who is involved in personnel-related issues that require a legal opinion or legal representation for resolution.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Full name of the individual, current address and telephone number. Office of the General Counsel files contain documents and background material related to: fraud investigations; personnel matters, including grievances and matters within the jurisdiction of the Equal Employment Opportunity Commission, Merit Systems Protection Board, Office of Special Counsel, and Federal Labor Relations Authority; and security violations. Files contain copies of interoffice memoranda, statements of witnesses, reports of interviews and hearings, investigative materials, litigation reports, pleadings, correspondence, notes, Agency determinations, decision documents, and materials developed during, or in anticipation of, litigation.''

* * * * *

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 DCAA's compilation of systems of records notices may apply to this system. The complete list of DoD blanket routine uses can be found online at: *http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx.''*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Delete entry and replace with ''Paper records and/or electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''By individual's name, subject, and case number.''

SAFEGUARDS:

Delete entry and replace with ''Under staff supervision during duty hours; security guards are provided during non-duty hours. Access to facilities is limited to security-cleared personnel and escorted visitors only. Files are stored in lockable containers and on electronic media made available only to individuals specifically authorized to access (*e.g.,* access is controlled by computer accounts and passwords).''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''General Counsel, Headquarters, Defense Contract Audit Agency, 8725 John J. Kingman Road, Suite 2135, Fort Belvoir, VA 22060–6219.''

* * * * *

CONTESTING RECORD PROCEDURES:

Delete entry and replace with ''DCAA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DCAA Instruction 5410.10; 32 CFR part 317; or may be obtained from the system manager.''

* * * * *

[FR Doc. 2015–02219 Filed 2–4–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Migrant Education Program (MEP) Consortium Incentive Grant Program

AGENCY: Office of Elementary and Secondary Education, Department of Education

ACTION: Notice.

Overview Information

Migrant Education Program (MEP) Consortium Incentive Grant Program Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.144F.

DATES: *Applications Available:* February 5, 2015.

Deadline for Transmittal of Applications: April 20, 2015.

Deadline for Intergovernmental Review: April 6, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the MEP Consortium Incentive Grant program is to provide incentive grants to State educational agencies (SEAs) that participate in a consortium with one or more other SEAs or other appropriate entities to improve the delivery of services to migrant children whose education is interrupted. Through this program, the Department provides financial incentives to SEAs to participate in high-quality consortia to improve the intrastate and interstate coordination of migrant education programs by addressing key needs of migratory children whose education is interrupted.

Priorities: These priorities are from the notice of final requirements for this program, published in the **Federal Register** on March 3, 2004 (69 FR 10110), and from the notice of final priority for this program, published in the **Federal Register** on March 12, 2008 (73 FR 13217).

Absolute Priorities: For FY 2015, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet one or more of these absolute priorities. In order for an SEA to be considered for an incentive grant, an application from a proposed consortium in which the SEA would participate must address one or more of the following absolute priorities:

Priority 1: Services designed to improve the proper and timely identification and recruitment of eligible migratory children whose education is interrupted.

Priority 2: Services designed (based on a review of scientifically based research) to improve the school readiness of preschool-aged migratory children whose education is interrupted.

Priority 3: Services designed (based on a review of scientifically based research) to improve the reading proficiency of migratory children whose education is interrupted.

Priority 4: Services designed (based on a review of scientifically based research) to improve the mathematics proficiency of migratory children whose education is interrupted.

Priority 5: Services designed (based on a review of scientifically based research) to decrease the dropout rate of migratory students whose education is interrupted and improve their high school completion rate.

Priority 6: Services designed (based on a review of scientifically based research) to strengthen the involvement of migratory parents in the education of migratory students whose education is interrupted.

Priority 7: Services designed (based on a review of scientifically based research) to expand access to innovative educational technologies intended to increase the academic achievement of migratory students whose education is interrupted.

Priority 8: Services designed (based on a review of scientifically based research) to improve the educational attainment of out-of-school migratory youth whose education is interrupted.

Program Authority: 20 U.S.C. 6398(d).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75 (except 75.232), 76, 77, 79, 82, 84, 85, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200 (except § 200.328(b)), as adopted and amended in 2 CFR part 3474. (c) The notice of final requirements published in the **Federal Register** on March 3, 2004 (69 FR 10110). (d) The notice of final priority published in the **Federal Register** on March 12, 2008 (73 FR 13217). (e) The notice of final requirement published in the **Federal Register** on December 31, 2013 (78 FR 79613).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

II. Award Information

Type of Award: Formula grants.

Estimated Available Funds: $3,000,000.

Estimated Range of Awards: $50,000–$150,000.

Estimated Average Size of Awards: $64,000.

Maximum Award: By statute, the maximum amount that we may award under this program is $250,000.

Estimated Number of Awards: 47.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* SEAs receiving MEP Basic State Formula grants, in a consortium with one or more other SEAs or other appropriate entities.

2. a. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

b. *Supplement-Not-Supplant:* This program involves supplement-not-supplant funding requirements. Pursuant to the notice of final requirements published in the **Federal Register** on March 3, 2004 (69 FR 10110), the supplement-not-supplant provisions in sections 1120A(b) and 1304(c)(2) of the Elementary and Secondary Education Act of 1965, as amended, are applicable to this program.

IV. Application and Submission Information

1. *Address to Request Application Package:* Rachel Crawford, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E319, LBJ, Washington, DC 20202–6135. Telephone: (202)260–2590 or by email: *Rachel.Crawford@ed.gov.* You may also download the application package at: *www2.ed.gov/programs/mepconsortium/applicant.html.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms an applicant must submit, are in the application package for this program.

Page Limit: Part IV of the application is where you, the applicant, describe the proposed consortium and include the Part IV Summary Chart (this chart is explained in the application package). Your description of the proposed consortium must include how the consortium's proposed project meets (1) the *Application Requirements* listed in the notice of final requirements published in the **Federal Register** on March 3, 2004 (69 FR 10110), the notice of final priority published in the **Federal Register** on March 12, 2008 (73 FR 13217), and the notice of final requirement published in the **Federal Register** on December 31, 2013 (78 FR 79613), (2) one or more of the absolute priorities, and (3) the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part IV to no more than 25 double-spaced pages, using the standards in the following paragraphs. Please note that the Summary Chart does not count as part of Part IV for purposes of the page limit.

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.
- For charts, tables, and graphs, use a font that is either 12-point or larger or no smaller than 10 pitch.

The page limit does not apply to the Part IV Summary Chart, Parts I through III, or Parts V through VII, or to any appendices, resumes, bibliography, or letters of support. However, the recommended page limit does apply to the description of the proposed consortium in Part IV of the application.

3. *Submission Dates and Times:*

Applications Available: February 5, 2015.

Deadline for Transmittal of Applications: April 20, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements.*

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: April 6, 2015.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the MEP Consortium Incentive Grant program, CFDA number 84.144F, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the MEP Consortium Incentive Grant program at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.144, not 84.144F).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; *and*

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Rachel Crawford, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E319, Washington, DC 20202–4260.

FAX: (202)205–0089.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.144F), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.144F), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR part 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your consortium application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may also notify you informally.

If an application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* Grant recipients under this program must submit the annual and final performance and financial reports specified in the notice of final requirements for this grant program published in the **Federal Register** on March 3, 2004 (69 FR 10110).

4. *Performance Measures:* Consortium grantees are required to report on their project's effectiveness based on the project objectives, performance measures, and scheduled activities outlined in the consortium's application.

In addition, all grantees are required, under 34 CFR 80.40(b), to report on the Government Performance and Results Act (GPRA) indicators as part of their Consolidated State Performance Report. The GPRA indicators established by the Department for the MEP, of which the Consortium Incentive Grants are a component, are:

a. The percentage of MEP students that scored at or above proficient on their State's annual Reading/Language Arts assessments in grades 3–8.

b. The percentage of MEP students that scored at or above proficient on their State's annual Mathematics assessments in grades 3–8.

c. The percentage of MEP students who were enrolled in grades 7–12, and graduated or were promoted to the next grade level.

d. The percentage of MEP students who entered 11th grade that had received full credit for Algebra I.

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Rachel Crawford, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E319, LBJ, Washington, DC 20202–6135. Telephone: (202)260–2590, or by email: *Rachel.Crawford@ed.gov*.

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities may obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys*. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 2, 2015.

Deborah Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2015–02350 Filed 2–4–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

National Energy Technology Laboratory; Notice of Intent To Grant Partially Exclusive License

AGENCY: National Energy Technology Laboratory, Department of Energy.

ACTION: Notice of intent to grant partially exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). The National Energy Technology Laboratory (NETL) hereby gives notice of its intent to grant a partially exclusive license to practice the invention described and claimed in U.S. Patent Number 8,111,059, titled ''Electric Current Locator'' to KW Associates, LLC., a small business having its principal place of business in Albany, Oregon. The patent is owned by United States of America, as represented by the Department of Energy. The prospective partially exclusive license complies with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: Written comments, objections, or nonexclusive license applications must be received at the address listed below no later than February 20, 2015. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Comments, applications for nonexclusive licenses, or objections relating to the prospective exclusive license should be submitted to Jessica Sosenko, Technology Transfer Program Manager, U.S. Department of Energy, National Energy Technology Laboratory, P.O. Box 10940, Pittsburgh, PA 15236–0940, or via facsimile to (412) 386–5920.

FOR FURTHER INFORMATION CONTACT: Jessica Sosenko, Technology Transfer Program Manager, U.S. Department of

Energy, National Energy Technology Laboratory, P.O. Box 10940, Pittsburgh, PA 15236; Telephone (412) 386–7417; Email: *jessica.sosenko@netl.doe.gov.*

SUPPLEMENTARY INFORMATION: Section 209(c) of title 35 of the United States Code gives the U.S. Department of Energy (DOE) the authority to grant exclusive or partially exclusive licenses in Department-owned inventions where a determination can be made, among other things, that the desired practical application of the invention has not been achieved, or is not likely to be achieved expeditiously, under a nonexclusive license. The statute and implementing regulations (37 CFR 404) require that the necessary determinations be made after public notice and opportunity for filing written comments and objections.

KW Associations, LLC, a small business, has applied for a partially exclusive license to practice the invention and has a plan for commercialization of the invention. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 15 days of publication of this notice, NETL's Technology Transfer Manager (contact information listed above), receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention, in which applicant states that it already has brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The proposed license will be partially exclusive, subject to a license and other rights retained by the United States, and subject to a negotiated royalty. The exclusive field of use is: Industrial processes exhibiting diffuse current paths, such as specialty steel and alloy processing, industrial microwave processing, solid state energy systems, and other high temperature industrial processes. DOE will review all timely written responses to this notice, and will grant the license if, after expiration of the 15-day notice period, and after consideration of any written responses to this notice, a determination is made in accordance with 35 U.S.C. 209(c) that the license is in the public interest.

Issued: January 20, 2015.

Grace M. Bochenek,

Director, National Energy Technology Laboratory.

[FR Doc. 2015–02297 Filed 2–4–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Quadrennial Technology Review Workshop

AGENCY: Office of the Under Secretary for Science and Energy, Quadrennial Technology Review Task Force, Department of Energy.

ACTION: Notice of open meeting and request for public comment.

SUMMARY: The Department of Energy (DOE) is conducting a comprehensive assessment of science and energy technology research, development, demonstration, and deployment (RD3) opportunities to address our nation's energy-linked economic, environmental, and security challenges. This comprehensive document—the 2015 edition of the DOE's Quadrennial Technology Review, or QTR–2015—is examining an ''all of the above'' range of energy technologies to inform the configuration of the Department's programs and priorities, industry and university engagement, and national lab activities, and will serve as a key input into the Department's forthcoming Science and Energy Plan.

DATES: A series of open meetings will be held between February 11 and March 4 to describe work in progress. Written comments should be submitted on or before March 9, 2015.

ADDRESSES: The meetings will be held via webinar and conference call. The schedule and the web links will be provided at *http://www.energy.gov/qtr* by February 10.

Comments may be submitted electronically to: *DOE–QTR2015@hq.doe.gov* or by U.S. mail to the Office of the Under Secretary of Science and Energy, S–4, QTR Meeting Comments, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121.

FOR FURTHER INFORMATION CONTACT: Dr. Sam Baldwin, S–4, U.S. Department of Energy, Office of the Under Secretary for Science and Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–0927. Email: *DOE–QTR2015@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: The nation faces serious energy-linked economic, environmental, and security challenges. Addressing these challenges requires an aggressive plan for our science and energy enterprise while ensuring that America maintains its leadership in a broad range of science and technology activities. These activities include basic and applied research in the physical sciences, developing the next generation of computational technology and developing and maintaining world class scientific user facilities. The output of the QTR process will be coordinated with the Quadrennial Energy Review (QER). These planning products will build and extend existing strategic, program and budget planning activities within the Science and Energy offices and are expected to inform ongoing budget discussions.

The QTR 2015, focusing on DOE energy technology RDD&D activities, builds upon the first QTR in 2011, and complements the work of the QER, which focuses on government-wide energy policy. The 2011 QTR was developed in response to the Report to the President on ''Accelerating the Pace of Change in Energy Technologies through an Integrated Federal Energy Policy'' by the President's Council of Advisors on Science and Technology. The first QTR defined a framework for understanding and discussing energy system challenges, established a set of priorities for the Department, and explained to stakeholders the roles of DOE and the national laboratories, the broader government, the private sector, academia, and innovation in energy transformation.

QTR 2015 will describe the nation's energy landscape and the dramatic changes that have taken place in the last four years. Specifically, it will begin by building on the first QTR and identifying what has changed in the technologies reviewed within it since 2011. It will then identify the RDD&D activities, opportunities, and pathways forward to help address our national energy challenges. QTR 2015 will approach the analysis from a strong systems perspective, it will explore the integration of science and energy technology RDD&D, it will examine cross-cutting technology RDD&D, and it will conduct an integrated analysis of RDD&D opportunities.

The Department of Energy has the largest role in the Federal Government in conducting energy RDD&D. Many other executive departments and agencies also play important roles in developing and implementing energy RDD&D. In addition, non-Federal actors are crucial contributors to energy RDD&D.

Purpose of the Meeting: The purpose of these meetings is to provide input to

the content of the Quadrennial Technology Review document.

List of Webinars: Individual Webinars will be held for each of the following chapters in the QTR document:

Chapter 1—Energy Challenges
Chapter 2—What has Changed Since QTR–2011
Chapter 3—Energy Systems and Strategies
Chapter 4—Cleaner and Safer Fuel Production
Chapter 5—Enabling Modernization of the Electric Power System
Chapter 6—Clean Electric Power Technologies
Chapter 7—Increasing Efficiency of Building Systems and Technologies
Chapter 8—Increasing Efficiency and Effectiveness of Industry and Manufacturing
Chapter 9—Transportation
Chapter 10—Enabling Capabilities for Science and Energy
Chapter 11—U.S. Competitiveness and R&D Needs
Chapter 12—Integrated Analysis
Chapter 13—Accelerating Science and Energy RDD&D

Public Participation: The Quadrennial Technology Review Task Force welcomes the attendance of the public for these webinars. Due to time constraints, we will only be able to provide clarifying remarks. Written comments are welcome and encouraged. Webinar materials will be posted at *http://www.energy.gov/qtr* following the presentation.

Submitting comments via email. Any contact information provided in your email submission will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). 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.

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 telefacsimiles (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 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.

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. Confidential information should be submitted to the Confidential QTR email address: *DOE-QTR2015-Confidential@hq.doe.gov*.

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).

Issued in Washington, DC on January 30, 2015.

Michael L. Knotek,

Deputy Under Secretary for Science and Energy, Office of the Under Secretary for Science and Energy.

[FR Doc. 2015–02307 Filed 2–4–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–40–000]

Public Service Electric and Gas Company v. PJM Interconnection, LLC; Notice of Complaint

Take notice that on January 29, 2015, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824(e) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Public Service Electric and Gas Company (Complainant or PSE&G), filed a formal complaint against PJM Interconnection, LLC (Respondent or PJM), alleging that PJM violated PSE&G rules governing competitive transmission solicitations to resolve operational performance issues at Artificial Island.[1] PSE&G requests that the Commission order PJM to comply with its rules in this and all future transmission solicitations under Order No. 1000.[2]

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

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

[1] ''Artificial Island'' refers to the transmission and generation infrastructure associated with the second largest nuclear complex in the United States, including the Salem 1 and 2 and Hope Creek nuclear generating units that have a total generating capacity of 3818 MW.

[2] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Pub. Utils.,* Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), order on reh'g, Order No. 1000–A, 139 FERC ¶ 61,132, order on reh'g and clarification, Order No. 1000–B, 141 FERC ¶ 61,044 (2012), affirmed sub. nom. *S.C. Pub. Serv. Auth.* v. *FERC,* 762 F.3d 41 (D.C. Cir. 2014).

become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

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, 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 18, 2015.

Dated: January 29, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02294 Filed 2–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 1855–048, 1892–028 and 1904–076]

TransCanada Hydro Northeast Inc.; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

January 30, 2015.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Extension of license term for three projects.

b. *Project Nos.:* 1855–048, 1892–028, and 1904–076.

c. *Date Filed:* January 16, 2015.

d. *Applicant:* TransCanada Hydro Northeast Inc.

e. *Name of Projects:* Bellows Falls, Wilder, and Vernon Hydroelectric Projects.

f. *Location:* The three projects are located on the Connecticut River in Windham, Windsor and Orange Counties, Vermont, and Cheshire, Sullivan, and Grafton Counties, New Hampshire.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* John L. Ragonese, FERC License Manager, TransCanada Hydro Northeast Inc., 4 Park Street, Suite 402, Concord, NH 03301, (603) 225–5528.

i. *FERC Contact:* B. Peter Yarrington, (202) 502–6129 or *peter.yarrington@ferc.gov.*.

j. *Deadline for filing comments, motions to intervene, and protests:* March 2, 2015

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project numbers (P–1855–048, P–1892–028, and P–1904–076) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears 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. *Description of Application:* The licensee asks the Commission to extend the term of all three project licenses by one year. Such an extension would move the license expiration dates from April 30, 2018 to April 30, 2019. The licensee says the extensions would enable it to complete relicensing studies delayed by the decommissioning of the Vermont Yankee Nuclear Power Plant and would enable the licensee to review and incorporate study results into each license application before filing applications with the Commission. According to the licensee, the extensions would help maintain the integrity of the Integrated Licensing Process, benefit relicensing participants during the pre-filing stage of relicensing, and avoid amendments to the final license applications.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number of any of the three projects, excluding the last three digits, in the docket number field (example: P–1855) to access the document. 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. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (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 commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must

set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by a proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02292 Filed 2–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD15–5–000]

Available Transfer Capability Standards for Wholesale Electric Transmission Services; Supplemental Notice of Workshop on Available Transfer Capability Standards

As announced in a Notice issued on December 30, 2014, the Federal Energy Regulatory Commission (Commission) staff will hold a workshop on Thursday, March 5, 2015 to discuss standards for calculating Available Transfer Capability (ATC) for wholesale electric transmission services. The workshop will be held in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. It will commence at 8:45 a.m. and conclude at 4:15 p.m. This workshop is free of charge and open to the public. Commission members may participate in the workshop.

The agenda for this workshop is attached.

Those who plan to attend the workshop are encouraged to complete the registration form located at: *https://www.ferc.gov/whats-new/registration/03-05-15-form.asp.* There is no registration deadline.

Those wishing to participate in the technical sessions should submit nominations no later than close of business on February 6, 2015 online at: *https://www.ferc.gov/whats-new/registration/03-05-15-speaker-form.asp.*

Transcripts of the workshop will be available for a fee from Ace-Federal Reporters, Inc. (202–347–3700 or 1–800–336–6646). Additionally, there will be a free Webcast of the workshop. The Webcast will allow persons to listen to the workshop but not participate. Anyone with Internet access who wants to listen to the workshop can do so by navigating to the Calendar of Events at *www.ferc.gov,* locating the technical workshop in the Calendar, and clicking on the Webcast link. The Capitol Connection provides technical support for the Webcast and offers the option of listening to the workshop via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.

While this workshop is not convened for the purpose of discussing specific cases, the workshop may address matters that are at issue in the following pending Commission proceeding: North American Electric Reliability Corporation, Docket No. RM14–7–000.

Commission workshops 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 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For further information on this workshop, 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.*

Technical Information

Christopher Young, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6403, *christopher.young@ferc.gov.*

Legal Information

Richard Wartchow, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8744 *richard.wartchow@ferc.gov.*

Dated: January 30, 2015.

Kimberly D. Bose,

Secretary.

Available Transfer Capability Standards for Wholesale Electric Transmission Services

Staff-Led Workshop

Docket No.: AD15–5–000; March 5, 2015; Agenda

This workshop is being convened to discuss actions the Commission could take to ensure that transmission providers continue to calculate and post available transfer capability (ATC) in a manner that ensures nondiscriminatory access to wholesale electric transmission services. This workshop is prompted by the filing by the North American Electric Reliability Corporation (NERC) proposing changes to its ATC-related reliability standards,[1] and the initiative to replace some of these standards with similarly focused business practice standards to be developed by the North American Energy Standards Board (NAESB).[2]

The workshop will address the consistent calculation and transparency of ATC to ensure continued access to the grid by transmission customers on a nondiscriminatory basis, as articulated in Order No. 890 and other Commission orders.[3] In Order No. 890, the Commission required public utilities to work through NERC to develop consistent methodologies for ATC calculation.[4] In Order No. 693,[5] the Commission approved several reliability standards related to ATC while also directing NERC to prospectively modify them.[6] In Order No. 729, the Commission approved six reliability standards that address ATC, making them mandatory and enforceable; concurrently the Commission issued Order No. 676–E, which incorporated by reference in its regulations certain related business practice standards adopted by the Wholesale Electric Quadrant of NAESB.[7] Subsequently, NERC has proposed to retire six standards and replace them with a single modified standard focused on reliability issues.[8] At the workshop, Commission staff will seek input on the appropriate mechanisms to ensure the continued transparency and consistency

[1] NERC's proposal is currently pending before the Commission in the rulemaking: *Modeling, Data, and Analysis Reliability Standards,* Notice of Proposed Rulemaking, Docket No. RM14–7–000; 79 FR 36,269 (June 26, 2014).

[2] *See, e.g.,* the December 18, 2014 status report filed by NAESB in Docket Nos. RM05–5–000 and RM14–7–000.

[3] See, *e.g.; Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, FERC Stats. & Regs. ¶ 31,241, at P 68, *order on reh'g,* Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g,* Order No. 890–B, 123 FERC ¶ 61,299 (2008), *order on reh'g,* Order No. 890–C, 126 FERC ¶ 61,228, *order on clarification,* Order No. 890–D, 129 FERC ¶ 61,126 (2009); *Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments and Mandatory Reliability Standards for the Bulk-Power System,* Order No. 729, 129 FERC ¶ 61,155 (2009), *order on clarification,* Order No. 729–A, 131 FERC ¶ 61,109 (2010), *order on reh'g,* Order No. 729–B, 132 FERC ¶ 61,027 (2010); et al.

[4] *See* Order No. 890 (supra) P 2, P 193–196, etc.

[5] *Mandatory Reliability Standards for the Bulk-Power System,* Order No. 693, 72 FR 16416 (Apr. 4, 2007), FERC Stats. & Regs. ¶ 31,242, at P 1022 (2007), *order on reh'g,* Order No. 693–A, 120 FERC ¶ 61,053 (2007), P 1013.

[6] *See* Order No. 693 (supra).

[7] 129 FERC ¶ 61,162

[8] *Modeling, Data, and Analysis Reliability Standards,* Notice of Proposed Rulemaking, 147 FERC ¶ 61,208 (2014).

of ATC calculation methodologies, and posting of ATC on OASIS.

8:45 a.m.–9:00 a.m. Welcome and Opening Remarks

9:00 a.m.–10:30 a.m. Session 1: Overview and Context of ATC Determination and Posting

Session 1 will explore the role of consistent and transparent ATC determination and posting in ensuring open access to the interstate transmission system. The goal of the session will be to understand the types of high-level decisions that need to be made to develop ATC standards and discuss the proper venue for making those high-level decisions. Participants should address, among other things: (1) The extent to which the currently-effective standards have proven effective for meeting the needs of the industry and the Commission, (2) in general, whether the ATC information currently available to transmission customers is sufficient and sufficiently transparent, (3) the appropriate level of detail or specificity necessary for any rules or standards to ensure transparency and consistency and the elimination of transmission provider discretion in this highly technical topic area, and (4) the appropriate administrative mechanism or form of any rules needed to continue to achieve these goals. Participants may also be asked to discuss how to distinguish reliability concerns from requirements necessary to maintain the open access assurances required in Order Nos. 890 and 729. Further, participants may be asked to discuss the appropriate forum for identifying any gaps or areas of ambiguity in Order Nos. 890 and 729 that should be clarified with respect to ATC. Finally, considering that accurate ATC determination is important to the ultimate assurance of consistency and transparency and to minimize the discretion of transmission providers in calculating ATC, the session may address which aspects of any rules addressing ATC, such as requirements regarding calculations, data inputs or frequency of updates, among other possible examples, are most important for the Commission to consider.

10:30 a.m.–10:45 a.m. Break

10:45 a.m.–12:15 p.m. Session 2: Specific ATC Topics and Requirements

Session 2 will address specific details of ATC, its constituent parts, and related concepts and the degree to which the Commission should include in the *pro forma* OATT or the Commission's regulations requirements addressing these details. For example, staff may seek information about the level of detail required in the ''ATC Implementation Document'' (ATCID) to ensure transparency, the relationship between a transmission provider's planning of operations and the calculation of Total Transfer Capability (TTC) or ATC for the same time periods, and the computation and use of Capacity Benefit Margin and Transmission Reliability Margin. Possible discussion items could also include the determination of TTC and Existing Transmission Commitments (ETC), the requirements in the three existing ''methodology'' standards (Area Interchange Methodology, Rated System Path Methodology, and Flowgate Methodology) that establish a basis for determining the TTC and ETC components of ATC, the interrelationship between the NERC ''MOD A'' standards and other reliability standards, NAESB business practice standards, and the Commission's regulations and the possible need for information sharing between and among transmission providers and other entities. For each of the discussion items, participants may be asked to indicate whether formal Commission guidance, in the form of *pro forma OATT* requirements or new regulations would help to ensure that goals of Order Nos. 890 and 729 are met.

12:15 p.m.–1:15 p.m. Lunch

1:15 p.m.–2:15 p.m. Session 2, Continued

2:15 p.m.–2:30 p.m. Break

2:30 p.m.–4:00 p.m. Session 3: Lessons Learned and Opportunities for Improvement

Session 3, in light of NERC's proposal and NAESB efforts to revise standards for ATC calculations and transparency, will explore what types of changes, if any, need to be taken by NERC, NAESB and/or the Commission to ensure that transmission providers continue to calculate and post ATC in a manner that ensures nondiscriminatory access to wholesale electric transmission services. This session will synthesize the discussion from the first two sessions to explore whether there are changes needed, and the level of detail or guidance needed, in the Commission's regulations or the pro forma Open Access Transmission Tariff. Time permitting, there may be a discussion of whether there are opportunities to apply industry's experience to date, including potential areas for improvement that could enhance the consistency of the three existing calculation methods, and whether the rules addressing ATC could be made more efficient, clear or easier to comply with than they currently are, without compromising open access.

4:00 p.m.–4:15 p.m. Closing

[FR Doc. 2015–02293 Filed 2–4–15; 8:45 a.m.]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2211–007]

Duke Energy Indiana, Inc.; Notice of Application Accepted for Filing, Soliciting Comments, 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. *Application Type:* Extension of license term.

b. *Project No.:* 2211–007.

c. *Date Filed:* August 18, 2014.

d. *Applicant:* Duke Energy Indiana, Inc.

e. *Name of Project:* Markland Hydroelectric Project.

f. *Location:* Ohio River in Switzerland County, Indiana.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Tami Styer, Duke Energy Corporation, EC12Y, P.O. Box 1006 Charlotte, NC 28202, (704) 382–0293.

i. *FERC Contact:* Rebecca Martin, (202) 502–6012, *Rebecca.Martin@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* March 2, 2015.

All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC

20426. Please include the project number (P–2211–007) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears 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. *Description of Application:* On September 7, 2010, the Markland Project was issued a 30-year license that expires May 1, 2041. The licensee requests the Commission extend the term of the license for an additional 20 years from May 1, 2041, to May 1, 2061. The licensee states in its filing that the extension will make the license term consistent with standard Commission policy of issuing 50-year terms for new licenses for projects located at federal dams. The Markland Project is located at an existing U.S. Army Corps of Engineers dam.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also 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 (P–2211) to access the document. 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. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (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 commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by a proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: January 29, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02296 Filed 2–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–61–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

Take notice that on January 20, 2015, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in the above Docket, a prior notice request pursuant to sections 157.205, 157.208, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) and Northern's blanket certificate issued in Docket CP82–401–000, for authorization to: (1) Construct and operate a new 1,590 horsepower Willow Lake compressor station; (2) install and operate a new Watertown branch line takeoff and lateral; (3) construct and operate a new interconnect with Northern Border Pipeline Company; and (4) abandon short segments of pipeline. All facilities are located in South Dakota and designed to provide up to 31, 550 dekatherms (Dth) per day of incremental firm transportation capacity for industrial, commercial and residential use, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also 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 at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Laura Demman, Vice President of Regulatory and Government Affairs, phone (402) 398–7278, facsimile (402) 398–7006, or by email at: *laura.demman@nngco.com,* Dari R. Dornan, Senior Counsel, phone (402) 398–7077, facsimile (402) 398–7426, or by email at: *dari.dornan@nngco.com,* or Michael T. Loeffler, Senior Director of Certificates and External Affairs, phone (402) 398–7103, facsimile (402) 398–7592, or by email at: *mike.loeffler@nngco.com.* All persons located at Northern Natural Gas Company, P.O. Box 3330, Omaha, Nebraska 68103–0330.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn

within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: January 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02290 Filed 2–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–402–001; Docket No. ER15–817–000; Docket No. ER15–861–000]

California Independent System Operator Corporation; Notice of Ferc Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that on the following dates members of its staff will attend teleconferences and meetings to be conducted by the California Independent System Operator (CAISO). The agenda and other documents for the teleconferences and meetings are available on the CAISO's Web site, *www.caiso.com.*

January 30, 2015	Energy Imbalance Market Year 1 Enhancements
February 5, 2015	Board of Governors Meeting
February 5, 2015	Market Update

Sponsored by the CAISO, the teleconferences and meetings are open to all market participants and staff's attendance is part of the Commission's ongoing outreach efforts. The teleconferences and meetings may discuss matters at issue in the above captioned dockets.

FOR FURTHER INFORMATION CONTACT: Saeed Farrokhpay at *saeed.farrokhpay@ferc.gov,* (916) 294–0322.

Dated: January 29, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02295 Filed 2–4–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meeting related to the transmission planning activities of Avista Corporation, Puget Sound Energy, Inc., MATL LLP, and Bonneville Power Administration (together, ColumbiaGrid Public Utilities):

ColumbiaGrid Planning Meeting including Order No 1000 Needs Discussion February 5, 2015, 9:00 a.m.–3:00 p.m. ST).

The above-referenced meeting will be held at: ColumbiaGrid, 8338 NE Alderwood Road, Suite 140, Portland, OR 97220.

The above-referenced meeting will be via Web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at *http://www.columbiagrid.org/event-details.cfm?EventID=995&fromcalendar=1.*

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket No. ER13–94, *Avista Corporation.*

Docket No. ER15–422, *Avista Corporation.*

Docket No. ER13–1730, *Avista Corporation.*

Docket No. ER13–99, *Puget Sound Energy, Inc.*

Docket No. ER15–429, *Puget Sound Energy, Inc.*

Docket No. ER13–1729, *Puget Sound Energy, Inc.*

Docket No. ER13–836, *MATL LLP.*

Docket No. ER14–346, *MATL LLP.*

Docket No. NJ13–1, *Bonneville Power Administration.*

Docket No. NJ13–10, *Bonneville Power Administration.*

For more information, contact Franklin Jackson, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6464 or *Franklin.Jackson@ferc.gov.*

Dated: January 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02291 Filed 2–4–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

Proposed Partial Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed partial consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or the ''Act''), notice is hereby given of a proposed partial consent decree to address a lawsuit filed by the Sierra Club in the United States District Court for the Northern District of California: *Sierra Club* v. *McCarthy,* Civil Action No. 4:14-cv-3198–JSW (N.D. Cal.). On July 15, 2014, Plaintiff filed a complaint and on December 10, 2014, Plaintiff filed a first amended complaint. Plaintiff alleged that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency (''EPA''), failed to: (a) Perform a mandatory duty to find that Tennessee failed to submit a state implementation plan (''SIP'') element for the 2008 ozone National Ambient Air Quality Standard (''NAAQS''); and (b) take timely final action to approve or disapprove, in whole or in part, certain 2008 ozone NAAQS SIP elements from named states. The proposed consent decree would establish deadlines for EPA to take some of these actions.

DATES: Written comments on the proposed partial consent decree must be received by March 9, 2015.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2015–0069, online at *www.regulations.gov* (EPA's preferred method); by email to *oei.docket@epa.gov;* by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD–ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT: Karen Bianco, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202)

564–3298; fax number: (202) 564–5603; email address: *bianco.karen@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Partial Consent Decree

The proposed partial consent decree would resolve a lawsuit filed by the Sierra Club seeking to compel the Administrator to take actions under CAA sections 110(k)(1)–(4). Under the terms of the proposed partial consent decree, EPA would agree to sign a notice of final rulemaking to approve, disapprove, conditionally approve, or approve in part and disapprove in part, certain plans pursuant to sections 110(k)(2)–(4) of the CAA no later than the date indicated below for the following states and elements of section 110(a)(2) for the 2008 ozone NAAQS:

State	SIP Element(s)	Date
a. Alabama	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	October 31, 2015.
b. Alabama	110(a)(2)(D)(i)(II) (prong 4)	May 31, 2016.
c. Arizona	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	June 30, 2015.
d. Arizona	110(a)(2)(D)(i)(I) (prongs 1 and 2) and (II) (prong 4)	June 7, 2016.
e. Colorado	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M)	October 31, 2015.
f. Colorado	110(a)(2)(D)(i)(I) (prongs 1 and 2)	January 29, 2016.
g. Connecticut	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M)	December 31, 2015.
h. Georgia	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	October 31, 2015.
i. Georgia	110(a)(2)(D)(i)(II) (prong 4)	May 31, 2016.
j. Idaho	110(a)(2)(D)(i)(I) (prongs 1 and 2)	January 29, 2016.
k. Illinois	110(a)(2)(A)	May 30, 2015.
l. Illinois	110(a)(2)(E)(ii) and (J) (visibility portion)	August 31, 2015.
m. Indiana	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4 and (J) (visibility portion)).	May 31, 2015.
n. Indiana	110(a)(2)(J) (visibility portion)	August 31, 2015.
o. Indiana	110(a)(2)(D)(i)(I) (prongs 1 and 2) and (D)(i)(II) (prong 4)	June 7, 2016.
p. Iowa	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M)	September 30, 2016.
q. Kansas	110(a)(2)(J) (visibility portion)	November 30, 2015.
r. Maryland	110(a)(2)(D)(i)(I) (prongs 1 and 2)	January 29, 2016.
s. Mississippi	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	October 31, 2015.
t. Mississippi	110(a)(2)(D)(i)(II) (prong 4)	May 31, 2016.
u. Montana	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M)	March 31, 2016.
v. Nebraska	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M)	September 30, 2015.
w. Nebraska	110(a)(2)(D)(i)(I) (prongs 1 and 2)	January 29, 2016.
x. New Hampshire	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M)	December 31, 2015.
y. North Carolina	110(a)(2)(A)–(C), (D)(ii)–(H), (J)–(M) (excluding 110(a)(2)(C) (PSD portion), E(ii), and (J) (PSD portion)).	October 31, 2015.
z. North Carolina	110(a)(2)(C) (PSD portion), (D)(i)(II) (prongs 3 and 4), (E)(ii), and (J) (PSD portion)	May 31, 2016.
aa. North Dakota	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	December 17, 2015.
bb. North Dakota	110(a)(2)(D)(i)(I) (prongs 1 and 2) and (II) (prong 4)	January 29, 2016.
cc. Ohio	110(a)(2)(C) (PSD portion), (D)(i)(II) (prong 3), and (J) (PSD portion)	March 31, 2015.
dd. Ohio	110(a)(2)(J) (visibility portion)	August 31, 2015.
ee. Ohio	110(a)(2)(D)(i)(I) (prongs 1 and 2) and (II) (prong 4)	June 7, 2016.
ff. Oregon	110(a)(2)(D)(i)(I) (prongs 1 and 2)	January 29, 2016.
gg. Rhode Island	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M)	December 31, 2015.
hh. South Carolina	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	October 31, 2015.
ii. South Carolina	110(a)(2)(D)(i)(II) (prong 4)	May 31, 2016.
jj. Texas	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	August 31, 2016.
kk. Texas	110(a)(2)(D)(i)(II) (prong 4)	September 4, 2015.
ll. Texas	110(a)(2)(D)(i)(I) (prongs 1 and 2)	June 7, 2016.
mm. West Virginia	110(a)(2)(E)(ii)	May 31, 2015.
nn. Utah	110(a)(2)(A)–(C), (D)(i)(II)–(H), (J)–(M) (excluding prong 4)	June 30, 2016.
oo. Utah	110(a)(2)(D)(i)(I) (prongs 1 and 2) and (II) (prong 4)	June 7, 2016.

If any State withdraws an above-listed submittal, then EPA's obligation to take the required action with respect to that submittal is automatically terminated.

Under the terms of the proposed consent decree, EPA will send notice of each action to the Office of the Federal Register for review and publication within 15 days of signature. In addition, the proposed consent decree outlines the procedure for the Plaintiff to request costs of litigation, including attorney fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed partial consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed partial consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this partial consent decree should be withdrawn, the terms of the partial consent decree will be affirmed.

II. Additional Information About Commenting on the Proposed Partial Consent Decree

A. How can I get a copy of the consent decree?

The official public docket for this action (identified by EPA–HQ–OGC–2015–0069) contains a copy of the proposed partial consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket

Center 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 OEI Docket is (202) 566–1752.

An electronic version of the public docket is available through *www.regulations.gov.* You may use *www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search''.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at *www.regulations.gov* without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD–ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the *www.regulations.gov* Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an ''anonymous access'' system. If you send an email comment directly to the Docket without going through *www.regulations.gov,* your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: January 27, 2015.

Lorie J. Schmidt,

Associate General Counsel.

[FR Doc. 2015–02269 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0335; FRL–9921–86]

Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted or denied emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions or denials were granted during the period July 1, 2014 to September 30, 2014 to control unforeseen pest outbreaks.

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).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the emergency exemption or denial.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0335, 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.*

II. Background

EPA has granted or denied emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific. EPA has also listed denied emergency exemption requests in this notice.

Under FIFRA section 18 (7 U.S.C. 136p), EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A ''specific exemption'' authorizes use of a pesticide against specific pests on a limited acreage in a particular

State. Most emergency exemptions are specific exemptions.

2. ''Quarantine'' and ''public health'' exemptions are emergency exemptions issued for quarantine or public health purposes. These are rarely requested.

3. A ''crisis exemption'' is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in ''a reasonable certainty of no harm'' to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the ''reasonable certainty of no harm standard'' of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document: EPA identifies the State or Federal agency granted the exemption or denial, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

III. Emergency Exemptions and Denials

A. U.S. States and Territories

Arkansas

State Plant Board

Specific Exemption: EPA authorized the use of sulfoxaflor on sorghum to control sugarcane aphid; July 2, 2014 to October 31, 2014.

Colorado

Department of Agriculture

Specific Exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control *varroa* mite; August 25, 2014 to December 31, 2014.

Florida

Department of Agriculture and Consumer Services

Specific Exemption: EPA authorized the use of clothianidin on immature (3 to 5 years old) citrus trees to manage transmission of Huanglongbing (HLB) disease vectored by the Asian citrus psyllid; September 12, 2014 to October 31, 2014.

Specific Exemption: EPA authorized the use of sulfoxaflor on sorghum to control sugarcane aphid; September 24, 2014 to December 31, 2014.

Georgia

Department of Agriculture

Specific Exemption: EPA authorized the use of sulfoxaflor on sorghum to control sugarcane aphid; September 11, 2014 to November 30, 2014.

Idaho

Department of Agriculture

Crisis Exemption: On July 31, 2014, for use of hexythiazox on sugar beet to control two-spotted spider mites. This program ended on September 30, 2014.

Missouri

Department of Agriculture

Specific Exemption: EPA authorized the use of sulfoxaflor on sorghum to control sugarcane aphid; September 11, 2014 to November 30, 2014.

New Jersey

Department of Environmental Protection

Specific Exemption: EPA authorized the use of bifenthrin on apple, peach, and nectarine to control the brown marmorated stinkbug; July 3, 2014 to October 15, 2014.

Specific Exemption: EPA authorized the use of dinotefuran on pome and stone fruit to control the brown marmorated stinkbug; July 3, 2014 to October 15, 2014.

Oregon

Department of Agriculture

Specific Exemption: EPA authorized the use of fipronil on turnip and rutabaga to control the cabbage maggot; July 7, 2014 to October 15, 2014. EPA authorized the use because available alternatives are not suitable or do not provide adequate control to avoid significant economic losses under the increasing pest populations with resistance development suspected. Since this use has been requested for more than 5 years and an application for registration has not yet been received by EPA, a Notice of Receipt with opportunity for public comment published in the **Federal Register**, as required by 40 CFR 166.24, on June 4, 2014 (79 FR 32282) (FRL–9910–88) with public comment period closing on June 19, 2014.

Crisis Exemption: On July 31, 2014, for use of hexythiazox on sugar beet to control two-spotted spider mites. This program ended on September 30, 2014.

Tennessee

Department of Agriculture

Specific Exemption: EPA authorized the use of sulfoxaflor on sorghum to control sugarcane aphid; August 18, 2014 to October 31, 2014.

Specific Exemption: EPA authorized the use of potassium salt of hop beta acids in beehives to control *varroa* mite; August 25, 2014 to December 31, 2014.

Texas

Department of Agriculture

Denial: On July 18, 2014, EPA denied the use of a pesticide product containing the active ingredient propazine on cotton to control glyphosate-resistant Palmer amaranth. This request was denied because the Agency was unable to conclude that the proposed pesticide use is likely to result in ''a reasonable certainty of no harm'' to human health, including exposure of residues of the pesticide to infants and children as required under the Food Quality Protection Act (FQPA).

Authority: 7 U.S.C. 136 *et seq.*

Dated: January 30, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2015–02308 Filed 2–4–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, February 12, 2015 At 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor)

STATUS: This Meeting Will Be Open To The Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for January 15, 2015

Draft Advisory Opinion 2014–20: Make Your Laws PAC, Inc.

Draft Advisory Opinion 2014–21: Cambia Health Solutions, Inc.

Audit Division Recommendation Memorandum on the Republican Party of Orange County (Federal) (RPOC) (A11–23)

Audit Division Recommendation Memorandum on the Democratic Party of Wisconsin (DPW) (A12–04)

Proposed Final Audit Report on the Joe Walsh for Congress Committee, Inc. (A13–01)

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign

language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202)694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2015–02447 Filed 2–3–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday February 10, 2015 At 10:00 a.m. And Its Continuation On Thursday February 12, 2015 At The Conclusion Of The Open Meeting.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting Will Be Closed To The Public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g.

Internal personnel rules and internal rules and practices.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Investigatory records compiled for law enforcement purposes or information which if written would be contained in such records.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2015–02436 Filed 2–3–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 20, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Vance Vinar, Sr., Vance Vinar, Jr., Kaylin Vinar, Jared Vinar, Joey Vinar, Chad Wolff, and Courtney Wolff,* all of Faribault, Minnesota, as a group acting in concert, to acquire voting shares of Reliance Bancorporation, Inc., and thereby indirectly acquire voting shares of Reliance Bank, both in Faribault, Minnesota.

Board of Governors of the Federal Reserve System, February 2, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–02289 Filed 2–4–15; 8:45 am]

BILLING CODE 6210–01–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 Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *FNBK Holdings, Inc.,* Dallas, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Kemp, Kemp, Texas.

B. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *Banner Corporation and Banner Merger Sub, LLC,* both of Walla Walla, Washington; to acquire 100 percent of the voting shares of Starbuck Bancshares, Inc., Seattle, Washington, and thereby indirectly acquire American West Bank, Spokane, Washington.

Board of Governors of the Federal Reserve System, February 2, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–02288 Filed 2–4–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–0391–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Secretary, 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 submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for extending the use of the approved information collection assigned OMB control number 0990–0391 which expires on March 31, 2015. Prior to submitting that ICR 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–0990–0391–60D for reference.

Information Collection Request Title: The Hospital Preparedness Program

Abstract: The Science Healthcare Preparedness Evaluation and Research (SHARPER), part of the Department of Health and Human Services (HHS), Assistant Secretary for Preparedness and Response (ASPR), Office of Emergency Management (OEM), Division of National Healthcare Preparedness Programs (NHPP), in conjunction with the Hospital Preparedness Program (HPP) is seeking an extension on a currently approved clearance by the Office of Management of Budget (OMB) for a Generic Data Collection Form to serve as the cornerstone of its effort to assess awardee program under the HPP Cooperative Agreement (CA) Program. Program data are gathered from awardees as part of their Ad-hoc and End-of-Year Progress Reports and other similar information collections (ICs) which have the same general purpose, account for awardee spending and program on all activities conducted in pursuit of achieving the HPP Grant goals. This data collection effort is crucial to HPP's decision-making process regarding the continued existence, design and funding levels of this program. Results from these data analyses enable HPP to monitor healthcare emergency preparedness and progress towards national preparedness goals. HPP supports priorities outlined by the National Preparedness Goal (the Goal) established by the Department of Homeland Security (DHS) in 2005. The Goal guides entities at all levels of government in the development and maintenance of capabilities to prevent, protect against, respond to and recover from major events. Additionally, the Goal will assist entities at all levels of government in the development and maintenance of the capabilities to identify, prioritize and protect critical infrastructure.

Likely Respondents: Hospital Preparedness Program Awardees

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Data collection activity	Number of respondents	Number of responses	Response time (hours)	Total annual burden hours (for all awardees)	3-year total (for all awardees)
Generic and Future Program Data Information Collection(s)	62	1	58	3,596	
Total				3,596	10,788

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. 2015–02299 Filed 2–4–15; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–0392–60D]

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–0990–0392–60D for reference.

Information Collection Request Title: Office of Adolescent Health and Administration for Children, Youth and Families Teen Pregnancy Prevention Performance Measure Collection.

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 data collection for the Office of Adolescent Health and Administration for Children, Youth and Families Teen Pregnancy Prevention Performance Measures.

Need and Proposed Use of the Information: To collect performance measure data on the OAH Teen Pregnancy Prevention (TPP) Program and the ACF/FYSB Personal Responsibility Education Program Innovative Strategies (PREIS). These data will allow OAH and FYSB to monitor the progress of program grantees, and to report to Congress on the performance of the programs.

Likely Respondents: The 106 TPP and PREIS grantees and approximately 2000 PREIS youth participants.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and

maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information.

The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Forms (if necessary)	Type of respondent	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Measures for all grantees	Grantee program staff—all	106	1	7	742
Participant-level measures	Grantee program staff—Tier 1 C/D, Tier 2, and PREIS.	45	1	1	45
Perceived impact questions	Youth participants—PREIS	2000	1	5/60	167
Perceived impact measures	Grantee program staff—PREIS	11	1	3	33
Total		2,106			987

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. 2015–02249 Filed 2–4–15; 8:45 am]

BILLING CODE 4168–11–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0530]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

EEOICPA Dose Reconstruction Interviews and Forms, OMB No. 0920–0530 (Expiration, 02/28/2015)—Extension—The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On October 30, 2000, the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384–7385) was enacted. This Act established a federal compensation program for employees of the Department of Energy (DOE) and certain of its contractors, subcontractors and vendors, who have suffered cancers and other designated illnesses as a result of exposures sustained in the production and testing of nuclear weapons.

Executive Order 13179, issued on December 7, 2000, delegated authorities assigned to ''the President'' under the Act to the Departments of Labor, Health and Human Services, Energy and Justice. The Department of Health and Human Services (DHHS) was delegated the responsibility of establishing methods for estimating radiation doses received by eligible claimants with cancer applying for compensation. NIOSH is applying the following methods to estimate the radiation doses of individuals applying for compensation.

In performance of its dose reconstruction responsibilities, under the Act, NIOSH is providing voluntary interview opportunities to claimants (or their survivors) individually and providing them with the opportunity to assist NIOSH in documenting the work history of the employee by characterizing the actual work tasks performed. In addition, NIOSH and the claimant may identify incidents that may have resulted in undocumented radiation exposures, characterizing radiological protection and monitoring practices, and identify co-workers and other witnesses as may be necessary to confirm undocumented information. In this process, NIOSH uses a computer assisted telephone interview (CATI) system, which allows interviews to be conducted more efficiently and quickly as opposed to a paper-based interview instrument. Both interviews are voluntary and failure to participate in either or both interviews will not have a negative effect on the claim, although voluntary participation may assist the claimant by adding important information that may not be otherwise available. NIOSH is requesting a three-year approval for these data collection activities.

NIOSH uses the data collected in this process to complete an individual dose reconstruction that accounts, as fully as possible, for the radiation dose incurred by the employee in the line of duty for DOE nuclear weapons production programs. After dose reconstruction, NIOSH also performs a brief, voluntary final interview with the claimant to explain the results and to allow the claimant to confirm or question the records NIOSH has compiled. This will also be the final opportunity for the claimant to supplement the dose reconstruction record. Approximately 3,600 claimants will be interviewed with an average burden of one hour per response.

At the conclusion of the dose reconstruction process, the claimant submits a form to confirm that the claimant has no further information to provide to NIOSH about the claim at this time. The form notifies the claimant that signing the form allows NIOSH to forward a dose reconstruction report to DOL and to the claimant, and closes the record on data used for the dose reconstruction. Signing this form does not indicate that the claimant agrees with the outcome of the dose reconstruction. The dose reconstruction results will be supplied to the claimant and to the DOL, the agency that will utilize them as one part of its determination of whether the claimant is eligible for compensation under the Act. It is estimated that 3,600 claimants will complete the conclusion form which takes approximately five minutes per response.

The total estimated burden hours are 3,900. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Claimant	Initial interview	3,600	1	1
Claimant	Conclusion form OCAS–1	3,600	1	5/60
Total				

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–02274 Filed 2–4–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Proposed Projects: Conduct an electronic survey of 2012-funded Family Connection grantees to collect process evaluation data to include as part of the Cross-Site Evaluation.

Title: Cross-site Evaluation Survey 2012 Family Connection Grantees

OMB No.: 0970–NEW

Description: In the interest of providing as complete an evaluation report as possible by the end of FY15, the Children's Bureau has directed the contractor conducting the Cross-site Evaluation to adopt the most efficient means possible to collect process evaluation data from grantees. The proposed electronic survey will replace originally planned in-person and telephone discussions with electronic surveys. This will enable collection of key information on project design, implementation, maintenance, and sustainability from key grantee representatives in an abbreviated amount of time. The quantitative nature of the surveys will enable rapid data analysis and reporting.

Respondents: The Cross-site Evaluation addresses a total of seventeen (17) Family Connection grantees. Four categories of participants will be surveyed: Project Leadership, Service Providers, Project Partners (public child welfare and community agencies), and Evaluators. For each grantee, an average of 20 respondents is anticipated: 4 project leadership, 9 service providers, 2 public child welfare agency representatives, 2 community partner representatives, and 3 evaluators. These numbers of participants, per category, are used in the table below to calculate the number of respondents, across the 17 projects to be surveyed. Differences in burden estimates for the different instruments reflect the number of questions in each.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Project Leadership Protocol	79	1	.75	59.25
Service Provider Protocol	153	1	.5	76.5
Public Child Welfare Partner Protocol	34	1	.25	8.5
Community Partner Protocol	34	1	.25	8.5
Evaluator Protocol	51	1	.75	38.25

Estimated Total Annual Burden Hours: 191.00.

Additional Information

Copies of the proposed collection may be obtained 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. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–02242 Filed 2–4–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NIMH)

SUMMARY: National Institute of Mental Health, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery '' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: NIMH Project Clearance Liaison, Science Policy and Evaluation Branch, OSPPC, NIMH, NIH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Rockville Pike, Bethesda, MD 20892, or call 301–443–4335 or Email your request, including your address to: *NIMHprapubliccomments@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NIMH), 0925–0650, Expiration Date 1/31/2015, REINSTATEMENT WITHOUT CHANGE, National Institute of Mental Health (NIMH), National Institutes of Health (NIH).

Need and Use of Information Collection: There are no changes being requested for this submission. The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide information about the NIMH's customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the NIMH and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the NIMH's services will be unavailable.

The NIMH will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 4,408.

ESTIMATED ANNUALIZED BURDEN HOURS

Estimated annual reporting burden				
Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Conference/Training Pre- and Post-Surveys (various programs)	3000	1	30/60	1500
Surveys (electronic communications/outreach)	25,000	1	5/60	2083
In-Depth Interviews	50	1	90/60	75
Focus groups and/or small discussion groups	300	1	120/60	600
Website and/or Software Usability Tests	100	1	90/60	150
Total	28450			4408

Dated: January 30, 2015.

Keisha L Shropshire,

Project Clearance Liaison, National Institute of Mental Health, National Institutes of Health.

[FR Doc. 2015–02300 Filed 2–4–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request: STAR METRICS® (Science and Technology for America's Reinvestment: Measuring the EffecTs of Research on Innovation, Competitiveness and Science)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the Office of Extramural Research (OER), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. William Duval, Office of Planning, Analysis and Communication, OER, NIH, 6705 Rockledge Drive, Suite 5166, Bethesda, MD 20892, or call non-toll-free number (301) 435–8683, or Email your request, including your address to: *William.Duval@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: STAR METRICS® (Science and Technology for America's Reinvestment: Measuring the EffecTs of Research on Innovation, Competitiveness and Science)—0925–0616—REVISION—Office of Extramural Research (OER), National Institutes of Health (NIH).

Need and Use of Information Collection: The aim of STAR METRICS® is twofold. The goal of STAR METRICS® is to continue to provide mechanisms that will allow participating universities and federal agencies with a reliable and consistent means to account for the number of scientists and staff that are on research institution payrolls, supported by federal funds. In subsequent generations of the program, it is hoped that STAR METRICS® will allow for measurement of science impact on economic outcomes (such as job creation), on knowledge generation (such as citations and patents) as well as on social and health outcomes. We have completed the initial data input and this request will finalize the quarterly data input process.

OMB approval is requested for 1 year. The annualized cost to respondents is estimated to be $50,000. The total estimated annualized burden hours are 1,000.

ESTIMATED ANNUALIZED BURDEN HOURS

Instrument	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Ongoing quarterly data input	100	4	2.5	1,000

Dated: January 30, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–02351 Filed 2–4–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Training Grant.

Date: February 26, 2015.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 3rd Floor Conference Room, 5635 Fishers Lane, Rockville, MD, (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Initial Review Group; Genome Research Review Committee.

Date: March 5, 2015.

Time: 11:30 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 3rd Floor Conference Room, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer, NHGRI, 5635 Fishers Lane, Suite 4076, MSC 9306, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Diversity Action Plan (DAP).

Date: March 9, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 3rd Floor Conference Room, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, Ph.D., Scientific Review Officer, Scientific Review Branch, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, (301) 402–0838, *pozzattr@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; eMERGE Genome Seq and Genotyping.

Date: March 18, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute; 3rd Floor Conference Room, 5635 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lita Proctor, Ph.D., Extramural Research Programs Staff, Program Director, Human Microbiome Project, National Human Genome Research Institute; 5635 Fishers Lane, Suite 4076, Bethesda, MD 20892, 301 496–4550, *proctorlm@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; eMERGE.

Date: March 20, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Arlington Capital View Hotel, Studio F, 2800 South Potomac Avenue, Arlington, VA 22207.

Contact Person: Ken D. Nakamura, Ph.D., Scientific Review Officer; Scientific Review Branch; National Human Genome Research Institute; National Institutes of Health, 5635 Fishers Lane, Suite 4076, MSC 9306, Rockville, MD 20852, 301–402–0838, *nakamurk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: January 30, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02236 Filed 2–4–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Kidney Interagency Coordinating Committee Meeting

SUMMARY: The Kidney Interagency Coordinating Committee (KICC) will hold a meeting on March 6, 2015, on future directions for kidney disease research in the Federal government. The meeting is open to the public.

DATES: The meeting will be held on March 8, 2015, 9 a.m. to 12 p.m. Individuals wanting to present oral comments must notify the contact person at least 10 days before the meeting date.

ADDRESSES: The meeting will be held in the Natcher Conference Center on the NIH Campus at 9000 Rockville Pike, Bethesda, MD 20894.

FOR FURTHER INFORMATION CONTACT: For further information concerning this meeting, contact Dr. Andrew S. Narva, Executive Secretary of the Kidney Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 31 Center Drive, Building 31A, Room 9A27, MSC 2560, Bethesda, MD 20892–2560, telephone: 301–594–8864; FAX: 301–480–0243; email: *nkdep@info.niddk.nih.gov.*

SUPPLEMENTARY INFORMATION: The KICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), comprises members of the Department of Health and Human Services and other federal agencies that support kidney-related activities, facilitates cooperation, communication, and collaboration on kidney disease among government entities. KICC meetings, held twice a year, provide an opportunity for Committee members to learn about and discuss current and future kidney programs in KICC member organizations and to identify

opportunities for collaboration. The September 12, 2014 KICC meeting will focus on future directions for kidney disease research in the Federal government.

Any member of the public interested in presenting oral comments to the Committee should notify the contact person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives or organizations should submit a letter of intent, a brief description of the organization represented, and a written copy of their oral presentation in advance of the meeting. Only one representative of an organization will be allowed to present; oral comments and presentations will be limited to a maximum of 5 minutes. Printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding their statement to the contact person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Because of time constraints for the meeting, oral comments will be allowed on a first-come, first-serve basis.

Members of the public who would like to receive email notification about future KICC meetings should send a request to *nkdep@info.niddk.nih.gov.*

Dated: January 26, 2015.

Camille M. Hoover, M.S.W.,

Executive Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2015–02298 Filed 2–4–15; 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: Radiation Therapeutics and Biology.

Date: March 2, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–435–1719, *ngkl@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Cardiovascular Sciences.

Date: March 3, 2015.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301435–1743, *margaret.chandler@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowships: Cell Biology, Developmental Biology, and Bioengineering.

Date: March 3–4, 2015.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Kenneth Ryan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3218, MSC 7717, Bethesda, MD 20892, 301–435–1789, *kenneth.ryan@nih.hhs.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Review of Neuroscience AREA Grant Applications.

Date: March 5–6, 2015.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Richard D Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301–435–1220, *crosland@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 30, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02237 Filed 2–4–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0007; OMB No. 1660–NEW]

Agency Information Collection Activities: Proposed Collection; Comment Request; Ready PSA Campaign Creative Testing Research.

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Ready campaign, which is a national public service advertising (PSA) campaign in support of FEMA's mission and is designed to educate and empower Americans to prepare for and respond to emergencies including natural and man-made disasters.

DATES: Comments must be submitted on or before April 6, 2015.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2015–0007. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (703) 483–2999.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore,

submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Aretha Carter, External Affairs Specialist, Federal Emergency Management Agency, (202) 288–6783, *Aretha.Carter@fema.dhs.gov.* You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: This collection is in accordance with Executive Orders 12862 and 13571 requiring all Federal agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. The Government Performance and Results Act (GPRA) requires Federal agencies to set missions and goals and to measure agency performance against them. The GPRA Modernization Act of 2010 requires quarterly performance assessments of government programs for the purposes of assessing agency performance and improvement. The Federal Emergency Management Agency is collecting information through focus groups to improve its public service advertising campaign on disaster preparedness.

Collection of Information

Title: Ready PSA Campaign Creative Testing Research.

Type of Information Collection: New information collection.

OMB Number: 1660–NEW.

FEMA Forms: FEMA Form 008–0–21, Recruitment Screener; FEMA Form 008–0–22, Focus Group Discussion Guide.

Abstract: FEMA proposes conducting qualitative research in the form of focus groups in order to test creative concepts developed for FEMA's national Ready public service advertising campaign, which aims to educate and empower Americans to prepare for and respond to emergencies. The research will help determine the clarity, relevance, and motivating appeal of the concepts prior to final production of the advertising.

Affected Public: Individuals or households.

Number of Respondents: 50.

Number of Responses: 90.

Estimated Total Annual Burden Hours: 58 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form No.	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost
Individuals or Households.	Recruitment Screener (survey script)/FEMA Form 008–0–21.	50	1	50	0.1667 (10 minutes).	8	$31.26	$250.08
Individuals or Households.	Focus Group Discussion Guide/FEMA Form 008–0–22.	40	1	40	1.25 hours (75 minutes).	50	31.26	1,563
Total	.....	50	.....	90	.....	58	.....	1,813.08

• **Note:** The "Avg. Hourly Wage Rate" for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $1,813.08. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $53,383.12.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Dated: January 28, 2015.

Charlene D. Myrthil,

Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–02231 Filed 2–4–15; 8:45 am]

BILLING CODE 9116–69–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1465]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting

Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 16, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alaska:						
Fairbanks-North Star Borough.	Fairbanks-North Star Borough (14–10–1677P).	The Honorable Luke Hopkins Mayor, Fairbanks-North Star Borough, 809 Pioneer Road, Fairbanks, AK 99701.	809 Pioneer Road, Fairbanks, AK 99701.	*http://www.msc.fema.gov/lomc*	April 15, 2015	025009
Indiana:						
Lake	City of Hammond (15–05–0234P).	The Honorable Thomas M. McDermott, Jr., Mayor, City of Hammond, 5925 Calumet Avenue, Hammond, IN 46320.	5925 Calumet Avenue, Hammond, IN 46320.	*http://www.msc.fema.gov/lomc*	April 1, 2015	180134
Iowa:						
Washington	City of Kalona (14–07–2178P).	The Honorable Ken Herington, Mayor, City of Kalona, 511 C Avenue, Kalona, IA 52247.	511 C Avenue, Kalona, IA 52247.	*http://www.msc.fema.gov/lomc*	April 10, 2015	190601
Kansas:						
Harvey	City of Sedgwick (14–07–2492P).	The Honorable Rodney Eggleston, Mayor, City of Sedwick, 511 North Commercial, Sedgwick, KS 67135.	511 North Commercial, Sedgwick, KS 67135.	*http://www.msc.fema.gov/lomc*	April 10, 2015	200134

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Harvey	Unincorporated areas of Harvey County (14–07–2492P).	The Honorable Ron Krehbiel, 3rd District Commissioner, Harvey County, 800 North Main Street, Newton, KS 67114.	800 North Main Street, Newton, KS 67114.	*http://www.msc.fema.gov/lomc*	April 10, 2015	200585
Sedgwick	Unincorporated areas of Sedgwick County (14–07–2492P).	The Honorable James Skelton, 5th District Commissiner, Sedgwick County, 525 North Main #320, Wichita, KS 67203.	525 North Main #320, Wichita, KS 67203.	*http://www.msc.fema.gov/lomc*	April 10, 2015	200321
Wyandotte	City of Kansas City (14–07–2400P).	The Honorable Mark R. Holland, Mayor, City of Kansas City, 701 North 7th Street, Suite 926, Kansas City, KS 66101.	701 North 7th Street, Suite 926, Kansas City, KS 66101.	*http://www.msc.fema.gov/lomc*	April 21, 2015	200363
Maine:						
Cumberland	Town of Harpswell (14–05–2910P).	The Honorable Elinor Mutler, Chair, Board of Selectsmen, Town of Harpswell, 263 Mountain Road, Harpswell, ME 04079.	263 Mountain Road, Harpswell, ME 04079.	*http://www.msc.fema.gov/lomc*	June 3, 2015	230169
Washington:						
Whitman	Town of Oakesdale (14–10–0693P).	The Honorable Dennis Palmer, Mayor, Town of Oaksdale, 105 North First Street, Oakesdale, WA 99158.	105 North First Street, Oakesdale, WA 99158.	*http://www.msc.fema.gov/lomc*	April 3, 2015	530210
Whitman	Unincorporated areas of Whitman County (14–10–0693P).	The Honorable Art Swannack, District 1 Commissioner, Whitman County, 400 North Main Street, Colfax, WA 99111.	400 North Main Street, Colfax, WA 99111.	*http://www.msc.fema.gov/lomc*	April 3, 2015	530205
Wisconsin:						
Dane	Unincorporated areas of Dane County (14–05–6985P).	The Honorable Joe Parisi, Executive, Dane County, 210 Martin Luther King Jr. Boulevard, Madison, WI 53703.	210 Martin Luther King Jr. Boulevard, Madison, WI 53703.	*http://www.msc.fema.gov/lomc*	April 16, 2015	550077
Dane	Village Of Cross Plains (14–05–6985P).	The Honorable Pat Andreoni, President, Village Of Cross Plains, 3041 Creekside Way, Cross Plains, WI 53528.	3041 Creekside Way, Cross Plains, WI 53528.	*http://www.msc.fema.gov/lomc*	April 16, 2015	550081

[FR Doc. 2015–02233 Filed 2–4–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1464]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA

Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: January 16, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama:						
Jefferson	City of Hoover (14–04–5307P).	The Honorable Gary Ivey, Mayor, City of Hoover, 100 Municipal Drive, Hoover, AL 35216.	Building Inspections Department, 2020 Valleydale Road, Hoover, AL 35244.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2015	010123
Jefferson	Unincorporated areas of Jefferson County (14–04–5307P).	The Honorable David Carrington, Chairman, Jefferson County Board of Commissioners, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	Jefferson County Courthouse, Land Development Office, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2015	010127
Arizona:						
Maricopa	City of Phoenix (14–09–3895P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2015	040051
Maricopa	City of Phoenix (14–09–3896P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, *Phoenix, AZ 85003.*	*http://www.msc.fema.gov/lomc*	Mar. 16, 2015	040051
Yavapai	City of Cottonwood (13–09–1967P).	The Honorable Diane Joens, Mayor, City of Cottonwood, 827 North Main Street, Cottonwood, AZ 86326.	City Administrator's Office, 827 North Main Street, Cottonwood, AZ 86326.	*http://www.msc.fema.gov/lomc*	Feb. 9, 2015	040096
Yavapai	Unincorporated areas of Yavapai County (13–09–1967P).	The Honorable Rowle P. Simmons, Chairman, Yavapai County Board of Supervisors, 1015 Fair Street, Prescott, AZ 86305.	Yavapai County Flood Control District, 1120 Commerce Drive, Prescott, AZ 86305.	*http://www.msc.fema.gov/lomc*	Feb. 9, 2015	040093
California:						
Merced	City of Merced (14–09–3465P).	The Honorable Stanley P. Thurston, Mayor, City of Merced, 678 West 18th Street, Merced, CA 95340.	City Hall, 678 West 18th Street, Merced, CA 95340.	*http://www.msc.fema.gov/lomc*	Mar. 5, 2015	060191
Monterey	City of Seaside (14–09–3525P).	The Honorable Ralph Rubio, Mayor, City of Seaside, 440 Harcourt Avenue, Seaside, CA 93955.	Public Works Division, 440 Harcourt Avenue, Seaside, CA 93955.	*http://www.msc.fema.gov/lomc*	Mar. 23, 2015	060203

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Monterey	Unincorporated areas of Monterey County (14–09–3525P).	The Honorable Louis R. Calcagno, Chairman, Monterey County Board of Supervisors, P.O. Box 1728, Salinas, CA 93902.	Monterey County Water Resources Department, 893 Blanco Circle, Salinas, CA 93901.	*http://www.msc.fema.gov/lomc*	Mar. 23, 2015	060195
Riverside	City of Corona (14–09–3245P).	The Honorable Karen Spiegel, Mayor, City of Corona, 400 South Vicentia Avenue, Corona, CA 92882.	City Hall, 400 South Vicentia Avenue, Corona, CA 92882.	*http://www.msc.fema.gov/lomc*	Mar. 12, 2015	060250
Riverside	City of Eastvale (14–09–2404P).	The Honorable Ike Bootsma, Mayor, City of Eastvale, 12363 Limonite Avenue, Suite 910, Eastvale, CA 91752.	City Hall, 12363 Limonite Avenue, Suite 910, Eastvale, CA 91752.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2015	060155
Riverside	City of Norco (14–09–2404P).	The Honorable Berwin Hanna, Mayor, City of Norco, 2870 Clark Avenue, Norco, CA 92860.	City Hall, 2870 Clark Avenue, Norco, CA 92860.	*http://www.msc.fema.gov/lomc*	Mar. 9, 2015	060256
Colorado:						
Adams	City of Thornton (14–08–1198P).	The Honorable Heidi Williams, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	City Hall, 9500 Civic Center Drive, Thornton, CO 80229.	*http://www.msc.fema.gov/lomc*	Mar. 20, 2015	080007
Adams	Unincorporated areas of Adams County (14–08–1198P).	The Honorable Charles Tedesco, Chairman, Adams County Board of Commissioners, 4430 South Adams County Parkway, 5th Floor, Suite C5000A, Brighton, CO 80601.	Adams County Emergency Management Department, 4430 South Adams County Parkway, Brighton, CO 80601.	*http://www.msc.fema.gov/lomc*	Mar. 20, 2015	080001
Jefferson	City of Arvada (14–08–1331P).	The Honorable Marc Williams, Mayor, City of Arvada, 8101 Ralston Road, Arvada, CO 80001.	Engineering Division, 8101 Ralston Road, Arvada, CO 80001.	*http://www.msc.fema.gov/lomc*	Mar. 27, 2015	085072
Jefferson	Unincorporated areas of Jefferson County (14–08–1331P).	The Honorable Faye Griffin, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Department of Planning and Zoning, 100 Jefferson County Parkway, Golden, CO 80419.	*http://www.msc.fema.gov/lomc*	Mar. 27, 2015	080087
Teller	City of Woodland (14–08–0157P).	The Honorable Neil Levy, Mayor, City of Woodland Park, P.O. Box 9007, Woodland Park, CO 80866.	City Hall, 220 West South Avenue, Woodland Park, CO 80866.	*http://www.msc.fema.gov/lomc*	Mar. 26, 2015	080175
Teller	Unincorporated areas of Teller County (14–08–0157P).	The Honorable Dave Paul, Chairman, Teller County Board of Commissioners, P.O. Box 959, Cripple Creek, CO 80813.	Teller County Office of Emergency Management, P.O. Box 959, Cripple Creek, CO 80813.	*http://www.msc.fema.gov/lomc*	Mar. 26, 2015	080173
Florida:						
Escambia	Unincorporated areas of Escambia County (14–04–7298P).	The Honorable Lumon May, Chairman, Escambia County Board of Commissioners, 221 Palafox Place, Suite 400, Pensacola, FL 32502.	Escambia County Planning and Zoning Division, 3363 West Park Place, Pensacola, FL 32505.	*http://www.msc.fema.gov/lomc*	Mar. 26, 2015	120080
Lee	Unincorporated areas of Lee County (14–04–6406P).	The Honorable Larry Kiker, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	*http://www.msc.fema.gov/lomc*	Jan. 15, 2015	125124
Manatee	Unincorporated areas of Manatee County (14–04–7603P).	The Honorable Larry Bustle, Chairman, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34205.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	Mar. 26, 2015	120153
Sumter	Unincorporated areas of Sumter County (14–04–3829P).	The Honorable Al Butler, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Community Development Department, 7375 Powell Road, Wildwood, FL 34785.	*http://www.msc.fema.gov/lomc*	Mar. 13, 2015	120296

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Hawaii:						
Hawaii	Hawaii County (14–09–1104P).	The Honorable William P. Kenoi, Mayor, Hawaii County, 25 Aupuni Steet, Hilo, HI 96720.	Hawaii County Department of Public Works, 101 Pauahi Street, Suite 7, Hilo, HI 96720.	*http://www.msc.fema.gov/lomc*	Jan. 26, 2015	155166
Montana:						
Missoula	Unincorporated areas of Missoula County (14–08–0395P).	The Honorable Jean Curtiss, Chair, Missoula County Board of Commissioners, 200 West Broadway, Missoula, MT 59802.	Missoula County Community and Planning Services Department, 323 West Alder, Missoula, MT 59802.	*http://www.msc.fema.gov/lomc*	Mar. 13, 2015	300048
North Carolina:						
Brunswick	Town of St. James (13–04–4667P).	The Honorable Rebecca Dus, Mayor, Town of St. James, 4140 A Southport-Supply Road, St. James, NC 28461.	Town Hall, 4140 A Southport-Supply Road, St. James, NC 28461.	*http://www.msc.fema.gov/lomc*	Feb. 27, 2015	370530
Brunswick	Unincorporated areas of Brunswick County (13–04–4667P).	The Honorable Scott Phillips, Chairman, Brunswick County Board of Commissioners, P.O. Box 249, Bolivia, NC 28422.	Brunswick County Building Inspections Department, 75 Courthouse Drive Northeast, Building I, Bolivia, NC 28422.	*http://www.msc.fema.gov/lomc*	Feb. 27, 2015	370295
Cabarrus	Town of Harrisburg (14–04–6011P).	The Honorable Steve Sciascia, Mayor, Town of Harrisburg, 4100 Main Street, Harrisburg, NC 28075.	Planning Department, 4100 Main Street, Harrisburg, NC 28075.	*http://www.msc.fema.gov/lomc*	Feb. 26, 2014	370038
Columbus	Unincorporated areas of Columbus County (14–04–2787P).	Mr. William S. Clark, Manager, Columbus County, 111 Washington Street, Whiteville, NC 28472.	Columbus County Building Inspections Office, 306 Jefferson Street, Whiteville, NC 28472.	*http://www.msc.fema.gov/lomc*	Feb. 20, 2015	370305
Forsyth	Town of Kernersville (14–04–6374P).	The Honorable Dawn H. Morgan, Mayor, Town of Kernersville, P.O. Box 728, Kernersville, NC 27284.	Town Hall, 134 East Mountain Street, Kernersville, NC 27284.	*http://www.msc.fema.gov/lomc*	Mar. 16, 2015	370319
Iredell	Town of Mooresville (14–04–4151P).	The Honorable Miles Atkins, Mayor, Town of Mooresville, 413 North Main Street, Mooresville, NC 28115.	Planning Department, 413 North Main Street, Mooresville, NC 28115.	*http://www.msc.fema.gov/lomc*	Mar. 5, 2015	370314
Mecklenburg	City of Charlotte (14–04–4804P).	The Honorable Daniel Clodfelter, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Mecklenburg County Storm Water Services Office, 700 North Tyron Street, Charlotte, NC 28202.	*http://www.msc.fema.gov/lomc*	Feb. 24, 2014	370159
Wake	Unincorporated areas of Wake County (14–04–3226P).	Mr. Jim Hartmann, Manager, Wake County, P.O. Box 550, Raleigh, NC 27602.	Wake County Environmental Services Department, 336 Fayetteville Street, Raleigh, NC 27601.	*http://www.msc.fema.gov/lomc*	Mar. 13, 2015	370368

[FR Doc. 2015–02234 Filed 2–4–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0006]

Guidelines for Implementing Executive Order 11988, Floodplain Management, as Revised

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice seeks comment on the proposed ''Revised Guidelines for Implementing Executive Order 11988, Floodplain Management.'' The President has directed the Federal Emergency Management Agency (FEMA), on behalf of the Mitigation Framework Leadership Group, to publish for public comment draft amended Floodplain Management Guidelines to provide guidance to agencies on the implementation of Executive Order 11988, as amended, consistent with a new Federal Flood Risk Management Standard, which was developed by the Mitigation Framework Leadership Group in consultation with the Federal Interagency Floodplain Management Task Force. FEMA is publishing this notice on behalf of the Mitigation Framework Leadership Group, which is chaired by FEMA, to solicit and consider public input.

DATES: Comments must be received by April 6, 2015.

ADDRESSES: Comments must be identified by docket ID FEMA–2015–0006 and may be submitted by one of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail/Hand Delivery/Courier: Regulatory Affairs Division, Office of Chief Counsel, Federal Emergency Management Agency, 8NE, 500 C Street SW., Washington, DC 20472–3100.

FOR FURTHER INFORMATION CONTACT: Bradley Garner, Federal Emergency Management Agency, 1800 South Bell

Street, Arlington, VA, 22202, 202–646–3901, *FEMA–FFRMS@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Public Participation

Instructions: All submissions received must include the agency name and docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice, which can be viewed by clicking on the ''Privacy Notice'' link in the footer of *www.regulations.gov.*

You may submit your comments and material by the methods specified in the **ADDRESSES** section above. Please submit your comments and any supporting material by only one means to avoid the receipt and review of duplicate submissions.

Docket: This notice is available in docket ID FEMA–2015–0006. For access to the docket to read background documents or comments received, go to the Federal eRulemaking Portal at *http://www.regulations.gov* and search for the docket ID. Submitted comments may also be inspected at FEMA, Office of Chief Counsel, 8NE, 500 C Street SW., Washington, DC 20472.

II. Background

This notice seeks comment on the proposed ''Revised Guidelines for Implementing Executive Order 11988, Floodplain Management'' (Guidelines). The Guidelines were first issued by the Water Resources Council in 1978, following the issuance of Executive Order 11988. The proposed Guidelines concern Executive Order 11988, which was recently amended by a new Executive Order, ''Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input.'' The Federal Flood Risk Management Standard (Standard) was developed by the Mitigation Framework Leadership Group in consultation with the Federal Interagency Floodplain Management Task Force, at the direction of the President. The Standard provides three approaches for defining the floodplain:

- Applying methods informed by best-available, actionable climate science,
- Adding two or three additional feet of elevation, depending on the criticality of the building or structure, above the 100-year, or 1%-annual-chance, flood elevation, or
- Using the 500-year, or 0.2%-annual-chance, flood elevation.

The Standard is consistent with the President's Climate Action Plan (June 2013). The President directed Federal agencies to take the appropriate actions to reduce risks to Federal investments, specifically calling on Federal agencies to update their flood risk reduction standards. The Standard also expands to a more national scope the work initially begun by the Hurricane Sandy Rebuilding Task Force to build back smarter in the Sandy-affected region. This expansion was a key recommendation from the Hurricane Sandy Rebuilding Strategy (August 2013) and the Recommendations of the State, Local and Tribal Leaders Task Force on Climate Preparedness and Resilience (November 2014).

In addition to this notice seeking comment, the Mitigation Framework Leadership Group is conducting a series of public meetings, which will serve as ''Listening Sessions'' to solicit feedback. A virtual listening session will also be held. A separate **Federal Register** Notice will be forthcoming detailing meeting dates and locations.

Executive Order 11988, as amended, the proposed ''Revised Guidelines for Implementing Executive Order 11988, Floodplain Management,'' and the Federal Flood Risk Management Standard are included in the docket for this Notice on *www.regulations.gov,* under docket ID FEMA–2015–0006.

Authority: Executive Order 11988, Floodplain Management, as amended; Executive Order, ''Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input.''

Dated: January 30, 2015.

Roy Wright,

Deputy Associate Administrator for Mitigation, Federal Emergency Management Agency.

[FR Doc. 2015–02284 Filed 2–4–15; 8:45 am]

BILLING CODE 9111–47–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–07]

30-Day Notice of Proposed Information Collection: Housing Search Process for Racial/Ethnic Minorities

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* March 9, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 5, 2014.

A. Overview of Information Collection

Title of Information Collection: Housing Search Process for Racial/Ethnic Minorities.

OMB Approval Number: 2528—New.

Type of Request: New collection.

Form Number: None.

Description of the need for the information and proposed use: It has suspected that differences between the rental housing search process employed by racial and ethnic minorities and other populations may have significant consequences for the housing opportunities available to minority households and the strategies needed to combat racial and ethnic discrimination. This is an exploratory inquiry into a topic that is not well understood and has not been a well-developed research topic. The findings of this study will help guide research toward a more comprehensive understanding of the rental housing search processes of individual households and will inform development of more effective enforcement strategies to combat

discriminatory practices and will indicate ways to expand housing opportunities for racial and ethnic minorities.

Respondents: Recent movers and current housing searchers in large scale cognitive testing and a limited number of in-depth interviews of some members of the testing group.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Recent Movers	525	1	1	.5	262.5	0	0
Ineligibles—screened out	175	1	1	.0333	5.83	0	0
Current Movers—first wave	175	1	1	.5	87.5	0	0
Current movers—second wave	140	1	1	.33	46.2	0	0
Current movers—third wave	98	1	1	.33	32.34	0	0
In-depth Interviews	48	1	1	1	48	0	0
Total	986 (700-Unique)				482.37	0	0

There are no capital/start-up or ongoing operation/maintenance cost to respondent or record keepers associated with this data collection.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 28, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–02255 Filed 2–4–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–06]

30-Day Notice of Proposed Information Collection: Revision of Transformation Initiative: Sustainable Construction in Indian Country Small Grant Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* March 9, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette.Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 22, 2014.

A. Overview of Information Collection

Title of Information Collection: Revision of Transformation Initiative: Sustainable Construction in Indian Country Small Grant Program.

OMB Approval Number: 2528–0274.

Type of Request: Reinstatement with change of a previously approved collection.

Form Number: SF–424, SF–424 Supplemental, HUD–424–CB, SF–LLL, HUD–2880, HUD–2993, HUD–96010 and HUD–96011.

Description of the need for the information and proposed use: The information is being collected to monitor performance of grantees to ensure they meet statutory and program goals and requirements.

Members of the Affected Public: Institutions of higher education accredited by a national or regional accrediting agency recognized by the U.S. Department of Education are the official applicants. Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: Information pursuant to grant award will be submitted quarterly with a final report. The following chart details the respondent burden on a quarterly and annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Quarterly Reports	4	16	6	96
Final Reports	4	4	60	240
Recordkeeping	4	4	4	16
Total	12	24	58	352

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 28, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–02256 Filed 2–4–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–08]

30-Day Notice of Proposed Information Collection: Ginnie Mae Mortgage-Backed Securities Guide 5500.3, Revision 1 (Forms and Electronic Data Submissions)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* March 9, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Anna Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Anna Guido@hud.gov* or telephone 202–402–5535. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on November 10, 2014.

A. Overview of Information Collection

Title of Information Collection: Ginnie Mae Mortgage-Backed Securities Guide 5500.3, Revision 1 (Forms and Electronic Data Submissions).

OMB Approval Number: 2501–0033.

Type of Request: Revision of a currently approved collection.

Description of the need for the information and proposed use: Ginnie Mae's Mortgage-Backed Securities Guide 5500.3, Revision 1 (''Guide'') provides instructions and guidance to participants in the Ginnie Mae Mortgage-Backed Securities (''MBS'') programs (''Ginnie Mae I and Ginnie Mae II''). Under the Ginnie Mae I program, securities are backed by single-family or multifamily loans. Under the Ginnie Mae II pr.hgram securities are only backed by single-family loans. Both the Ginnie Mae I and II MBS are modified pass-through securities. The Ginnie Mae II multiple Issuer MBS is structured so that small issuers, who do not meet the minimum number of loans and dollar amount requirements of the Ginnie Mae I MBS, can participate in the secondary mortgage market. In addition, the Ginnie Mae II MBS permits the securitization of adjustable rate mortgages (''ARMs'').

Description of Proposed New Requirements

Due to the acceleration of non-depository issuers entering in the Ginnie Mae program, regulatory changes and changes to the insuring/guarantying agencies programs, Ginnie Mae is expanding its data collection and disclosure processes.

ARM Pools

In order to verify that loans backing Ginnie Mae ARM pools meet the new 45 day look back period, Ginnie Mae will be collecting two new data elements. One new data element will be completed on the HUD Form 11705 at issuance. This will be a look-back period data element which will be a drop down selection of either 30 days or 45 days. The second new data will be completed on the HUD Form 11706 for ARMS pools only at this time. This will be the loan origination date (name will be changed to Note Date at a later time).

MISMO

Ginnie Mae is implementing a new pool delivery data set using MISMO standard data definitions with respect to Single Family Issuances. This will include the addition of 16 new data points, of which three will be required, three will be conditionally required and the remaining eleven will be optional. The data points are as follows:

Required New Data Points:

Construction Method Typ.. MH), Amortization Type & Note Date (name changed from loan origination date and will be for all pools).

Conditionally Required New Data Points:

Down Payment Amount, Loan Modification Effective Date & Suffix Name

Optional New Data Points:

Construction Method Type (other than MH), Property Valuation Amount, Property Valuation Effective Date, Purchase Price Amount, Guaranty Amount (if VA), Guaranty Percent (if VA), Middle Name, Full Name, Curtailment Data Points (Monetary Event Applied Date, Monetary Event Gross Principal Amount & Monetary Event Type).

Loan Level

Ginnie Mae is proposing the collection of additional data elements at the loan level to supplement the monthly reporting collection of data. The additional data elements are being added to provide Ginnie Mae greater oversight of its program participants and will be collected as part of the monthly reporting submission. The proposed additional new data elements are as follows:

Bankruptcy Action Type, Bankruptcy Case Identifier, Bankruptcy Chapter Type, Bar Date, Bar Date, Borrower Bankruptcy Indicator, Borrower Classification Type, Borrower Total Mortgaged Properties Count, Counseling Initiated Indicator, Credit Score Date, Document Custodian ID, Insurance Claim Coverage Type, Investor UPB, Adjustment to Investor UPB, Prospective Note Rate, Prospective P&I (FIC), Effective Date of Rate Change, Lien Holder Type, Net Note Rate, Servicer Transfer Effective Date, Servicer Type, Loan P&I Institution ID and Account Number, Loan Ti(Institution ID and Account Number, Sub-Servicer ID, Sub & Servicer Rights Type and Total Subordinate Financing Amount.

New Issuer Applications

Ginnie has automated its new issuer the application process used to approval. The new automated process requires applicants to complete two online courses through Ginnie Mae Online University.

HMBS:

Ginnie Mae will be expanding its data collection at issuance in order to enhance data disclosures.

The addition of the new data elements are the reason for the increase of burden hours. Please see the below link for more information regarding the additional data elements. *http://www.ginniemae.gov\products_programs\Pages\Federal_RegisterNotices.aspx.*

There are 15 forms and appendices in our collection which are volume driven rather than participant driven: these have increased as our portfolio has grown.

Included in the Guide are the appendices, forms, and documents necessary for Ginnie Mae to properly administer its MBS programs.

Agency form numbers: 11700, 11701, 11702, 11704, 11705, 11706, 11707, 11708, 11709, 11709–A, 11710A, 1710–B, 1710–C, 11710D, 11710E, 11711–A, 11711–B, 11714, 11714–SN, 11720, 11715, 11732, 11785.

While most of the calculations are based on number of respondents multiplied by the frequency of response, there are several items whose calculations are based on volume.

Form	Appendix No.	Title	Number of respondents	Frequency of responses per year	Total annual responses	Hours per response	Total annual hours
11700	11–1	Letter of Transmittal	329	4	1200	0.033	43.4
11701	1–1	Application for Approval Ginnie Mae Mortgage-Backed Securities Issuer.	100	1	100	.3	300.0
11702	1–2	Resolution of Board of Directors and Certificate of Authorized Si a natures.	454	1	454	0.08	36.3
11703–	1–7	Master Agreement for Participation Accounting.	14	1	14	0.08	1.1
11704	11–2	Commitment to Guaranty Mortgage-Backed Securities.	329	4	1316	0.033	43.4
11707	111–1	Master Servicing Agreement	468	1	468	0.033	15.4
11709	111–2	Master Agreement for Servicer's Principal and Interest Custodial Account.	468	1	468	0.033	15.4
11715	111–4	Master Custodial Agreement	468	1	468	0.033	15.4
11720	111–3	Master Agreement for Servicer's Escrow Custodial Account.	468	1	468	0.033	15.4
11732	111–22	Custodian's Certification for Construction Securities.	55	1	55	0.016	0.9
	IX–1	Financial Statements and Audit Reports.	468	1	468	1	468.0
		Mortgage Bankers Financial Reporting Form.	315	4	1260	0.5	630.0
11709–A	1–6	ACH Debit Authorization	468	1	468	0.033	15.4
11710 D	VI–5	Issuer's Monthly Summary Reports.	315	12	3780	0.13	491.4
11710A, 1710B, 1710C &11710E.	VI–12	Issuer's Monthly Accounting Report and Liquidation Schedule.	315	1	315	0.13	41.0
11710–DH	VI–21	HMBS Issuer's Monthly Summary Report.	14	12	168	0.13	21.8
	111–13	Electronic Data Interchange System Agreement.	100	1	100	1	100.0
	111–14	Enrollment Administrator Signatories for Issuers and Document Custodians.	100	1	100	1	100.0
	1–4	Cross Default Agreement	10	1	10	0.05	0.5

Form	Appendix No.	Title	Number of respondents	Frequency of responses per year	Total annual responses	Hours per response	Total annual hours
	VI–18	WHFIT Reporting	329	4	1316	0.13	171.0
	111–29	Enterprise Portal (GMEP) Registration Forms	100	1	100	1	100.0
	VIII–1	Ginnie Mae Acknowledgement Agreement and Accompanying Documents Pledge of Servicing.	10	1	10	1	10
	VI–19	Monthly Pool and Loan Level Report (RFS).	300	12	3600	0.13	468.0
The burden for the Items listed below is based on volume and/or number of requests.							
11705	111–6	Schedule of Subscribers and Ginnie Mae Guaranty Agreement.	315	12	42000	0.05	2100.0
11706	111–7	Schedule of Pooled Mortgages	315	12	42000	008	97440.0
11705H	111–28	Schedule of Subscribers and Ginnie Mae Guaranty Agreement -HMBS Pooling-Import File Layout.	14	12	960	0.05	48
11708	V–5	Document Release Request	329	1	329	0.05	16.5
	XI–6, XI–8, XI–9.	Soldiers' and Sailors' Quarterly Reimbursement Request and SSCRA Loan Eligibility Information.	32	4	8000	0.033	1056.0
11711A and 11711B.	111–5	Release of Security Interest and Certification and Agreement.	329	1	678000	0.05	33900.0
11714 and 11714SN.	VI–10, VI–11	Issuer's Monthly Remittance Advice and Issuer's Monthly Serial Note Remittance Advice.	329	12	56400	0.016	10828.8
	VI–2	Letter for Loan Repurchase	315	12	600	0033	237.6
	V11–1	Collection of Remaining Principal Balances.	315	12	4800000	0.033	158400.0
	111–21	Certification Requirements for the Pooling of Multifamily Mature Loan Program.	298	1	29811	0.05	14.9
	VI–9	Request for Reimbursement of Mortgage Insurance Claim Costs for Multifamily Loans.	21	1	21	0.25	5.3
	VIII–3	Assignment Agreements	67	1	67	0.13	8.7
	111–9	Authorization to Accept Facsimile Signed Correction Request Forms.	329	12	128	0.016	2.0
	VI–17	HMBS Issuer Pooling & Report Specification for MBSAA.	14	12	38400	0.13	4992.0
Total				Varies	10,481,385	Varies	2,617,654

Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 28, 2015.

Anna Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–02253 Filed 2–4–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–05]

30-Day Notice of Proposed Information Collection: 2015 American Housing Survey

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* March 9, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on August 22, 2014.

A. Overview of Information Collection

Title of Information Collection: 2015 American Housing Survey.

OMB Approval Number: 2528–0017.

Type of Request: Reinstatement with change of a previously approved collection.

Form Number: None.

Description of the need for the information and proposed use: The purpose of the American Housing Survey (AHS) is to supply the public with detailed and timely information about housing quality, housing costs, and neighborhood assets, in support of effective housing policy, programs, and markets. Title 12, United States Code, Sections 1701Z–1, 1701Z–2(g), and 1710Z–10a mandates the collection of this information.

Like the previous surveys, the 2015 AHS will collect ''core'' data on subjects such as the amount and types of changes in the housing inventory, the physical condition of the housing inventory, the characteristics of the occupants, housing costs for owners and renters, the persons eligible for and beneficiaries of assisted housing, remodeling and repair frequency, reasons for moving, the number and characteristics of vacancies, and characteristics of resident's neighborhood.

In additional to the ''core'' data, HUD plans to collect ''topical'' data using a series of topical modules. The topics include: Potential health and safety hazards in the home, modifications made to assist occupants living with disabilities, food insecurity, the use of housing counseling services, and the presence of arts and cultural opportunities in the community.

For the first time since 1985, HUD will draw new national and metropolitan area longitudinal samples for the AHS. The national longitudinal sample will consist of approximately 82,950 housing units, and will include oversample from the largest 15 metropolitan areas and approximately 5,250 HUD-assisted housing units. In additional to the national longitudinal sample, HUD plans to conduct 25 metropolitan area samples, each with approximately 3,000 housing units (for a total 75,000 housing units). Lastly, HUD plans to conduct a ''bridge'' sample of 9,000 households from the 2013 AHS. The bridge sample will allow for estimation of longitudinal changes between 2013 and 2015, and facilitates analyses of the impact of survey design changes on 2015 AHS estimates. Policy analysts, program managers, budget analysts, and Congressional staff use AHS data to advise executive and legislative branches about housing conditions and the suitability of public policy initiatives. Academic researchers and private organizations also use AHS data in efforts of specific interest and concern to their respective communities.

HUD needs the AHS data for two important uses.

1. With the data, policy analysts can monitor the interaction among housing needs, demand and supply, as well as changes in housing conditions and costs, to aid in the development of housing policies and the design of housing programs appropriate for different target groups, such as first-time home buyers and the elderly.

2. With the data, HUD can evaluate, monitor, and design HUD programs to improve efficiency and effectiveness.

Members of affected public: Households.

Estimated Number of Respondents: 166,950.

Estimated Time Per Response: 40 minutes.

Frequency of Response: One time every two years.

Estimated Total Annual Burden Hours: 111,300.

Estimated Total Annual Cost: The only cost to respondents is that of their time. The total estimated cost is $64,500,000.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 9(a), and Title 12, U.S.C., Section 1701z–1 *et seq.*

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: January 28, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–02258 Filed 2–4–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2015–N030; FXIA16710900000–156–FF09A30000]

Endangered Species; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before March 9, 2015.

ADDRESSES: Brenda Tapia, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How Do I Request Copies of Applications or Comment on Submitted Applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I Review Comments Submitted by Others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken.

III. Permit Applications

A. Endangered Species

Applicant: Natural Encounters, Winter Haven, FL; PRT–37015B

The applicant requests a permit to export one captive-bred female Andean condor (*Vultur gryphus*) for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: Honolulu Zoo, Honolulu, HI; PRT–43192B

The applicant requests a permit to import 20 captive-born Chinese giant salamander (*Andrias davidianus*) for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Centers for Disease Control and Prevention, Atlanta GA; PRT–42312B

The applicant requests a permit to import common chimpanzee (*Pan troglodytes*) biological samples from wild species for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 1-year period.

Applicant: Fauna & Flora International, Inc., Washington, DC; PRT–46740B

The applicant requests a permit to import wild Siamese crocodile (*Crocodylus siamensis*) samples for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Application: Caldwell Zoo, Tyler, TX; PRT–MA678171

The applicant request renewal of a captive-bred wildlife registration under 50 CFR 17.21(g) for the following families and species to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Families

- Equidae
- Felidae
- Lemuridae
- Rhinocerotidae
- Tapiridae

Species

- Asian elephant (*Elephas maximus*)
- Golden parakeet (*Guarouba guarouba*)
- Galapagos giant tortoise (*Chelonoidis nigra*)

Application: Tonya Bryson, Winston, GA; PRT–42334B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for radiated tortoise (*Astrochelys radiata*) to enhance the species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Don Do, Daly City, CA; PRT–47211A

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for Galapagos Giant tortoise (*Chelonoidis nigra*) and radiated tortoise (*Astrochelys radiata*) to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Wildlife in Need & Wildlife in Deed, Inc., Charlestown, IN; PRT–51552B

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) for the following species to enhance the species' propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Species

Black and white ruffed lemur (*Varecia variegata*)
Red ruffed lemur (*Varecia rubra*)
Brown lemur (*Eulemur fulvus*)
Ring-tailed lemur (*Lemur catta*)
Cottontop tamarin (*Saguinus oedipus*)
Lar gibbon (*Hylobates lar*)
Leopard (*Panthera pardus*)

Multiple Applicants

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Nello Cooper, Fairbanks, AK; PRT–46638B

Applicant: Albert Seeno, Concord, CA; PRT–53980B

Applicant: Janice Simpson, Fort Worth, TX; PRT–56026B

Applicant: James DeBlasio, Boise, ID; PRT–55130B

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2015–02238 Filed 2–4–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMTC 00900.L16100000.DP0000]

Notice of Public Meeting, Eastern Montana Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Eastern Montana Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Eastern Montana Resource Advisory Council meeting will be held on March 12, 2015 in Billings, Montana. The meeting will start at 8:00 a.m. and adjourn at approximately 4:30 p.m.

ADDRESSES: Billings Hampton Inn, 5110 Southgate Drive, Billings, MT 59101.

FOR FURTHER INFORMATION CONTACT: Mark Jacobsen, Public Affairs Specialist, BLM Eastern Montana/Dakotas District, 111 Garryowen Road, Miles City, Montana, 59301; (406) 233–2831; *mjacobse@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–677–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week to leave a message or a question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member Eastern Montana Resource Advisory Council advises the Secretary of the Interior through the BLM on a variety of planning and management issues associated with public land management in Montana. At this meeting the agenda will include: RAC member and BLM staff introductions, a Pumpkin Creek subcommittee progress report, a report on the February RAC chair meeting, individual RAC member reports to BLM managers, Eastern Montana/Dakotas District, Miles City Field Office and Billings Field Office progress reports and other issues the RAC may choose to discuss during the course of the meeting. This meeting is open to the public and will have time allocated for hearing public comments. The public may also present written comments to the council. Depending on the number of persons wishing to comment and the time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2.

Diane M. Friez,

Eastern Montana/Dakotas District Manager.

[FR Doc. 2015–02281 Filed 2–4–15; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17330; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: 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), 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 Beneski Museum of Natural History, Amherst College. 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 Beneski Museum of Natural History, Amherst College at the address in this notice by March 9, 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. 3005, of the intent to repatriate cultural items under the control of the Beneski Museum of Natural History, Amherst College 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

The Beneski Museum of Natural History, Amherst College (Beneski Museum) holds 118 cultural items that are documented to have been, or can reasonably be inferred to have been unassociated funerary objects that were removed from the state of Florida. These cultural items came to the Beneski Museum at several different times and through different avenues. Information on these cultural items comes solely from the hand-written ledger titled ''Catalogue of the Gilbert Museum of Indian Relics in Amherst College'' (here referred to as the ''Gilbert Catalogue'') which opens in approximately 1860 and closes in approximately 1915. In nearly all cases, the information in this record is limited to the state of origin of an item but may include a more specific locale and/or the name of the donor or collector. Cultural affinities are not given. Entries are not dated.

The Beneski Museum holds 16 cultural items received from Mr. Warren K. Moorehead of Andover, MA, described as ''found in mounds in Florida.'' These cultural items are: One conch shell ladle; two shell spoons(?); three shell pendants or sinkers; three whorled implements from the spindle of large coiled shells; three large stone celts; and four clay pots, killed, fragmented, and reconstructed, including one from near Potter's Bar, St. George's Sound, Franklin County, FL and one from near Pearl Bayou, St. Andrew's Bay, Washington County, FL.

The Beneski Museum holds 37 cultural items obtained from Clarence B. Moore of Philadelphia, most—if not all—received in 1872. These cultural items are: Five stone sinkers and two shell sinkers from 3 miles east of Marco, Lee County, FL; one shell celt from near Marco, Lee County, FL; six stone sinkers or pendants, five shell sinkers or pendants, and five shell beads from Marco Island, Ten Thousand Islands, Lee County, FL; five stone sinkers or pendants, five whorled shell sinkers or pendants, one awl of whorled shell, one shell gorget, and one large shell ring from Addison's Key, near Marco, Lee County, FL. Items received from C.B. Moore have only Gilbert Catalogue collection numbers. They do not bear, nor is there a record of, any of Moore's original collection numbers or his field information; the only known provenience of these cultural items is what is given in the Gilbert Catalogue. Nevertheless, many of these cultural items are very similar to those illustrated in Moore's publications on his Florida excavations in which such cultural items are documented as having been removed from mounds.

The Beneski Museum holds nine stone points purchased from Professor C.U. Shepard (of Amherst College) in 1877. They are listed only as having originated in Florida.

The Beneski Museum holds ten cultural items from known and unknown sources, including one pottery fragment from East Florida obtained from a G.J. Lebasson; five fragments of pottery from Laurel Grove, St. Johns River, East Florida (Clay County, FL) from an unknown source; three fragments of pottery from Ormond, Florida (Volusia County, FL) from an unknown source; and one pottery pipe bowl from a ''shell heap'' in Ormond, FL (Volusia County, FL), donor or collector unknown.

The Beneski Museum holds four stone tools identified as a point, a scraper, a drill, and a knife whose provenience is unknown, except that the Gilbert Catalogue indicates they are from Florida.

The Beneski Museum holds 42 uncataloged shell beads that have been stored with cataloged shell beads and may have been obtained either from W.K. Moorehead or C.B. Moore.

Multiple lines of evidence—guided by tribal consultations—including geographic, oral tradition, historical, and aboriginal land claims, demonstrate a shared group identity between these 118 cultural items and the modern-day Miccosukee Tribe of Indians; Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); and The Seminole Nation of Oklahoma. Consultation with the Miccosukee Tribe of Indians indicates that the kinds of cultural items listed here are traditionally associated with deceased individuals and would not have been otherwise discarded. The cultural items known to have been removed from mounds do not differ from those for which provenience is not as explicitly documented. It is reasonable to conclude that all 118 cultural items listed here were intended to rest as funerary objects and were obtained from burial mounds.

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(3)(B), the 118 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 Miccosukee Tribe of Indians.

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 Tekla Harms, NAGPRA Coordinator, Beneski Museum of Natural History, Amherst College, Amherst, MA 01002, telephone (413) 542–2233, email *taharms@amherst.edu,* by March 9, 2015. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Miccosukee Tribe of Indians may proceed.

The Beneski Museum of Natural History, Amherst College is responsible for notifying representatives of the Caddo Nation of Oklahoma; Catawba Indian Nation (aka Catawba Tribe of South Carolina); Cherokee Nation; Chitimacha Tribe of Louisiana; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Jena Band of Choctaw Indians; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Chickasaw Nation; The Choctaw Nation of Oklahoma; The Modoc Tribe of Oklahoma; The Muscogee (Creek) Nation; The Osage Nation (previously listed as the Osage Tribe); The Quapaw Tribe of Indians; The Seminole Nation of Oklahoma; United Keetoowah Band of Cherokee Indians in Oklahoma; and the Wyandotte Nation that this notice has been published.

Dated: December 16, 2014.

Melanie O'Brien,

Acting Program Manager, National NAGPRA Program.

[FR Doc. 2015–02212 Filed 2–4–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0025; DS63610000 DR2PS0000.CH7000156D0102R2]

Agency Information Collection Activities: Delegated and Cooperative Activities With States and Indian Tribes—OMB Control Number 1012–0003; Comment Request

AGENCY: Office of Natural Resources Revenue (ONRR), Interior.

ACTION: Notice of extension.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), ONRR is inviting comments on a collection of information requests that we will submit to the Office of Management and Budget (OMB) for review and approval. This Information Collection Request (ICR) covers the paperwork requirements in the regulations under title 30, *Code of Federal Regulations* (CFR), part 1220.

DATES: Submit written comments on or before April 6, 2015.

ADDRESSES: You may submit comments on this ICR to ONRR by using one of the following three methods (please reference ''ICR 1012–0003'' in your comments; ONRR will post all comments):

1. Electronically go to *http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0025'' and then click ''Search.'' Follow the instructions to submit public comments.

2. Mail comments to Mr. Luis Aguilar, Regulatory Specialist, ONRR, P.O. Box 25165, MS 61030A, Denver, Colorado 80225–0165.

3. Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Mr. Peter Hanley, State and Tribal Support, ONRR, telephone (303) 231–3721 or email at *peter.hanley@onrr.gov.* For other questions, contact Mr. Luis Aguilar, telephone (303) 231–3418, or email at *luis.aguilar@onrr.gov.* You may also contact Mr. Aguilar to obtain copies, at no cost, of (1) the ICR, (2) any associated form, and (3) the regulations that require us to collect the information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR parts 1227, 1228, and 1229, Delegated and Cooperative Activities with States and Indian Tribes.

OMB Control Number: 1012–0003.

Bureau Form Number: None.

Abstract: The Secretary of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). The Secretary is required by various laws to manage mineral resource production from Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected in accordance with applicable laws. The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. ONRR performs the minerals revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands. Public laws pertaining to mineral revenues are on our Web site at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share in an amount or value of production from the leased lands. The regulations require the lessee to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling of such minerals. The information ONRR collects includes data necessary to ensure that the lessee accurately values and appropriately pays all royalties and other mineral revenues due.

The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), as amended by the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996, sections 3, 4, and 8 for Federal lands, authorizes the Secretary to develop delegated and cooperative agreements with states (sect. 205) and Indian tribes (sect. 202) to carry out certain inspection, auditing, investigation, or limited enforcement activities for oil and gas leases in their jurisdiction. The states and Indian tribes are working partners and are an integral part of the overall onshore and offshore compliance effort. The Appropriations Act of 1992 also authorizes the states and Indian tribes to perform the same functions for coal and other solid mineral leases.

This collection of information is necessary in order for states and Indian tribes to conduct audits and related investigations of Federal and Indian oil, gas, coal, any other solid minerals, and geothermal royalty revenues from Federal and tribal leased lands. Relevant parts of the regulations include 30 CFR parts 1227, 1228, and 1229, as described below:

Title 30 CFR part 1227—Delegation to States, provides procedures to delegate certain Federal minerals revenue management functions to states for Federal oil and gas leases. The regulations provide only audit and investigation functions to states for Federal geothermal and solid mineral leases, and leases subject to section 8(g) of the OCS Lands Act, within their state boundaries. To be considered for such delegation, states must submit a written proposal to ONRR, which ONRR must approve. States also must provide quarterly reimbursement vouchers and reports concerning the activities under the delegation to ONRR.

Title 30 CFR part 1228—Cooperative Activities with States and Indian Tribes, provides procedures for Indian tribes to carry out audits and related investigations of their respective leased lands. Indian tribes must submit a written proposal to ONRR in order to enter into a cooperative agreement. The proposal must outline the activities the tribe will undertake and must present evidence that the tribe can meet the standards of the Secretary for the activities to be conducted. The tribes also must submit an annual work plan and budget, as well as quarterly reimbursement vouchers.

Title 30 CFR part 1229—Delegation to States, provides procedures for states to carry out audits and related investigations of leased Indian lands within their respective state boundaries, by permission of the respective Indian tribal councils or individual Indian mineral owners. The state must receive the Secretary's delegation of authority and submit annual audit work plans detailing its audits and related investigations, annual budgets, and quarterly reimbursement vouchers. The state also must maintain records.

The ONRR protects proprietary information the states and tribes submit under this collection. We do not collect items of a sensitive nature. States and tribes must respond in order to obtain the benefit of entering into a cooperative agreement with the Secretary.

Frequency of Response: Varies based on the function performed.

Estimated Number and Description of Respondents: 10 states and 6 Indian tribes.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 12,919 hours.

SECTION A.12 BURDEN BREAKDOWN

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	Part 1227—Delegation To States **Delegation Proposals**			
1227.103; 107; 109; 110(a) and (b)(1); 110 (c), (d), and (e); 111(a) and (b); 805.	What must a State's delegation proposal contain? If you want ONRR to delegate royalty management functions to you, then you must submit a delegation proposal to the ONRR Deputy Director. The ONRR will provide you with technical assistance and information to help you prepare your delegation proposal . . .	200	1	200
	Delegation Process			
1227.110(b)(2)	(b)(2) If you want to change the terms of your delegation agreement for the renewal period, you must submit a new delegation proposal under this part.	16	11	176
	Existing Delegations **Compensation**			
1227.112(d) and (e)	What compensation will a State receive to perform delegated functions? You will receive compensation for your costs to perform each delegated function subject to the following conditions . . . (d) At a minimum, you must provide vouchers detailing your expenditures quarterly during the fiscal year. However, you may agree to provide vouchers on a monthly basis in your delegation agreement . . . (e) You must maintain adequate books and records to support your vouchers . . .	4	64	256
	States' Responsibilities To Perform Delegated Functions			
1227.200(a), (b), (c), and (d)	What are a State's general responsibilities if it accepts a delegation? For each delegated function you perform, you must: (a) . . . seek information or guidance from ONRR regarding new, complex, or unique issues . . . (b)(1) . . . Provide complete disclosure of financial results of activities; (2) Maintain correct and accurate records of all mineral-related transactions and accounts; (3) Maintain effective controls and accountability; (4) Maintain a system of accounts . . . (5) Maintain adequate royalty and production information . . . (c) Assist ONRR in meeting the requirements of the Government Performance and Results Act (GPRA) . . . (d) Maintain all records you obtain or create under your delegated function, such as royalty reports, production reports, and other related information. . . . You must maintain such records for at least 7 years . . .	940	10	9,400
1227.200(e); 801(a); 804	(e) Provide reports to ONRR about your activities under your delegated functions . . . At a minimum, you must provide periodic statistical reports to ONRR summarizing the activities you carried out . . .	3	40	120
1227.200(f); 401(e); 601(d)	(f) Assist ONRR in maintaining adequate reference, royalty, and production databases . . .	1	250	250
1227.200(g); 301(e)	(g) Develop annual work plans . . .	60	10	600
1227.200(h)	(h) Help ONRR respond to requests for information from other Federal agencies, Congress, and the public . . .	8	10	80
1227.400(a)(4) and (a)(6); 401(d); 501(c).	What functions may a State perform in processing production reports or royalty reports? Production reporters or royalty reporters provide production, sales, and royalty information on mineral production from leases that must be collected, analyzed, and corrected.	250	1	250

SECTION A.12 BURDEN BREAKDOWN—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
	(a) If you request delegation of either production report or royalty report processing functions, you must perform . . .			
	(4) Timely transmitting production report or royalty report data to ONRR and other affected Federal agencies . . .			
	(6) Providing production data or royalty data to ONRR and other affected Federal agencies . . .			
1227.400(c)	(c) You must provide ONRR with a copy of any exceptions from reporting and payment requirements for marginal properties and any alternative royalty and payment requirements for unit agreements and communitization agreements you approve.	12	1	12
1227.601(c)	What are a State's responsibilities if it performs automated verification?	10	1	10
	To perform automated verification of production reports or royalty reports, you must . . .			
	(c) Maintain all documentation and logging procedures . . .			
	Performance Review			
	Subtotal Burden for 30 CFR Part 1227		399	11,354
	Part 1228—Cooperative Activities With States And Indian Tribes Subpart C—Oil And Gas, Onshore			
1228.100(a) and (b); 101(c); 107(b).	Entering into an agreement	200	1	200
	(a) . . . Indian tribe may request the Department to enter into a cooperative agreement by sending a letter from . . . tribal chairman . . . to the Director of ONRR			
	(b) The request for an agreement shall be in a format prescribed by ONRR and should include at a minimum the following information:			
	(1) Type of eligible activities to be undertaken			
	(2) Proposed term of the agreement			
	(3) Evidence that . . . Indian tribe meets, or can meet by the time the agreement is in effect . . .			
	(4) If the State is proposing to undertake activities on Indian lands located within the State, a resolution from the appropriate tribal council indicating their agreement to delegate to the State responsibilities under the terms of the cooperative agreement for activities to be conducted on tribal or allotted land			
1228.101(a)	Terms of agreement	15	6	90
	(a) Agreements entered into under this part shall be valid for a period of 3 years and shall be renewable . . . upon request of . . . Indian tribe . . .			
1228.101(d)	(d) . . . Indian tribe will be given 60 days to respond to the notice of deficiencies and to provide a plan for correction of those deficiencies . . .	80	1	80
1228.103(a) and (b)	Maintenance of records	120	6	720
	(a) . . . Indian tribe entering into a cooperative agreement under this part must retain all records, reports, working papers, and any backup materials . . .			
	(b) . . . Indian tribe shall maintain all books and records . . .			
1228.105(a)(1) and (a)(2)	Funding of cooperative agreements	60	6	360
	(a)(1) The Department may, under the terms of the cooperative agreement, reimburse . . . Indian tribe up to 100 percent of the costs of eligible activities. Eligible activities will be agreed upon annually upon the submission and approval of a work plan and funding requirement			
	(2) A cooperative agreement may be entered into with . . . Indian tribe, upon request, without a requirement for reimbursement of costs by the Department			

SECTION A.12 BURDEN BREAKDOWN—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
1228.105(c)	(c) . . . Indian tribe shall submit a voucher for reimbursement of eligible costs incurred within 30 days of the end of each calendar quarter. . . . Indian tribe must provide the Department a summary of costs incurred, for which . . . Indian tribe is seeking reimbursement, with the voucher	4	24	96
	Subtotal Burden for 30 CFR Part 1228		44	1,546
	Part 1229—Delegation To States Subpart C—Oil And Gas, Onshore Administration Of Delegations			
1229.100(a)(1) and (a)(2)	Authorities and responsibilities subject to delegation (a) All or part of the following authorities and responsibilities of the Secretary under the Act may be delegated to a State authority: (1) Conduct of audits related to oil and gas royalty payments made to the ONRR which are attributable to leased . . . Indian lands within the State. Delegations with respect to any Indian lands require the written permission, subject to the review of the ONRR, of the affected Indian tribe or allottee. (2) Conduct of investigation related to oil and gas royalty payments made to the ONRR which are attributable to . . . Indian lands within the State. Delegation with respect to any Indian lands require the written permission, subject to the review of the ONRR, of the affected Indian tribe or allottee. No investigation will be initiated without the specific approval of the ONRR . . .	1	1	1
1229.101(a) and (d)	Petition for delegation (a) The governor or other authorized official of any State which contains . . . Indian oil and gas leases where the Indian tribe and allottees have given the State an affirmative indication of their desire for the State to undertake certain royalty management-related activities on their lands, may petition the Secretary to assume responsibilities to conduct audits and related investigations of royalty related matters affecting . . . Indian oil and gas leases within the State . . . (d) In the event that the Secretary denies the petition, the Secretary must provide the State with the specific reasons for denial of the petition. The State will then have 60 days to either contest or correct specific deficiencies and to reapply for a delegation of authority.	1	1	1
1229.102(c)	Fact-finding and hearings (c) A State petitioning for a delegation of authority shall be given the opportunity to present testimony at a public hearing.	1	1	1
1229.103(c)	Duration of delegations; termination of delegations (c) A State may terminate a delegation of authority by giving a 120-day written notice of intent to terminate	1	1	1
1229.105	Evidence of Indian agreement to delegation. In the case of a State seeking a delegation of authority for Indian lands . . . the State petition to the Secretary must be supported by an appropriate resolution or resolutions of tribal councils joining the State in petitioning for delegation and evidence of the agreement of individual Indian allottees whose lands would be involved in a delegation. Such evidence shall specifically speak to having the State assume delegated responsibility for specific functions related to royalty management activities.	1	1	1
1229.106	Withdrawal of Indian lands from delegated authority If at any time an Indian tribe or an individual Indian allottee determines that it wishes to withdraw from the State delegation of authority in relation to its lands, it may do so by sending a petition of withdrawal to the State . . .	1	1	1

SECTION A.12 BURDEN BREAKDOWN—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
1229.109(a)	Reimbursement for costs incurred by a State under the delegation of authority. (a) The Department of the Interior (DOI) shall reimburse the State for 100 percent of the direct cost associated with the activities undertaken under the delegation of authority. The State shall maintain books and records in accordance with the standards established by the DOI and will provide the DOI, on a quarterly basis, a summary of costs incurred . . .	1	1	1
1229.109(b)	(b) The State shall submit a voucher for reimbursement of costs incurred within 30 days of the end of each calendar quarter.	1	4	
	Delegation Requirements			
1229.120	Obtaining regulatory and policy guidance All activities performed by a State under a delegation must be in full accord with all Federal laws, rules and regulations, and Secretarial and agency determinations and orders relating to the calculation, reporting, and payment of oil and gas royalties. In those cases when guidance or interpretations are necessary, the State will direct written requests for such guidance or interpretation to the appropriate ONRR officials . . .	1	1	1
1229.121	Recordkeeping requirements (a) The State shall maintain in a safe and secure manner all records, work papers, reports, and correspondence gained or developed as a consequence of audit or investigative activities conducted under the delegation . . . (b) The State must maintain in a confidential manner all data obtained from DOI sources or from payor or company sources under the delegation . . . (c) All records subject to the requirements of paragraph (a) must be maintained for a 6-year period measured from the end of the calendar year in which the records were created . . . Upon termination of a delegation, the State shall, within 90 days from the date of termination, assemble all records specified in subsection (a), complete all working paper files in accordance with § 229.124, and transfer such records to the ONRR. (d) The State shall maintain complete cost records for the delegation in accordance with generally accepted accounting principles . . .	1	1	1
1229.122	Coordination of audit activities (a) Each State with a delegation of authority shall submit annually to the ONRR an audit work plan specifically identifying leases, resources, companies, and payors scheduled for audit . . . A State may request changes to its work plan . . . at the end of each quarter of each fiscal year. All requested changes are subject to approval by the ONRR and must be submitted in writing. (b) When a State plans to audit leases of a lessee or royalty payor for which there is an ONRR or OIG resident audit team, all audit activities must be coordinated through the ONRR or OIG resident supervisor . . . (c) The State shall consult with the ONRR and/or OIG regarding resolution of any coordination problems encountered during the conduct of delegation activities.	1	1	1
1229.123 (b)(3)(i)	Standards for audit activities (b)(3) *Standards of reporting.* (i) Written audit reports are to be submitted to the appropriate ONRR officials at the end of each field examination.	1	1	1

SECTION A.12 BURDEN BREAKDOWN—Continued

30 CFR section	Reporting and recordkeeping requirements	Hour burden per response	Number of annual responses	Annual burden hours
1229.124	Documentation standards Every audit performed by a State under a delegation of authority must meet certain documentation standards. In particular, detailed work papers must be developed and maintained.	1	1	1
1229.125(a) and (b)	Preparation and issuance of enforcement documents (a) Determinations of additional royalties due resulting from audit activities conducted under a delegation of authority must be formally communicated by the State, to the companies or other payors by an issue letter prior to any enforcement action . . . (b) After evaluating the company or payor's response to the issue letter, the State shall draft a demand letter which will be submitted with supporting work paper files to the ONRR for appropriate enforcement action. Any substantive revisions to the demand letter will be discussed with the State prior to issuance of the letter . . .	1	1	1
1229.126(a) and (b)	Appeals (a) . . . The State regulatory authority shall, upon the request of the ONRR, provide competent and knowledgeable staff for testimony, as well as any required documentation and analyses, in support of the lessor's position during the appeal process. (b) An affected State, upon the request of the ONRR, shall provide expert witnesses from their audit staff for testimony as well as required documentation and analyses to support the Department's position during the litigation of court cases arising from denied appeals . . .	1	1	1
1229.127	Reports from States The State, acting under the authority of the Secretarial delegation, shall submit quarterly reports which will summarize activities carried out by the State during the preceding quarter of the year under the provisions of the delegation . . .	1	1	1
	Subtotal Burden for 30 CFR Part 229		19	19
TOTAL BURDEN			462	12,919

We have not included in our estimates certain requirements performed in the normal course of business and considered usual and customary. The following chart shows the estimated burden hours by CFR and paragraph:

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour cost'' burden associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that 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.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency to ''* * * provide 60-day notice in the **Federal Register** * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv)

as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request. We also will post the ICR on our Web site at *http://www.onrr.gov/Laws_R_D/FRNotices/ICR0087.htm.*

Public Comment Policy: ONRR will post all comments, including names and addresses of respondents at *http://www.regulations.gov.* Before including Personally Identifiable Information (PII), such as address, phone number, email address, or other personal information in your comment(s), you should be aware that your entire comment(s) (including PII) may be made available to the public at any time. While you may ask us, in your comment(s), to withhold PII from public view, we cannot guarantee that we will be able to do so.

Dated: January 28, 2015.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2015–02232 Filed 2–4–15; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1014, 1016, and 1017 (Second Review)]

Polyvinyl Alcohol From China, Japan, and Korea: Revised Schedule for Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: *Effective Date:* January 28, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective November 13, 2014, the Commission established a schedule for the conduct of the subject full five-year reviews (79 FR 69127, November 20, 2014). The Commission is revising its schedule.

The Commission's new schedule for the reviews is as follows: Requests to appear at the hearing must be filed with the Secretary to the Commission not later than March 4, 2015; the prehearing conference, if needed, will be held on March 5, 2015; the deadline for filing prehearing briefs is March 3, 2015; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on March 10, 2015; the deadline for filing posthearing briefs is March 18, 2015; the Commission will make its final release of information on April 21, 2015; and final party comments are due on April 23, 2015.

For further information concerning these reviews see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 2, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–02286 Filed 2–4–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed First Amendment to Consent Decree Under the Clean Air Act

On January 30, 2015, the Department of Justice lodged a proposed First Amendment to Consent Decree (''First Amendment'') with the United States District Court for the Central District of Illinois in the lawsuit entitled *United States et al.* v. *Archer Daniels Midland Company,* Civil Action No. 03–2066 HAB.

The First Amendment modifies the Consent Decree in this case, which resolved the claims alleged by the United States and Plaintiff-Interveners for violations of the Clean Air Act, including 42 U.S.C. 7470–7492 and certain implementing federal and state regulations at 52 seed and grain processing plants of the Defendant, Archer Daniels Midland Company (''ADM''), located in 11 states. Certain issues involving the implementation and compliance with emissions limits for volatile organic compounds (''VOC'') have arisen with respect to ADM's plants in Marshall, Minnesota and Columbus, Nebraska. Under the Consent Decree, ADM will perform a substitute project to reduce pollutants at the Marshall, Minnesota plant (the replacement of two coal-fired boilers with a natural gas boiler), and will be responsible for an offset of VOC emissions at a facility owned by Malnove Incorporated of Nebraska, located in Omaha, Nebraska (the removal of a high-VOC emitting rotogravure printing press and its replacement with a replacement low-VOC emitting press, or no replacement at all). At the time of lodging, the replacement of the two coal-fired boilers at the Marshall, Minnesota facility and the dismantling of the rotogravure printing press have already been accomplished.

In addition, the First Amendment modifies the original Consent Decree by allowing partial terminations of the Consent Decree for those ADM facilities that have completed all of the compliance obligations set forth in the Consent Decree. The parties have agreed that ADM has met all Consent Decree requirements for each of the facilities listed in Appendix A to the Consent Decree, and as such the Consent Decree will be terminated in part as to those facilities.

The publication of this notice opens a period for public comment on the First Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al.* v. *Archer Daniels Midland Company,* D.J. Ref. No. 90–5–2–1–2035/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the First Amendment may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the First Amendment upon

written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $10.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–02275 Filed 2–4–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: American Radiolabeled Chemicals, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before April 6, 2015.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/ODW, 8701 Morrissette Drive, Springfield, Virginia 22152. Request for hearings should be sent to: Drug Enforcement Administration, Attention: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR pt. 0, subpart. R, App.

In accordance with 21 CFR 1301.33(a), this is notice that on March 10, 2014, American radiolabeled Chemicals, Inc.,101 Arc Drive, St. Louis, Missouri 63146, applied to be registered as a bulk manufacturer the following basic classes of controlled substance:

Controlled Substance	Schedule
Gamma Hydroxybutyric Acid (2010).	I
Ibogaine (7260)	I
Lysergic Acid Diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Dimethyltryptamine (7435)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470).	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Metazocine (9240)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273).	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Phenazocine (9715)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances as radiolabeled compounds for biochemical research.

Dated: January 28, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–02247 Filed 2–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Chattem Chemicals, Inc.

ACTION: Notice of registration.

SUMMARY: Chattem Chemicals, Inc. applied to be registered as an importer of certain basic classes of controlled substances. The DEA grants Chattem Chemicals, Inc. registration as an importer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated September 26, 2014, and published in the **Federal Register** on October 7, 2014, 79 FR 60501, Chattem Chemicals, Inc., 3801 St. Elmo Avenue, Chattanooga, Tennessee 37409, applied to be registered as an importer of certain basic classes of controlled substances. No comments or objections were submitted for this notice. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417, (January 25, 2007).

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Chattem Chemicals, Inc. to import those basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the basic classes of controlled substances:

Controlled Substance	Schedule
Methamphetamine (1105)	II
4-Anilino-N-phenethyl-4-piperidine (8333).	II
Phenylacetone (8501)	II
Opium, raw (9600)	II
Poppy Straw Concentrate (9670)	II
Tapentadol (9780)	II

The company plans to import the listed controlled substances to manufacture bulk controlled substances for sale to its customers. The company plans to import an intermediate form of tapentadol (9780), to bulk manufacture tapentadol for distribution to its customers.

On October 16, 2014, Chattem Chemicals, Inc. withdrew its request for the addition of thebaine (9333) to this registration.

Dated: January 28, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–02244 Filed 2–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Cerilliant Corporation

ACTION: Notice of registration.

SUMMARY: Cerilliant Corporation applied to be registered as an importer of basic classes of controlled substances. The DEA grants Cerilliant Corporation registration as an importer of the controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated September 25, 2014, and published in the **Federal Register** on October 7, 2014, 79 FR 60499, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, applied to be registered as an importer of certain basic classes of controlled substances. No comments or objections were submitted for this notice. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417, (January 25, 2007).

The Drug Enforcement Administration (DEA) has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Cerilliant Corporation to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of the basic classes of controlled substances:

Controlled substance	Schedule
3-Fluoro-N-methylcathinone (3–FMC) (1233)	I
Cathinone (1235)	I
Methcathinone (1237)	I
4-Fluoro-N-methylcathinone (4–FMC) (1238)	I
Pentedrone (*a*-methylaminovalerophenone) (1246)	I
Mephedrone (4-Methyl-N-methylcathinone) (1248)	I
4-Methyl-N-ethylcathinone (4–MEC) (1249)	I
Naphyrone (1258)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Fenethylline (1503)	I
Gamma Hydroxybutyric Acid (2010)	I
Methaqualone (2565)	I
JWH–250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole) (6250)	I
SR–18 (also known as RCS–8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole) (7008)	I
5-Flouro-UR–144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl) methanone (7011)	I
AB–FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) (7012)	I
JWH–019 (1-Hexyl-3-(1-naphthoyl)indole) (7019)	I
ADB–PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) (7035)	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (7048)	I
JWH–081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole) (7081)	I
SR–19 (also known as RCS–4) (1-Pentyl-3-[(4-methoxy)- benzoyl] indole (7104)	I
JWH–018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) (7118)	I
JWH–122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) (7122)	I
UR–144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (7144)	I
JWH–073 (1-Butyl-3-(1-naphthoyl)indole) (7173)	I
JWH–200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole) (7200)	I
AM–2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole) (7201)	I
JWH–203 (1-Pentyl-3-(2-chlorophenylacetyl) indole) (7203)	I
PB–22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) (7222)	I
5F–PB–22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) (7225)	I
Alpha-ethyltryptamine (7249)	I
Ibogaine (7260)	I
CP–47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) (7297)	I
CP–47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol) (7298)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine(2C–T–7) (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Parahexyl (7374)	I
Mescaline (7381)	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine(2C–T–2) (7385)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5–dimethoxyamphetamine (7391)	I
4-Bromo-2,5–dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
JWH–398 (1-Pentyl-3-(4-chloro-1-naphthoyl)indole (7398)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylendioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I

Controlled substance	Schedule
4-Methoxyamphetamine (7411)	I
5-Methoxy-N–N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
N-Benzylpiperazine (7493)	I
4-Methyl-alphapyrrolidinopropiophenone (4-MePPP) (7498)	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C–D) (7508)	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C–E) (7509)	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C–H) (7517)	I
2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C–I) (7518)	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C–C) (7519)	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C–N) (7521)	I
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C–P) (7524)	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C–T–4) (7532)	I
MDPV (3,4-Methylenedioxypyrovalerone) (7535)	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B–NBOMe) (7536)	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C–NBOMe) (7537)	I
2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I–NBOMe) (7538)	I
Methylone (3,4-Methylenedioxy-N-methylcathinone) (7540)	I
Butylone (7541)	I
Pentylone (7542)	I
alpha-pyrrolidinopentiophenone (*a*-PVP) (7545)	I
alpha-pyrrolidinobutiophenone (*a*-PBP) (7546)	I
AM–694 (1-(5-Fluropentyl)-3-(2-iodobenzoyl) indole) (7694)	I
Desomorphine (9055)	I
Etorphine (except HCl) (9056)	I
Codeine methylbromide (9070)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Dextromoramide (9613)	I
Dipipanone (9622)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Racemoramide (9645)	I
Trimeperidine (9646)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661)	I
Tilidine (9750)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Alpha-methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II

Controlled substance	Schedule
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Poppy Straw Concentrate (9670)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to import small quantities of the listed controlled substances for the manufacture of analytical reference standards and distribution to their research and forensic customers.

In reference to drug codes 7360 and 7370, the company plans to import a synthetic cannabidiol and a synthetic tetrahydrocannabinol. No other activity for these drug codes is authorized for this registration.

Dated: January 28, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–02246 Filed 2–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Affirmative Decisions on Petitions for Modification Granted in Whole or in Part

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR part 44 govern the application, processing, and disposition of petitions for modification. This **Federal Register** Notice notifies the public that MSHA has investigated and issued a final decision on certain mine operator petitions to modify a safety standard.

ADDRESSES: Copies of the final decisions are posted on MSHA's Web site at *http://www.msha.gov/indexes/petition.htm.* The public may inspect the petitions and final decisions during normal business hours in MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2349, Arlington, Virginia 22209. All visitors must first stop at the receptionist desk on the 21st Floor to sign-in.

FOR FURTHER INFORMATION CONTACT: Roslyn B. Fontaine, Office of Standards, Regulations, and Variances at 202–693–9475 (Voice), *fontaine.roslyn@dol.gov* (Email), or 202–693–9441 (Telefax), or Barbara Barron at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Telefax). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Introduction

Under section 101 of the Federal Mine Safety and Health Act of 1977, a mine operator may petition and the Secretary of Labor (Secretary) may modify the application of a mandatory safety standard to that mine if the Secretary determines that: (1) An alternative method exists that will guarantee no less protection for the miners affected than that provided by the standard; or (2) that the application of the standard will result in a diminution of safety to the affected miners.

MSHA bases the final decision on the petitioner's statements, any comments and information submitted by interested persons, and a field investigation of the conditions at the mine. In some instances, MSHA may approve a petition for modification on the condition that the mine operator complies with other requirements noted in the decision.

II. Granted Petitions for Modification

On the basis of the findings of MSHA's investigation, and as designee of the Secretary, MSHA has granted or partially granted the following petitions for modification:

- *Docket Number:* M–2013–014–C.
  FR Notice: 78 FR 19021 (3/28/2013).
  Petitioner: Gibson County Coal, LLC, 3455 S 700 W, Owensville, Indiana 47665.

Mine: South Mine, MSHA I.D. No. 12–02388, located in Gibson County, Indiana.

Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

• *Docket Number:* M–2013–030–C.
FR Notice: 78 FR 49775 (8/15/2013).
Petitioner: Newtown Energy, Inc., P.O. Box 189, Comfort, West Virginia 25049.
Mine: Peerless Rachel Mine, MSHA I.D. No. 46–09258, located in Boone County, West Virginia.
Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

• *Docket Number:* M–2013–054–C.
FR Notice: 78 FR 78392 (12/26/2013).
Petitioner: Peabody Midwest Mining, LLC, Three Gateway Center, Suite 1500, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222–1000.
Mine: Wildcat Hills Underground Mine, MSHA I.D. No. 11–03156, located in Saline County, Illinois.
Regulation Affected: 30 CFR 75.1700 (Oil and gas wells).

• *Docket Number:* M–2014–001–C.
FR Notice: 79 FR 11136 (2/27/2014).
Petitioner: CONSOL Buchanan Mining Company, LLC, 1000 CONSOL Energy Drive, Canonsburg, Pennsylvania 15317–6506.
Mine: Buchanan Mine #1, MSHA I.D. No. 44–04856, located in Buchanan County, Virginia.
Regulation Affected: 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.35(a)(5)(i) (Portable (trailing) cables and cords).

• *Docket Number:* M–2014–015–C.
FR Notice: 79 FR 30169 (5/27/2014).
Petitioner: Luminant Mining Company, LLC, P.O. Box 1359, Tatum, Texas 75691.
Mine: Liberty Strip Mine, MSHA I.D. No. 41–04964, located in Rusk County, Texas.
Regulation Affected: 30 CFR 77.803 (Fail safe ground check circuits on high-voltage resistance grounded systems).

• *Docket Number:* M–2014–016–C.
FR Notice: 79 FR 30170 (5/27/2014).
Petitioner: Cliffs Natural Resources, Inc., Cliffs Logan County Coal, LLC, P.O. Box 446, Man, West Virginia 25635.
Mine: Saunders Preparation Plant, MSHA I.D. No. 46–02140, located in Logan County, West Virginia.
Regulation Affected: 30 CFR 77.214(a) (Refuse piles; general).

• *Docket Number:* M–2014–019–C.
FR Notice: 79 FR 36562 (6/27/2014).
Petitioner: M-Class Coal Company, 11351 North Thompsonville Road, Macedonia, Illinois 62860.
Mine: M-Class Mine, MSHA I.D. No. 11–03189, located in Franklin County, Illinois.
Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

• *Docket Number:* M–2014–022–C.
FR Notice: 79 FR 45465 (8/5/2014).
Petitioner: Mountain Coal Company, P.O. Box 591, 5174 Highway 133, Somerset, Colorado 81434.
Mine: West Elk Mine, MSHA I.D. No. 05–03672, located in Gunnison County, Colorado.
Regulation Affected: 30 CFR 75.1909(b)(6) (Nonpermissible diesel-powered equipment; design and performance requirements).

• *Docket Number:* M–2013–010–M.
FR Notice: 78 FR 59724 (9/27/2013).
Petitioner: U.S. Silica Company, 105 Burkett Switch Road, Jackson, Tennessee 38301.
Mine: Jackson Plant, MSHA I.D. No. 40–02937, located in Madison County, Tennessee.
Regulation Affected: 30 CFR 56.13020 (Use of compressed air).

• *Docket Number:* M–2014–001–M.
FR Notice: 79 FR 11139 (2/27/2014).
Petitioner: DMC Mining Services, 488 East 6400 South, Suite 250, Murray, Utah 84107.
Mine: Tata Chemicals Mine, MSHA I.D. No. 48–00155, 324 Allied Chemical Road, Green River, Wyoming 82935, located in Sweetwater County, Wyoming.
Regulation Affected: 30 CFR 57.22606(a) and (c) (Explosive materials and blasting units (III mines)).

• *Docket Number:* M–2014–002–M.
FR Notice: 79 FR 11139 (2/27/2014).
Petitioner: FMC Minerals, 580 Westvaco Road, Box 872, Green River, Wyoming 82935.
Mine: Westvaco Underground Trona Mine, MSHA I.D. No. 48–00152, located in Sweetwater County, Wyoming.
Regulation Affected: 30 CFR 57.22305 (Approved equipment (III mines)).

Dated: February 2, 2015.

Sheila McConnell,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2015–02277 Filed 2–4–15; 8:45 am]

BILLING CODE 4510–43–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Sunshine Act Meeting; Corporate Administration Committee Meeting of the Board of Directors

TIME & DATE: 12:30 p.m., Thursday, February 12, 2015.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington, DC 20002.

STATUS: Open (with the exception of Executive Session).

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. Call To Order
II. Human Resources Updates
III. Executive Session: Presentation of Quatt Report
IV. Executive Session: Senior Management Compensation
V. Executive Session: Management & Board Assessment Project Working Session
VI. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2015–02382 Filed 2–3–15; 11:15 am]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–026, NRC–2008–0252]

Southern Nuclear Operating Company, Inc., Vogtle Combined License

AGENCY: Nuclear Regulatory Commission.

ACTION: Determination of inspections, tests, analyses, and acceptance criteria.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for inspections, tests, analyses, and acceptance criteria (ITAAC) 3.3.00.09, for the Vogtle Unit 4 Combined License.

DATES: February 5, 2015.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select

''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025, email: *Chandu.Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Licensee Notification of Completion of ITAAC

On December 11, 2014, Southern Nuclear Operating Company, Inc. (the licensee) submitted an ITAAC closure notification (ICN) under Section 52.99(c)(1) of Title 10 of the *Code of Federal Regulations* (10 CFR) informing the NRC that the licensee has successfully performed the required inspections, tests, and analyses for ITAAC 3.3.00.09, and that the specified acceptance criteria are met for Vogtle Unit 4 Combined License (ADAMS Accession No. ML14345A948). This ITAAC was approved as part of the issuance of the combined license, NPF–92, for this facility. This ITAAC is in Appendix C of the combined license and is publicly available in ADAMS under Accession No. ML14100A135.

NRC Staff Determination of Completion of ITAAC

The NRC staff has determined that the inspections, tests, and analyses have been successfully completed, and that the specified acceptance criteria are met for Vogtle Unit 4 Combined License, ITAAC 3.3.00.09. This notice fulfills the staff's obligations under 10 CFR 52.99(e)(1) to publish a notice in the **Federal Register** of the NRC staff's determination of the successful completion of inspections, tests and analyses.

The documentation of the NRC staff's determination is in the ITAAC Closure Verification Evaluation Form (VEF), dated January 13, 2015 (ADAMS Accession No. ML15014A479). The VEF is a form that represents the NRC staff's structured process for reviewing ICNs. The ICN presents a narrative description of how the ITAAC was completed, and the NRC's ICN review process involves a determination on whether, among other things, (1) the ICN provides sufficient information, including a summary of the methodology used to perform the ITAAC, to demonstrate that the inspections, tests, and analyses have been successfully completed; (2) the ICN provides sufficient information to demonstrate that the acceptance criteria are met; and (3) any inspections for the ITAAC have been completed and any ITAAC findings associated with the ITAAC have been closed.

The NRC staff's determination of the successful completion of this ITAAC is based on information available at this time and is subject to the licensee's ability to maintain the condition that the acceptance criteria are met. If the staff receives new information that suggests the staff's determination on this ITAAC is incorrect, then the staff will determine whether to reopen this ITAAC (including withdrawing the staff's determination on this ITAAC). The NRC staff's determination will be used to support a subsequent finding, pursuant to 10 CFR 52.103(g), at the end of construction that all acceptance criteria in the combined license are met. The ITAAC closure process is not finalized for this ITAAC until the NRC makes an affirmative finding under 10 CFR 52.103(g). Any future updates to the status of this ITAAC will be reflected on the NRC's Web site at *http://www.nrc.gov/reactors/new-reactors/oversight/itaac.html.*

Dated at Rockville, Maryland, this 29th day of January 2015.

For the Nuclear Regulatory Commission.

Chandu Patel,

Senior Project Manager, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–02271 Filed 2–4–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability & PRA; Notice of Meeting

The ACRS Subcommittee on Reliability & PRA will hold a meeting on February 20, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, February 20, 2015—8:30 a.m. Until 12:00 p.m.

The Subcommittee will be briefed on the options being developed for the Commission for a potential Risk Management Regulatory Framework. 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), Mike Snodderly (Telephone 301–415–2241 or Email: *Mike.Snodderly@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 29, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–02345 Filed 2–4–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS), Meeting of the Acrs Subcommittee on Reliability & PRA; Notice of Meeting

The ACRS Subcommittee on Reliability & PRA will hold a meeting on February 20, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance. The agenda for the subject meeting shall be as follows:

Friday, February 20, 2015—1:00 p.m. Until 5:00 p.m.

The Subcommittee will discuss a draft of the staff's proposed response to the Commission's request for a notation vote paper that provides approaches for allowing licensees to propose to the NRC a prioritization of the implementation of regulatory actions. 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), Mike Snodderly (Telephone 301–415–2241 or Email: *Mike.Snodderly@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 29, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–02336 Filed 2–4–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2012–0235]

Tribal Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed policy statement; extension of comment period.

SUMMARY: On December 1, 2014, the U.S. Nuclear Regulatory Commission (NRC) requested public comment on the proposed ''NRC Tribal Policy Statement.'' The public comment period was originally scheduled to close on March 31, 2015. The NRC has decided to extend the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The comment due date in the document published on December 1, 2014 (79 FR 71136), is extended. Comments should be filed no later than May 31, 2015. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0235. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: 3WFN–06–A44M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michelle Ryan, telephone: 630–829–9724, email: *Michelle.Ryan@nrc.gov;* or Haimanot Yilma, telephone: 301–415–8029, email: *Haimanot.Yilma@nrc.gov;* Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2012–0235 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0235.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2012–0235 in the subject line of your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On December 1, 2014 (79 FR 71136), the NRC requested comments on the proposed ''NRC Tribal Policy Statement'' (ADAMS Accession No. ML14279A180). The proposed policy statement establishes principles to be followed by the NRC to ensure effective government-to-government interactions with American Indian and Alaska Native Tribes and to encourage and facilitate Tribal involvement in the areas over which the Commission has jurisdiction. The NRC is committed to an open and collaborative regulatory environment in the development and implementation of activities that have Tribal implications and welcomes public comment as a means to foster meaningful consultation and coordination with Indian Tribes. The public comment period was originally scheduled to close on March 31, 2015. The NRC has decided to extend the public comment period on this document until May 31, 2015, to allow more time for members of the public to submit their comments.

Dated at Rockville, Maryland, this 30th day of January, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2015–02333 Filed 2–4–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31440]

Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

January 30, 2015.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of January 2015. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 24, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus at (202) 551–6810, SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE., Washington, DC 20549–8010.

BlackRock Real Asset Equity Trust [File No. 811–21931]

BlackRock EcoSolutions Investment Trust [File No. 811–22082]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. Applicants transferred their assets to BlackRock Resources & Commodities Strategy Trust, and on December 8, 2014, made distributions to their shareholders based on net asset value. Expenses of approximately $514,070 and $302,964, respectively, incurred in connection with the reorganizations were paid by applicants.

Filing Date: The applications were filed on December 29, 2014.

Applicants' Address: 100 Bellevue Parkway, Wilmington, DE 19809.

BlackRock Dividend Income Trust [File No. 811–21522]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to BlackRock Enhanced Equity Dividend Trust, and on December 8, 2014, made distributions to its shareholders based on net asset value. Expenses of approximately $236,695 incurred in connection with the reorganization were paid by applicant.

Filing Date: The application was filed on December 29, 2014.

Applicant's Address: 1000 Bellevue Parkway, Wilmington, DE 19809.

American Municipal Income Portfolio Inc. [File No. 811–7678]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Nuveen Investment Quality Municipal Fund, Inc., and on October 22, 2014, made distributions to its shareholders based on net asset value. Expenses of $356,054 incurred in connection with the reorganization were paid by the investment advisers of applicant and the acquiring fund, or their affiliates.

Filing Date: The application was filed on December 22, 2014.

Applicant's Address: 800 Nicollet Mall, BC–MN–H04N, Minneapolis, MN 55402.

American Strategic Income Portfolio Inc. III [File No. 811–7444]

American Select Portfolio Inc. [File No. 811–7838]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Each applicant transferred its assets to Diversified Real Asset Income Fund, and on October 1, 2014, made distributions to its shareholders based on net asset value. Expenses of $839,979 and $609,018, respectively, incurred in connection with the reorganizations were paid by applicants and the investment advisers

of applicants and the acquiring fund, or their affiliates.

Filing Date: The applications were filed on December 22, 2014.

Applicants' Address: 800 Nicollet Mall, BC–MN–H04N, Minneapolis, MN 55402.

Minnesota Municipal Income Portfolio Inc. [File No. 811–7680]

First American Minnesota Municipal Income Fund II Inc. [File No. 811–21193]

Summary: Each applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicants transferred their assets to Nuveen Minnesota Municipal Income Fund, and on October 22, 2014, made distributions to their shareholders based on net asset value. Expenses of $259,711 and $88,537, respectively, incurred in connection with the reorganizations were paid by the investment advisers of applicants and the acquiring fund, or their affiliates.

Filing Date: The applications were filed on December 22, 2014.

Applicants' Address: 800 Nicollet Mall, BC–MN–H04N, Minneapolis, MN 55402.

BlackRock Fixed Income Value Opportunities [File No. 811–22252]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 17, 2014, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant has retained $58,600 in cash in a liquidating trust to pay contingent liabilities, and any remaining assets will be distributed to shareholders. Expenses of approximately $30,500 incurred in connection with the liquidation were paid by applicant.

Filing Date: The application was filed on December 22, 2014.

Applicant's Address: 100 Bellevue Pkwy., Wilmington, DE 19809.

Williams Capital Management Trust [File No. 811–21186]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On September 22, 2014, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $30,000 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on November 25, 2014, and amended on December 22, 2014.

Applicant's Address: 650 Fifth Ave., 9th Floor, New York, NY 10019.

Pacific Corporate Group Private Equity Fund [File No. 811–8637]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On December 30, 2014, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant has retained $188,657 to pay its outstanding expenses. Additional expenses of $109,555 incurred in connection with reorganization were previously paid by applicant.

Filing Date: The application was filed on January 16, 2015.

Applicant's Address: 1015 Ocean Blvd., Coronado, CA 92118.

Salient MLP & Energy Infrastructure Fund [File No. 811–22530]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Salient Midstream & MLP Fund, and on November 17, 2014, made distributions to its shareholders based on net asset value. Expenses of $89,525 incurred in connection with the reorganization were paid by applicant and the acquiring fund.

Filing Date: The application was filed on December 15, 2014.

Applicant's Address: 4265 San Felipe, 8th Floor, Houston, TX 77027.

Nomura Partners Funds, Inc. [File No. 811–1090]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred the assets of its remaining series to Nomura High Yield Fund, a series of The Advisors' Inner Circle Fund III, and on December 8, 2014, made distributions to its shareholders based on net asset value. Applicant did not incur any expenses in connection with the reorganization.

Filing Date: The application was filed on December 16, 2014.

Applicant's Address: 4 Copley Place, 5th Floor, CPH–0326, Boston, MA 02116.

American Fidelity Dual Strategy Fund, Inc. [File No. 811–8873]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On December 2, 2014, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses $18,530 incurred in connection with the liquidation were paid by American Fidelity Assurance Company, applicant's investment adviser.

Filing Dates: The application was filed on December 1, 2014, and amended on January 8, 2015.

Applicant's Address: 2000 N Classen Blvd., Oklahoma City, OK 73106.

Clipper Fund, Inc. [File No. 811–3931]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Clipper Fund, a series of Clipper Funds Trust, and on December 17, 2014, made distributions to shareholders based on net asset value. Expenses of approximately $361,841 incurred in connection with the reorganization were paid by applicant and Davis Selected Advisors, L.P., applicant's investment adviser.

Filing Date: The application was filed on December 29, 2014.

Applicant's Address: c/o Davis Advisors—Legal Department, 2949 E. Elvira Rd., Ste. 101, Tucson, AZ 85756.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02303 Filed 2–4–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74179; File No. SR–CME–2015–002]

Self-Regulatory Organizations; Chicago Mercantile Exchange Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Enhancements to Its Risk Model for Credit Default Swaps

January 30, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 21, 2015, Chicago Mercantile Exchange Inc. (''CME'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II and III below, which Items have been prepared primarily by CME. CME filed the proposal pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii)[4] thereunder, so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4)(ii).

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

CME is proposing to add a new CDS Guaranty Fund charge to CDS Clearing Members that clear CDS Products that reference themselves or their affiliates and delete the current threshold-based approach. Specifically, CME proposes to add a new risk component to its CDS Stress Test Methodology to capture self-referencing risk arising from contracts that include component transactions for which the reference entity is a clearing member or one of its affiliates. In addition, CME proposes to add a new stress exposure calculation to size the self-referencing risk.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CME included statements concerning the purpose 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. CME 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

CME is proposing to add a new CDS Guaranty Fund charge to CDS Clearing Members that clear CDS Products that reference themselves or their affiliates and delete the current threshold-based approach. Specifically, CME proposes to add a new risk component to its CDS Stress Test Methodology to capture self-referencing risk arising from contracts that include component transactions for which the reference entity is a Clearing Member or one of its affiliates. In addition, CME proposes to add a new stress exposure calculation to size the anticipated maximum self-referencing risk.

Although CME does not permit a CDS Clearing Member or a customer to enter into or maintain a single-name CDS position referencing the clearing member or an affiliate, a self-referencing CDS position may arise where the CDS Clearing Member or its affiliate is the Reference Entity in respect of a component transaction within the index referenced in a CDS position. For example, such a situation may arise in the context of index CDS contracts which reference CDS Clearing Members or their affiliates. In such cases, the CDS Clearing Member (a ''CDS SR Clearing Member''), either through its own account or that of a customer, has exposure to a CDS Product that references itself or its affiliate (each, an ''SR Transaction''). CME proposes to address this potential exposure to self-referencing risk by allocating an additional ''jump-to-default'' (''JTD'') risk for each CDS SR Clearing Member under its Stress Test Methodology. CME considers a CDS Clearing Member default to be an extreme tail risk event which is subject to the CDS financial safeguards, including mutualization across all other CDS Clearing Members via the CDS Guaranty Fund.

Currently, CDS SR Clearing Members that clear self-referencing indices for themselves or their customers are required to collateralize the self-referencing exposure in an amount specified in the CME Rules. CME is now proposing to adopt a risk-based approach without reference to any preset threshold to capture this self-referencing risk. The additional risk associated with CDS SR Clearing Members will be added to the stress scenarios used to size the CDS Guaranty Fund and CME will require each CDS SR Clearing Member to make an additional CDS Guaranty Fund Deposit to address this risk (such additional deposit, the ''CDS SR Deposit''). The aggregate amount of CDS SR Deposits will be sized to cover the net self-referencing exposure of the two CDS SR Clearing Members whose combined default would create the largest possible loss to CME in extreme but plausible market conditions [5] using the stress testing methodology and will be allocated proportionately to each CDS SR Clearing Member. The required CDS SR Deposit will be allocated to each CDS SR Clearing Member in proportion to each such CDS SR Clearing Member's net self-referencing exposure.[6]

A new CME Rule 8H06 (CDS SR Deposit) has been added to reflect accurately these proposed changes to the CDS Guaranty Fund in the CME Rules, and CME Rule 8H802.B (Satisfaction of Clearing House Obligations) has been amended to reflect the introduction of the CDS SR Deposit. In addition, provisions in CME Rule 80104.A (Clearing Through Clearing Member's House (or Proprietary) Account) and CME Rule 80104.B (Clearing Through Clearing Members Customer Account) that relate to the requirement by clearing members that clear self-referencing indices for themselves or their customers to collateralize the self-referencing exposure in an amount specified in the CME Rules have been deleted.

2. Statutory Basis

CME believes the proposed rule change is consistent with the requirements of the Exchange Act, including Section 17A of the Exchange Act [7] and the applicable regulations thereunder. The proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivatives agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest consistent with Section 17A(b)(3)(F) of the Exchange Act.[8]

The proposed rule change accomplishes these objectives because it is intended to capture more accurately the risk associated with CDS Clearing Members that clear CDS Products that references themselves or their affiliates. A CDS Clearing Member default may result in contagion among financial institutions, widening spreads and exposing portfolios consisting of index CDS that reference financial entities to potential wrong-way risk. For example, the default of a CDS Clearing Member based in the United States, which is not referenced in an index referencing European names, could lead to overall widening of the credit spreads among financial institutions worldwide, leading to widening of spreads in non-US indices. This may lead to variations in correlations between such non-US indices and other North American

[5] For purposes of determining the largest potential residual losses, the self-referencing exposure of a CDS SR Clearing Member will be aggregated with that of any affiliated CDS SR Clearing Member.

[6] CME received a notice of non-objection to the proposed rule change contained herein from the Commodity Futures Trading Commission (''CFTC''). *See* Letter from Phyllis Dietz, Acting Director, CFTC, to Jason Silverstein, Executive Director and Associate General Counsel, CME (December 22, 2014). The CFTC imposed conditions in the notice of non-objection. In accordance with the CFTC conditions, CME will monitor the self-referencing risk brought by CDS SR Clearing Members on a daily basis. In the event the self-referencing potential residual loss of three or more CDS SR Clearing Members exceeds the equivalent of 50 million Euros each, CME will require additional initial margin from each such CDS SR Clearing Member to cover the incremental portion of the self-referencing risk it brings above 50 million Euros.

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78q–1(b)(3)(F).

indices, potentially adversely impacting certain portfolios which are sensitive to such correlations. This increase in potential exposure caused by contagion is addressed in the Proposed CDS Risk Model and Stress Test Methodology via incorporation of stressed correlation scenarios.

CME will also promote the efficient use of margin for the clearinghouse and its Clearing Members and their customers, by enabling CME to provide appropriate portfolio margining treatment between index and single-name CDS positions and as such contribute to the safeguarding of securities and funds in CME's custody or control or for which CME is responsible and the protection of investors.[9]

CME also believes the proposed rule change is consistent with the requirements of Rule 17Ad–22 of the Exchange Act.[10] In particular, in terms of financial resources, CME believes that the proposed rule change will continue to ensure sufficient margin to cover its credit exposure to its clearing members, consistent with the requirements of Rule 17Ad–22(b)(2)[11] and Rule 17Ad–22(d)(14),[12] and that the CDS Guaranty Fund contributions and required margin will provide sufficient financial resources to withstand a default by the two participant families to which it has the largest exposures in extreme but plausible market conditions consistent with the requirements of Rule 17Ad–22(b)(3).[13] CME is adding a CDS Guaranty Fund deposit using this approach to address self-referencing risk, which has historically not been a material risk in relation to the CDS products cleared by CME to date. In anticipation of clearing additional products, CME proposes to replace the existing threshold-based margin requirement with a risk-based additional CDS Guaranty Fund charge. In addition, CME believes that the proposed rule change is consistent with CME's requirement to limit its exposures to potential losses from defaults by its participants under normal market conditions pursuant to 17Ad–22(b)(1).[14] CME also believes that the proposed rule change will continue to allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults, in accordance with Rule 17Ad–22(d)(11).[15]

B. Self-Regulatory Organization's Statement on Burden on Competition

CME does not believe that the proposed rule change will have any impact, or impose any burden, on competition. The proposed rule change reflects enhancements to CME's CDS Risk Model. Consequently, CME does not believe that the proposed rule change would significantly affect the ability of Clearing Members or other market participants to continue to clear CDS, consistent with the risk management requirements of CME, or otherwise limit market participants' choices for selecting clearing services. For the foregoing reasons, the Proposed CDS Risk Model does not, in CME's view, impose any unnecessary or inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the Proposed CDS Risk Model have not been solicited or received. CME will notify the Commission of any written comments received by CME.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)[16] of the Act and Rule 19b–4(f)(4)(ii)[17] thereunder.

CME asserts that this proposal constitutes a change in an existing service of CME that (a) primarily affects the clearing operations of CME with respect to products that are not securities, including futures that are not security futures, and swaps that are not security-based swaps or mixed swaps, and forwards that are not security forwards; and (b) does not significantly affect any securities clearing operations of CME or any rights or obligations of CME with respect to securities clearing or persons using such securities-clearing service, which renders the proposed change effective upon filing. CME believes that the proposal does not significantly affect any securities clearing operations of CME because CME recently filed a proposed rule change that clarified that CME has decided not to clear security-based swaps, except in a very limited set of circumstances.[18] The rule filing reflecting CME's decision not to clear security-based swaps removed any ambiguity concerning CME's ability or intent to perform the functions of a clearing agency with respect to security-based swaps. Therefore, this proposal will not have an effect on any securities clearing operations of CME.

At any time within 60 days of the filing of the proposed 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 No. SR–CME–2015–002 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–CME–2015–002. 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

[9] *Id.*

[10] 17 CFR 240.17Ad–22.

[11] 17 CFR 240.17Ad–22(b)(2).

[12] 17 CFR 240.17Ad–22(d)(14).

[13] 17 CFR 240.17Ad–22(b)(3).

[14] 17 CFR 240.17Ad–22(b)(1).

[15] 17 CFR 240.17Ad–22(d)(11).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(4)(ii).

[18] *See* Securities Exchange Act Release No. 34–73615 (Nov. 17, 2014), 79 FR 69545 (Nov. 21, 2014) (SR–CME–2014–49). The only exception is with regards to Restructuring European Single Name CDS Contracts created following the occurrence of a Restructuring Credit Event in respect of an iTraxx Component Transaction. The clearing of Restructuring European Single Name CDS Contracts will be a necessary byproduct after such time that CME begins clearing iTraxx Europe index CDS.

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 or 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 CME and on CME's Web site at *http://www.cmegroup.com/market-regulation/rule-filings.html.*

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–CME–2015–002 and should be submitted on or before February 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02251 Filed 2–4–15; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74184; File No. SR–NYSE–2014–65]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change Amending Its Continued Listing Requirements in Relation to the Late Filing of a Company's Annual Report With the Securities and Exchange Commission as Set Forth in Section 802.01E of the Exchange's Listed Company Manual

January 30, 2015.

On December 4, 2014, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend its continued listing requirements in relation to the late filing of a company's annual report with the Commission as set forth in Section 802.01E of the Exchange's Listed Company Manual (''Late Filer Rule''). The proposed rule change was published for comment in the **Federal Register** on December 17, 2014.[3] The Commission received no comment letters regarding the proposed rule change.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether these proposed rule changes should be disapproved. The 45th day for this filing is January 31, 2015.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act [5] and for the reasons stated above, the Commission designates March 17, 2015, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02267 Filed 2–4–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73821 (December 11, 2014), 79 FR 75217 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74178; File No. SR–BOX–2015–06]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Its Rules for the Listing and Trading on the Exchange of Options Settling to the RealVol™ SPY Index (''Index'')

January 30, 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 21, 2015, BOX Options Exchange LLC (the ''Exchange'') 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 from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 6010, 6040, 6090, and 10120 to allow for the listing and trading on the Exchange of options settling to the RealVol™ SPY Index (''Index''). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com.*

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization 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 amend its rules to provide for the listing and trading on the Exchange of options settling to the RealVol™ SPY Index (''Index''). The Index measures the realized volatility of the SPDR® S&P 500® Exchange Traded Fund (ETF) (this security is known by its symbol ''SPY''). At settlement, the Index is based on the daily closing values of SPY, over the previous 21 trading days, as calculated by the RealVol Daily Formula, and promulgated by The VolX Group Corporation (''VolX®''). Options on the Index (proposed symbol ''VOLS'') will be P.M. cash-settled and will have

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

European-style exercise provisions. In addition to standard expiration contracts, Short Term Option (''STO'' or ''weekly'') Series [3] and long-term option series [4] in VOLS may also be traded.

Index Design and Composition

The calculation of the Index is based on the methodology developed by VolX, a company that develops propriety [sic] indices based on realized volatility of the underlying asset. The Exchange is only proposing to list options that settle to the Index at this time; however, the methodology can be used to create indices based on the realized volatility of any underlying asset. SPY, historically, has been the largest and most actively traded ETF in the United States as measured by its assets under management and the value of shares traded.

The Index will be calculated and maintained by a third-party calculation agent acting on behalf of VolX. The Index measures the daily (*i.e.,* close-to-close) realized volatility of SPY. The Index is based on a 21-trading-day rolling realized volatility of the daily closing price of the SPY. Realized volatility is the ''actual volatility,'' ''statistical volatility,'' or ''asset volatility'' that the underlying asset has displayed over a specific period. The term ''realized volatility'' is very closely related to ''standard deviation.'' Realized volatility is a specific form of standard deviation. If one were to use daily returns of an underlying (instead of actual prices) and annualize the results, standard deviation becomes realized volatility. The Index uses a modified version of the standard deviation formula.

The generalized formula for the Index is:

$$Vol = 100 \bullet \sqrt{\frac{252}{n}\sum_{t=1}^{n} R_t^2}$$

Where:

- Vol = realized volatility
- n = number of trading days in a period
- R_t = continuously compounded daily returns as calculated by the formula:

$$R_t = Ln\frac{P_t}{P_{t-1}}$$

Where:

- *Ln* = natural logarithm
- P_t = Underlying Reference Price at time t
- P_{t-1} = Underlying Reference Price at the time period immediately preceding time t

Compared to the normal standard deviation formula, the standard deviation formula used to calculate the Index sets the mean return to zero in order to provide a measure of movement regardless of direction, instead of movement about a trend. Doing so makes hedging easier for options traders and corresponds to the formula used for variance swaps and volatility swaps in the over-the-counter market. In addition, the formula for the Index sets the annualization factor to a constant. A constant annualization value of 252 represents the number of trading days in a typical year in the U.S. Because of the vagaries of the calendar in any particular year and/or the holiday schedules in any particular country, the actual number of trading days may be slightly higher or lower than 252. However, it is preferable to have one approximate constant than to have a variety of exact values. ''Degrees of freedom'' is a term in statistics used to extrapolate from a sample of data to the entire dataset. Since the intent is to provide the exact realized volatility over a specific period and not to extrapolate that sample dataset to the entire history of trading, the formula sets the degrees of freedom to zero. Finally, the result is typically a value less than 1.00. The result is then multiplied by 100 in order to bring the values to a more intuitive ''dollars and cents'' construct. For example, the realized volatility of an equity index may be 0.20. Often, traders will quote this number as 20%, and the formula would disseminate the index value as 20.00.

The SPDR® S&P 500® ETF is the largest and most actively traded ETF in the U.S.[5] According to State Street Global Advisor, the Trustee of SPY, as of January 16, 2015 the total net assets of SPY were approximately $194.8 billion; the weighted average market capitalization of the portfolio components was approximately $129 billion; and the largest market capitalization was approximately $630 billion (Apple Inc., ticker: AAPL).[6] For the three months ending January 16, 2015, the average daily volume in SPY shares was 125 million, and the average value of shares traded was $25.3 billion.[7] For the same period, the average daily volume in SPY options was approximately 2.7 million contracts.[8]

Index Calculation and Maintenance

As noted above, the Index will be maintained and calculated by a calculation agent acting on behalf of VolX. The level of the Index will reflect the current 21-day realized volatility of SPY. The Index will be updated on each trading day after the close of trading of SPY. If the current published value of SPY is not available, because of a market disruption event where the market cannot open and there is no closing price for SPY, for example, the Index will continue to be calculated and disseminated. The calculation of the Index will compensate for the missing day's returns by lowering the value of ''n'' in the formula by the number of days that there is no closing price for SPY.

As mentioned above, the Index that VOLS will settle to is based only on *daily* closing values of SPY. However, a real-time version based on the current SPY price will also be calculated and disseminated during the trading day. The real-time version will generally be disseminated at least every 15 seconds to market data vendors during the trading day. The real-time version will provide an estimate of the Index at the close. The real-time version is calculated by taking the current day's closing price for SPY before the close of trading (day 22) and weighting it by the proportion of time through the current trading day, then using the remaining weight for the first closing price of SPY (day 1). In essence, the first day of the

[3] After an option class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Thursday or Friday that is a business day series of options on that class that expire on the Friday of the following business week that is a business day. *See* IM–6090–2 to Rule 6090.

[4] *See* Rule 6090(b)(1). Long term options series have up to 180 months to expiration.

[5] The SPDR® S&P 500® ETF holds up to 500 securities listed on U.S. securities exchanges.

[6] *See https://www.spdrs.com/product/fund.seam?ticker=SPY.*

[7] Calculated *using* data from Yahoo as of January 16, 2015.

[8] Calculated using data from The Options Clearing Corp. as of January 16, 2015.

period (22 trading days prior to the current day) and the last day of the period (the current trading day) will have a weight of 100% in total, while the days in between will have a weight of 100% each. In this way, the 22 returns will be weighted as if there are only 21 returns and the Index will, therefore, be updating throughout the day as the current SPY price changes. The Exchange notes that after the market close the real-time formula and the formula used to calculate the Index will have exactly the same value.

Values of the Index will also be disseminated to market information vendors such as Bloomberg and ThomsonReuters [sic]. In the event the Index ceases to be maintained or calculated, the Exchange will not list any additional series for trading and will limit all transactions in such options to closing transactions only for the purpose of maintaining a fair and orderly market and protecting investors.

Exercise and Settlement Value

Standard options on the Index will expire on the third Friday of each month.[9] Trading in expiring options on the Index will normally cease at 4:15 p.m. (Eastern time) on the business day of expiration, or, in the case of an option contract expiring on a day that is not a business day, on the last business day before its expiration. The exercise and settlement value will be calculated based on the Index value at the close of the last business day of trading, which is ultimately based on the closing price of SPY on the last business day of trading, for its final input value. The exercise-settlement amount is equal to the difference between the settlement value and the exercise price of the option, multiplied by $100. Exercise will result in the delivery of cash on the business day following expiration.

The following are certain value characteristics of the Index: (i) The initial index value was 12.91 on March 2, 1993 (21 trading days after the SPY security was listed for trading); (ii) the index value on September 30, 2014 was 9.16; (iii) the lowest index value since inception was 5.14 and occurred on August 31, 1995; and (iv) the highest index value since inception was 91.25 and occurred on October 28, 2008.[10]

Contract Specifications

The contract specifications for VOLS are set forth in Exhibit 3–1. The Index is a broad-based index, as defined in Rule 6010(j). VOLS are European-style and P.M. cash-settled. The Exchange's standard trading hours for index options (9:30 a.m. to 4:15 p.m., Eastern time) will apply to VOLS. With respect to margin requirements[11] for VOLS, the Exchange proposes to apply margin requirements for the purchase and sale of VOLS that are identical to the margin requirements adopted by the CBOE for the CBOE Volatility Index. In order to avoid confusion, the Exchange is proposing to amend Rule 10120 to make clear that the margin requirements for VOLS will be identical to those adopted by CBOE for the CBOE Volatility Index.[12]

The trading of VOLS will be subject to the trading halt procedures applicable to other index options traded on the Exchange.[13] VOLS will be quoted and traded in U.S. dollars.[14] Accordingly, all Exchange and Options Clearing Corporation members shall be able to accommodate trading, clearance, and settlement of VOLS without alteration.

The Exchange is proposing to establish a strike price setting regime for VOLS similar to what is permitted for CBOE Volatility Index (''VIX'') options.[15] The Exchange proposes to permit $0.50 strike price (or greater) intervals for VOLS where the strike price is less than $75. Fifty cent strike price (or greater) intervals are currently permitted for VIX options where the strike price is less than $75.[16] Next, the Exchange proposes to permit $1 strike price (or greater) intervals for VOLS where the strike price is $200 or less. The Exchange notes that $1 strike price (or greater) intervals where the strike price is $200 or less are permitted for VIX options pursuant to CBOE Rule 24.9.01(l). Finally, the Exchange proposes to permit $5 strike price (or greater) intervals for VOLS when the strike price is greater than $200. The Exchange notes that $5 strike price (or greater) intervals where the strike price is more than $200 are permitted for VIX options pursuant to CBOE Rule 24.9.01(l). The Exchange believes that these more granular strike price intervals will provide investors with greater flexibility by allowing them to establish positions that are better tailored to meet their investment objectives.

Currently, when new series of index options with a new expiration date are opened for trading, or when additional series of index options in an existing expiration date are opened for trading as the current value of the underlying index moves substantially from the exercise prices of series already opened, the exercise prices of such new or additional series shall be reasonably related to the current value of the underlying index at the time such series are first opened for trading.[17] The Exchange, however, proposes to eliminate this range limitation that will limit the number of strikes that may be listed in VOLS. The Exchange's proposal to set minimum strike price intervals without a range limitation is identical to strike price intervals adopted by CBOE for the VIX.[18]

In accordance with Rule 7050, The Exchange also proposes to adopt minimum trading increments for options on the Index to be $0.05 for series trading below $3, and $0.10 for series trading at or above $3.

The Exchange's rules provide that index option contracts may expire at three (3)-month intervals or in consecutive months.[19] The Exchange may list up to six (6) expiration months at any one time, but will not list index options that expire more than twelve (12) months out. The Exchange proposes to list VOLS in the six consecutive expiration months. For example, six monthly expirations from January through June may be listed.[20]

The Exchange proposes that there shall be no position or exercise limits for VOLS. As noted above, the Index will settle using published quotes from its corresponding security, specifically SPY. Given that there are currently no position limits for SPY options,[21] the Exchange believes it is appropriate for

[9] Standard options expiring prior to February 1, 2015 will expire on the Saturday immediately following the third Friday of the expiration month of such option contract. *See* Securities Exchange Act Release No. 70488 (September 24, 2013), 78 FR 59998 (September 30, 2013) (Notice of Filing SR–BOX–2013–45).

[10] Calculated using data from Yahoo.com as of October 1, 2014.

[11] Options Participants and associated persons are bound by the initial and maintenance margin requirements of either the Chicago Board Options Exchange, Incorporated (''CBOE'') or the New York Stock Exchange. *See* Rule 10120.

[12] *See* CBOE Rule 12.3.

[13] *See* Rule 6080(c).

[14] *See* Rule 6090(a)(1).

[15] *See* proposed Rule 6090(c)(7) permitting the described strike price interval setting regime.

[16] VIX options are used to calculate the CBOE VVIX index (aka ''VIX of VIX'' index). Because VIX options are used to calculate a volatility index, $0.50 strike price intervals are permitted for VIX options where the strike price is less than $75. *See* CBOE Rule 24.9.12.

[17] *See* Rule 6090(c)(3). The term ''reasonably related to the current index value of the underlying index'' means that the exercise price is within thirty percent (30%) of the current index value, as defined in Rule 6090(c)(4).

[18] *See* Securities Exchange Act Release No. 63155 (October 21, 2010), 75 FR 66402 (October 28, 2010) (SR–CBOE–2010–096).

[19] *See* Rule 6090(a)(3).

[20] *Id.*

[21] *See* Securities Exchange Act Release No. 67936 (September 27, 2012), 77 FR 60491 (October 3, 2012) (Notice of Filing and Immediate Effectiveness of SR–BOX–2012–013).

there to be no position or exercise limits for VOLS. Because the size of the market underlying SPY is so large, the Exchange believes that this should dispel any concerns regarding market manipulation. By extension, the Exchange believes that the same reasoning applies to VOLS since the value of VOLS is derived from the realized volatility of SPY. The Exchange notes that options on CBOE's Volatility Index are also not subject to any position or exercise limits.[22]

The trading of VOLS shall be subject to the same rules that presently govern the trading of Exchange index options, including sales practice rules, and trading rules. As mentioned above, the margin requirements shall be the same as those adopted by CBOE for the CBOE Volatility Index. Further, pursuant to IM–6090–2 to Rule 6090, the Exchange may also list Short Term Option Series on the Index. After an option class has been approved for listing and trading on the Exchange, the Exchange may open Short Term Option Series for trading on any Thursday or Friday that is a business day and that expire on each of the next five Fridays that are business days and are not Fridays in which monthly options series or Quarterly Options Series expire. The interval between strike prices on Short Term Options Series may be $0.50 or greater where the strike price is less than $75, and $1 or greater where the strike price is between $75 and $150.[23] During the month prior to expiration of an index option class that is selected for the Short Term Option Series Program, the strike price intervals for the related non-Short Term Option shall be the same as the strike price intervals for the Short Term Option.

Section 4000 of the Exchange's rules is designed to protect public customer trading and shall apply to trading in VOLS. Specifically, Rules 4020(a) and (b) prohibit Order Flow Providers (''OFP'')[24] from accepting a Public Customer order to purchase or write an option, including VOLS, unless such customer's account has been approved in writing by a designated Options Principal of the OFP. Additionally, Rule 4040 regarding suitability is designed to ensure that options, including VOLS, are sold only to customers capable of evaluating and bearing the risks associated with trading in this instrument. Further, Rule 4050 permits OFPs to exercise discretionary power with respect to trading options, including VOLS, in a Public Customer's account only if the OFP has received prior written authorization from the customer and the account has been accepted in writing by a designated Options Principal. Finally, Rule 4030, Supervision of Accounts, Rule 4060, Confirmation to Public Customers, and Rule 4100, Delivery of Current Options Disclosure Documents and Prospectus, will also apply to trading in VOLS.

Surveillance and Capacity

The Exchange has an adequate surveillance program in place for VOLS and intends to apply those same program procedures that it applies to the Exchange's other options products. Index products and their respective symbols are integrated into the Exchange's existing surveillance system architecture and are thus subject to the relevant surveillance processes. This is true for both surveillance system processing and manual processes that support the Exchange's surveillance program. Additionally, the Exchange is also a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement dated June 20, 1994. The members of the ISG include all of the U.S. registered stock and options markets: NYSE MKT LLC, NYSE Arca, Inc., BATS Exchange, Inc., NASDAQ OMX BX, Chicago Board Options Exchange, Inc., Chicago Stock Exchange, Inc., Financial Industry Regulatory Authority, NASDAQ Stock Market LLC, National Stock Exchange, Inc., the New York Stock Exchange LLC, and NASDAQ OMX PHLX, Inc. The ISG members work together to coordinate surveillance and investigative information sharing in the stock and options markets.

Per the proposed rule change, the Index will be settled using a calculation based on the daily closing prices of the SPY. The Exchange believes that manipulating the settlement value will be difficult based on the size of the market for SPY shares. The vast liquidity of SPY shares ensures a multitude of market participants at any given time.[25] Due to the high level of participation among market makers that can enter quotes in SPY shares, the Exchange believes it would be very difficult for a single participant to alter the closing price in any significant way without exposing the would-be manipulator to regulatory scrutiny and financial costs. In addition, since the Index is based on 21 trading days of data, any manipulation in a single closing value of SPY should have a muted impact on the Index.

The Exchange reiterates that it is unlikely that the Index settlement value could be manipulated. Nonetheless, the Exchange, in its normal course of surveillance, will monitor for any potential manipulation of the Index settlement value according to the Exchange's current procedures.

The Exchange believes that the surveillance procedures currently in place will allow the Exchange to adequately surveil for any potential manipulation in the trading of VOLS.

The Exchange represents that it has the necessary system capacity to support additional quotations and messages that will result from the listing and trading of VOLS.

Pilot Program

As proposed, the proposal would become effective on a pilot program basis for a period of twelve months. If the Exchange were to propose an extension of the program or should the Exchange propose to make the program permanent, then the Exchange would submit a filing proposing such amendments to the program. The Exchange notes that any positions established under the pilot would not be impacted by the expiration of the pilot. For example, a position in a VOLS series that expires beyond the conclusion of the pilot period could be established during the 12-month pilot. If the pilot program were not extended, then the position could continue to exist. However, the Exchange notes that any further trading in the series would be restricted to transactions where at least one side of the trade is a closing transaction.

The Exchange proposes to submit a pilot program report to the Securities and Exchange Commission (the ''Commission'') two months prior to the expiration date of the Pilot Program (the ''annual report''). The annual report would contain an analysis of volume, open interest, and trading patterns. The analysis would examine trading in the proposed option product as well as trading in SPY. In addition, for series that exceed certain minimum open interest parameters, the annual report would provide analysis of index price volatility and SPY trading activity. In addition to the annual report, the

[22] *See* Securities Exchange Act Release No. 54019 (June 20, 2006), 71 FR 36569 (June 27, 2006) (SR–CBOE–2006–55). Additionally, the Exchange notes there are currently a number of actively-traded broad-based index options, *i.e.,* DJX, NDX, SPX, that are also not subject to any position or exercise limits.

[23] *See* IM–6090–2(b)(5) to Rule 6090.

[24] *See* Rule 100(a)(45). The terms ''Order Flow Provider'' or ''OFP'' mean those Options Participants representing as agent Customer Orders on BOX and those non-Market Maker Participants conducting proprietary trading.

[25] SPY share volume as of June 20, 2013 was approximately 137 million shares per day. *See supra* note 5 [sic].

Exchange would provide the Commission with periodic interim reports while the pilot is in effect that would contain some, but not all, of the information contained in the annual report. The annual report would be provided to the Commission on a confidential basis.

The annual report would contain the following volume and open interest data:

(1) Monthly volume aggregated for all trades;

(2) monthly volume aggregated by expiration date;

(3) monthly volume for each individual series;

(4) month-end open interest aggregated for all series;

(5) month-end open interest for all series aggregated by expiration date; and

(6) month-end open interest for each individual series.

In addition to the annual report, the Exchange would provide the Commission with interim reports of the information listed in Items (1) through (6) above periodically as required by the Commission while the pilot is in effect. These interim reports would also be provided on a confidential basis.

In addition, the annual report would contain the following analysis of trading patterns in VOLS series in the pilot:

(1) A time series analysis of open interest; and

(2) an analysis of the distribution of trade sizes.

Also, for series that exceed certain minimum parameters, the annual report would contain the following analysis related to index price changes and SPY trading volume at the close on expiration Fridays:

(1) A comparison of index price changes at the close of trading on a given expiration Friday with comparable price changes from a control sample. The data would include a calculation of percentage price changes for various time intervals and compare that information to the respective control sample. Raw percentage price change data as well as percentage price change data normalized for prevailing market volatility, as measured by the Chicago Board Options Exchange, Incorporated (''CBOE'') Volatility Index (VIX), would be provided; and

(2) a calculation of trading volume for a sample set of SPY representing an upper limit on trading that could be attributable to expiring in-the-money series. The data would include a comparison of the calculated volume for SPY in the sample set to the average daily trading volumes of SPY over a sample period.

The minimum open interest parameters, control sample, time intervals, and sample periods would be determined by the Exchange and the Commission.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [26] in general, and furthers the objectives of Section 6(b)(5) of the Act [27] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular in that it will permit options trading in the Index pursuant to rules designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade. The Exchange believes the proposed rule change will further the Exchange's goal of introducing new and innovative products to the marketplace. The Exchange believes that listing VOLS will provide an opportunity for investors to hedge, or speculate on, the market risk associated with changes in realized volatility.

Volatility-focused products have become more prominent over the past few years, and in a number of different formats and types, including ETFs, exchange-traded notes, exchange-traded options, and exchange-traded futures. Such products offer investors the opportunity to manage their volatility risks associated with an underlying asset class. Currently, most of the products focus on underlying equity indexes or equity-based portfolios. The Exchange proposes to introduce a cash-settled options contract on a new volatility index, which focuses on the volatility of the daily closing price of the SPY. SPY is the largest and most liquid ETF in the United States, and the most actively traded equity option product. The Exchange believes that because the Index is derived from published SPY prices, and given the immense liquidity found in the individual portfolio components of SPY, the concern that the Index will be subject to market manipulation is greatly reduced. In addition, because the Index comprises 21 days of SPY closing prices, the potential for manipulation is reduced even further. Therefore, the Exchange believes that the proposed rule change to list options on the Index is appropriate.

[26] 15 U.S.C. 78f(b).

[27] 15 U.S.C. 78f(b)(5).

The Exchange further notes that Rules that apply to the trading of other index options currently traded on the Exchange would also apply to the trading of VOLS. Additionally, the trading of VOLS would be subject to, among others, Exchange Rules governing margin requirements and trading halt procedures.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in VOLS. The Exchange also represents that it has the necessary systems capacity to support the new options series. And as stated in the filing, the Exchange has rules in place designed to protect public customer trading.

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. The Exchange notes that the proposed rule change will facilitate the listing and trading of a novel index option product that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on 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–BOX–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–BOX–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 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–BOX–2015–06 and should be submitted on or before February 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02250 Filed 2–4–15; 8:45 am]

BILLING CODE 8011–01–P

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74180; File No. SR–NYSEMKT–2015–07]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the NYSE Amex Options Fee Schedule To Make a Change to the Amex Customer Engagement Program in Section I.E. of the Fee Schedule

January 30, 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 28, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Amex Options Fee Schedule (''Fee Schedule'') to make a change to the Amex Customer Engagement (''ACE'') Program in section I.E. of the Fee Schedule. The Exchange proposes to implement the change on February 2, 2015. 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.

[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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to make a change to the ACE Program in section I.E. of the Fee Schedule. The Exchange proposes to implement the change on February 2, 2015.

Section I.E. of the Fee Schedule describes the ACE Program,[3] which features four tiers expressed as a percentage of total industry Customer equity and ETF option average daily volume (''ADV'').[4] Specifically, the ACE Program consists of a four-tiered schedule of per contract credits payable to an Order Flow Provider (''OFP'') solely for Electronic Customer volume that the OFP, as agent, submits to the Exchange.[5] The ACE Program offers the following two methods for OFPs to receive credits:

1. By calculating, on a monthly basis, the average daily Customer contract volume an OFP executes Electronically on the Exchange as a percentage of total industry Customer equity and ETF options ADV;[6] or

2. By calculating, on a monthly basis, the average daily contract volume an OFP executes Electronically in all participant types (*i.e.,* Customer, Firm, Broker-Dealer, NYSE Amex Options Market Maker, Non-NYSE Amex Options Market Maker, and Professional Customer) on the Exchange, as a percentage of total industry Customer equity and ETF options ADV,[7] of which at least 20% must be Customer volume executed Electronically.

The Exchange has received questions regarding qualification for credits under

[3] *See* NYSE Amex Options Fee Schedule, dated January 14, 2015, *available here, https://www.theice.com/publicdocs/nyse/markets/amex-options/NYSE_Amex_Options_Fee_Schedule.pdf.*

[4] In calculating ADV, the Exchange will utilize monthly reports published by the OCC for equity options and ETF options that show cleared volume by account type. *See* OCC Monthly Statistics Reports, *available here, http://www.theocc.com/webapps/monthly-volume-reports* (including for equity options and ETF options volume, subtotaled by exchange, along with OCC total industry volume). The Exchange will calculate the total OCC volume for equity and ETF options that cleared in the Customer account type and divide this total by the number of trading days for that month (*i.e.,* any day the Exchange is open for business). For example, in a month having 21 trading days where there were 252,000,000 equity option and ETF option contracts that cleared in the Customer account type, the calculated ADV would be 12,000,000 (252,000,000/21 = 12,000,000).

[5] Electronic Customer volume is volume executed electronically through the Exchange System, on behalf of an individual or organization that is not a Broker-Dealer and who does not meet the definition of a Professional Customer.

[6] *See supra* n. 4.

[7] *Id.*

method 2 of the ACE Program and proposes changes to the level of Customer volume required to qualify for credits under method 2. Specifically, the Exchange proposes to revise method 2 by replacing the clause ''of which at least 20% must be Customer volume executed Electronically'' with the clause ''with the further requirement that a specified percentage of the minimum volume required to qualify for the Tier must be Customer volume.'' [8] In addition, proposed language changes are shown in the table below, with underlining used to denote new language.

AMEX CUSTOMER ENGAGEMENT PROGRAM—STANDARD OPTIONS

Tier	ACE program—Standard options			Credits payable on customer volume only		
	Customer electronic ADV as a % of industry customer equity and ETF options ADV	OR	Total electronic ADV (of which 20% or greater of the minimum volume for each tier must be customer) as a % of industry customer equity and ETF options ADV	Customer volume credits	1 year enhanced customer volume credits	3 year enhanced customer volume credits
1	0.00% to 0.75%	.....	N/A	$0.00	$0.00	$0.00
2	>0.75% to 1.00%	.....	N/A	($0.13)	($0.13)	($0.13)
3	>1.00% to 2.00%	.....	1.50% to 3.50% of which 20% or greater of 1.50% must be Customer.	($0.14)	($0.16)	($0.18)
4	>2.00%	.....	>3.50% of which 20% or greater of 3.5% must be Customer.	($0.14)	($0.16)	($0.20)

The Exchange's current Fee Schedule requires, under method 2 for qualifying for the credits under the ACE Program, that at least 20% of an OFP's Electronic volume [9] be comprised of Customer volume. However, because method 2 does not fix the 20% Customer volume requirement at a specified, minimum level, the more volume that an OFP executes, the more Customer volume required to qualify for credits under method 2. This condition to receiving ACE Program credits under method 2 could create the unintended incentive for an OFP that has a proportional reduction in its Customer volume (*i.e.,* if its overall volume of Non-Customer increases, but its Customer volume does not) to reduce its trading of Non-Customer Electronic volume on the Exchange in order to satisfy the 20% Customer volume condition and receive the credits available under method 2.

To avoid the potential that the 20% Customer volume requirement could induce OFPs to reduce their activity on the Exchange to avoid disqualifying themselves for potential credits under method 2 of the ACE Program, the Exchange proposes to modify method 2 to specify that the Customer volume component for each Tier is 20% of the minimum volume for that Tier. Specifically, as proposed, to qualify for credits under Tier 3, an OFP's Customer volume would have to be at least 20% of volume required to satisfy the 1.50% of total average daily industry Customer equity and ETF option volume that an OFP must execute Electronically on the Exchange.[10] Similarly, as proposed, to qualify for Tier 4, an OFP's Customer volume would have to be 20% of volume required to satisfy the 3.50% of total average daily industry Customer equity and ETF option volume that an OFP must execute Electronically on the Exchange.[11]

For example, as noted above,[12] in a month having 21 trading days where the OCC reported 252,000,000 equity and ETF option contracts clearing in the Customer range, the calculated ADV is 12,000,000 (252,000,000/21 = 12,000,000). The ACE Program tiers are based on the ADV an OFP executes Electronically on the Exchange. Under method 2, the ADV associated with Tier 3 credits ranges from 1.5% to 3.5% of industry Customer equity option and ETF option ADV (1.5% of 12,000,000 = 180,000 and 3.5% of 12,000,000 = 420,000). Under the current Fee Schedule, to qualify for the Tier 3 credits, an OFP with total Electronic ADV of 180,000 contracts would be required to have at least 20% of that volume, or 36,000 contracts (20% of 180,000 = 36,000) conducted as Customer. However, an OFP that has total electronic ADV of 420,000 contracts would be required to have at least 84,000 contracts (20% of 420,000 = 84,000) as Customer volume to qualify for Tier 3 credits.

As proposed, to qualify for Tier 3 credits, both OFPs in the above example would be required to have 36,000 contracts as Customer volume. In other words, Tier 3 credits would be available to any OFP with total Electronic ADV of between 1.50% and 3.50% of Industry Customer Equity and ETF Options ADV, provided that the OFP conducted at least 0.3% of industry Customer equity and ETF option ADV as Customer volume (1.50% of 12,000,000 = 180,000 and 20% of 180,000 = 36,000, which is the same as 0.3% of 12,000,000 = 36,000). Continuing the example, under the proposed change, an OFP with total electronic ADV greater than 3.5% of industry Customer equity option and

[8] As proposed, an OFP qualifies for credits under method 2 ''[b]y calculating, on a monthly basis, the average daily contract volume an OFP executes Electronically in all participant types (*i.e.,* Customer, Firm, Broker-Dealer, NYSE Amex Options Market Maker, Non-NYSE Amex Options Market Maker, and Professional Customer) on the Exchange, as a percentage of total average daily industry Customer equity and ETF option volume, with the further requirement that a specified percentage of the minimum volume required to qualify for the Tier must be Customer volume.''

[9] The Fee Schedule describes how the Exchange calculates an OFP's Electronic volume for purposes of the ACE Program. *See* Section I.E of the Fee Schedule. In particular, ''the Exchange will exclude volume resulting from Mini Options and QCC trades;'' and will likewise exclude ''any volume attributable to orders routed to another exchange in connection with the Options Order Protection and Locked/Crossed Market Plan referenced in Rule 991NY.'' The Exchange will include in its calculation of an OFP's Electronic volume for purposes of the ACE Program, ''[v]olume resulting from CUBE Auction executions'' and ''will include the activity of Affiliates [*i.e.,* entities with 70% common ownership] of the OFP, such as when an OFP has an Affiliated NYSE Amex Options Market Making firm.'' *Id.* The Exchange notes that any day the Exchange is open, regardless of length, will count as a full day when calculating ADV.

[10] An OFP's Customer volume would need to be 0.3% (*i.e.,* 1.50% × 20%) of the total average daily industry Customer equity and ETF option volume.

[11] An OFP's Customer volume would need to be 0.7% (*i.e.,* 3.50% × 20%) of the total average daily industry Customer equity and ETF option volume.

[12] *See supra* n. 4.

ETF option ADV would qualify for the Tier 4 credits provided the OFP also had Customer ADV of at least 0.7% of Industry Customer equity and ETF option ADV (3.50% of 12,000,000 = 420,000 and 20% of 420,000 = 84,000, which is the same as 0.7% of 12,000,000 = 84,000).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[13] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[14] in particular, because it would provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that specifying a minimum volume amount to meet the 20% Customer volume component for each Tier under method 2 of the ACE Program is reasonable, equitable and not unfairly discriminatory because it is designed to reduce the potential that OFPs divert Non-Customer order flow away from the Exchange, which may increase volume and liquidity on the Exchange to the benefit of all market participants by providing tighter quoting and better prices, all of which perfects the mechanism for a free and open market and national market system. The Exchange believes that the proposal is not unfairly discriminatory as it applies equally to all OFPs, enabling each OFP to qualify under method 2 of the ACE Program upon achieving a set minimum threshold for Customer volume based on ADV. The Exchange also believes that the proposal is reasonable, equitable and not unfairly discriminatory because specifying a minimum volume amount to meet the 20% Customer volume component for each Tier under method 2 of the ACE Program would add clarity to the Fee Schedule and aid in market participants' comprehension as to how to qualify for the credits under the ACE Program.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the ACE Program will continue to encourage Customer order flow to be directed to the Exchange. By incentivizing OFPs to route Customer orders, the Exchange desires to attract liquidity to the Exchange, which in turn benefits all market participants.

Given the robust competition for volume among options markets, many of which offer the same products, implementing programs to attract order flow similar to the one being proposed in this filing, are consistent with the above-mentioned goals of the Act. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[15] of the Act and subparagraph (f)(2) of Rule 19b–4[16] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such 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 under Section 19(b)(2)(B)[17] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2015–07 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–NYSEMKT–2015–07. 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–NYSEMKT–2015–07, and should be submitted on or before February 26, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02252 Filed 2–4–15; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4) and 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(2).

[17] 15 U.S.C. 78s(b)(2)(B).

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 9032]

60-Day Notice of Proposed Information Collection: Statement Regarding a Lost or Stolen U.S. Passport Book and/or Card

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. 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 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to April 6, 2015.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the Internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2015–0009'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: PPTFormsOfficer@state.gov*.
- *Mail:* U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison, 2201 C Street NW., Washington, DC 20520.
- *Fax:* (202) 485–6496 (include a cover sheet addressed to ''PPT Forms Officer'' referencing the DS form number, information collection title, and OMB control number).
- *Hand Delivery or Courier:* PPT Forms Officer, U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison, 2201 C Street NW., Washington, DC 20520.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

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 U.S. Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison, 2201 C Street NW., Washington, DC 20520, who may be reached on (202) 485–6373 or at *PPTFormsOfficer@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Statement Regarding a Lost or Stolen U.S. Passport Book and/or Card.
- *OMB Control Number:* 1405–0014.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Passport Services, Office of Legal Affairs and Law Enforcement Liaison (CA/PPT/S/L).
- *Form Number:* DS–64.
- *Respondents:* Individuals or Households.
- *Estimated Number of Respondents:* 461,667 respondents per year.
- *Estimated Number of Responses:* 461,667 responses per year.
- *Average Time per Response:* 10 minutes.
- *Total Estimated Burden Time:* 76,945 hours per year.
- *Frequency:* On occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

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: The Secretary of State is authorized to issue U.S. passports under 22 U.S.C. 211a *et seq.,* 8 U.S.C. 1104, and Executive Order 11295 (August 5, 1966). Our regulations in the Code of Federal Regulations provide that individuals whose valid U.S. passports were lost or stolen must make a report of the lost or stolen passport to the Department of State before they receive a new passport so that the lost or stolen passport can be invalidated (22 CFR parts 50 and 51). The Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1737) requires the Department of State to collect accurate information on lost or stolen U.S. passports and to enter that information into a data system. Form DS–64 collects information identifying the person who held the lost or stolen passport and describing the circumstances under which the passport was lost or stolen. As required by the cited authorities, we use the information collected to accurately identify the passport that must be invalidated and to make a record of the circumstances surrounding the lost or stolen passport. False statements made knowingly or willfully on passport forms, in affidavits or other supporting documents are punishable by fine and/or imprisonment under U.S. law. (18 U.S.C. 1001, 1542, 1621).

Methodology: This form is used in conjunction with a DS–11, ''Application for a U.S. Passport'', or submitted separately to report loss or theft of a U.S. passport. Passport Services collects the information when a U.S. citizen or non-citizen national applies for a new U.S. passport and has been issued a previous, still valid U.S. passport that has been lost or stolen, or when a passport holder independently reports it lost or stolen. Passport applicants can either download the form from the Internet or obtain one at any Passport Agency or Acceptance Facility.

Dated: January 27, 2015.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2015–02338 Filed 2–4–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 9031]

Overseas Schools Advisory Council; Renewal of Committee Charter

AGENCY: Department of State.

ACTION: Notice of renewal of an advisory committee charter.

Renewal of Advisory Committee: The Secretary of State announces the renewal of the charter of the Overseas Schools Advisory Council in accordance with the Federal Advisory Committee Act.

Purpose: The main objectives of the Council are:

(a) To advise the Department of State regarding matters of policy and funding for the overseas schools.

(b) To help the overseas schools become showcases for excellence in education.

(c) To help make service abroad more attractive to American citizens who

have school-age children, both in the business community and in Government.

(d) To identify methods to mitigate risks to American private sector interests worldwide.

FOR FURTHER INFORMATION CONTACT: Keith Miller, Deputy Assistant Secretary for Operations and Executive Secretary of the Council at (202) 647–3427.

Dated: January 28, 2015.

Keith Miller,

Assistant Secretary for Operations.

[FR Doc. 2015–02257 Filed 2–4–15; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the South Texas Regional Airport at Hondo, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the South Texas Regional Airport at Hondo under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before March 9, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Ed Agnew, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW–650, Fort Worth, Texas 76137.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jeff Litchfield, City Manager, at the following address: 1600 Avenue M, Hondo, Texas 78861.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Mekhail, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW–650, 2601 Meacham Boulevard, Fort Worth, Texas 76137, Telephone: (817) 222–5663, email: *Anthony.Mekhail@faa.gov,* fax: (817) 222–5989.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the South Texas Regional Airport at Hondo under the provisions of the AIR 21.

The following is a brief overview of the request:

The City of Hondo requests the release of 5.884 acres of aeronautical airport property. The property is located southwest of Runway 31 and just north of the railroad tracks. The property to be released will be sold and revenues shall be used for the operation and maintenance at the airport.

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 application, notice and other documents relevant to the application in person at the South Texas Regional Airport at Hondo, telephone number (830) 426–3380.

Issued in Fort Worth, Texas, on January 29, 2015.

Lacey Spriggs,

Acting Manager, Airports Division.

[FR Doc. 2015–02323 Filed 2–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the South Texas Regional Airport at Hondo, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the South Texas Regional Airport at Hondo under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21).

DATES: Comments must be received on or before March 9, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. Ed Agnew, Manager, Federal Aviation Administration, Southwest Region, Airports Division, Texas Airports Development Office, ASW–650, Fort Worth, Texas 76137.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Jeff Litchfield, City Manager, at the following address: 1600 Avenue M, Hondo, Texas 78861.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Mekhail, Program Manager, Federal Aviation Administration, Texas Airports Development Office, ASW–650, 2601 Meacham Boulevard, Fort Worth, Texas 76137, Telephone: (817) 222–5663, email: *Anthony.Mekhail@faa.gov,* fax: (817) 222–5989. The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the South Texas Regional Airport at Hondo under the provisions of the AIR 21.

The following is a brief overview of the request:

The City of Hondo requests the release of 25.855 acres of aeronautical airport property. The property is located south of Runway 35L and just north of the railroad tracks. The property to be released will be sold and revenues shall be used for the operation and maintenance at the airport. 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 application, notice and other documents relevant to the application in person at the South Texas Regional Airport at Hondo, telephone number (830) 426–3380.

Issued in Fort Worth, Texas, on January 29, 2015.

Lacey Spriggs,

Acting Manager, Airports Division.

[FR Doc. 2015–02320 Filed 2–4–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0138, Notice No. 14–14]

International Standards on the Transport of Radioactive Material

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice is to advise interested persons that on Tuesday, February 24, 2015, PHMSA will conduct a public meeting seeking comments on issues or problems concerning requirements in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material (referred to as SSR–6). The IAEA is considering

revisions to the SSR–6 regulations as part of its periodic two-year review cycle which may lead to a revised 2017 Edition.

DATES: *Time and Location:* The meeting will be held at the DOT Headquarters Conference Center, West Building, 1200 New Jersey Avenue SE., Washington, DC 20590 from 9:00 a.m. to 12:00 noon EST, Conference Room 7.

Advanced Meeting Registration: DOT requests that attendees pre-register for these meetings by completing the form at *https://www.surveymonkey.com/r/MRJVYX2*. Failure to pre-register may delay your access to the DOT Headquarters building. If participants are attending in person, arrive early to allow time for security checks necessary to obtain access to the building.

Conference call-in and ''live meeting'' capability will be provided for the meeting. Specific information on call-in and live meeting access will be posted when available at *http://www.phmsa.dot.gov/hazmat/regs/international*.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Webb, Standards and Rulemaking Division, telephone 202/366–8553, or Mr. Michael Conroy, Engineering and Research Division, telephone 202/366–4545, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., 2nd Floor, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION: The primary purpose of PHMSA's meeting will be to ensure the opportunity for public participation in the international regulatory development process. PHMSA intends to utilize this meeting with interested stakeholders to identify issues or problems with the 2012 edition of the SSR–6. The 2012 edition of SSR–6 is available online at *http://www-pub.iaea.org/MTCD/publications/PDF/Pub1570_web.pdf*.

PHMSA requests that participants wishing to raise issues concerning the SSR–6 be prepared to provide the following information:

- Description of issue.
- Summary of proposed solution.
- Parties affected by the issue (particular industry or other group).
- Justification of change—State expected safety benefit, (negligible, low, medium or high).
- Expected cost of implementation (negligible, low, medium or high).
- Existing IAEA regulatory text and proposed revised regulatory text.
- Existing IAEA advisory text and proposed revised advisory text.
- Any proposed transitional arrangements, if needed.

This information, and any associated discussions, will assist the DOT to consider the full range of views and alternatives as the agency develops proposals to be submitted to the IAEA for consideration. The DOT has not yet fully harmonized their US regulations with the 2012 edition of SSR–6 and will follow their normal rulemaking procedures in any action to harmonize requirements for domestic and international transportation of radioactive materials. This call for input to the IAEA process is separate from any future domestic rulemakings.

Signed at Washington, DC, on January 30, 2015.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 2015–02222 Filed 2–4–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Financial Research Advisory Committee, Fifth Meeting of FRAC

AGENCY: Office of Financial Research, Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: The Financial Research Advisory Committee for the Treasury's Office of Financial Research (OFR) is convening for its fifth meeting on Tuesday, February 24, 2015 in the Benjamin Strong Room, Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045, beginning at 9:45 a.m. Eastern Time. The meeting will be open to the public via live webcast at *http://www.financialresearch.gov* and limited seating will also be available.

DATES: The meeting will be held on Tuesday, February 24, 2015, beginning at 9:45 a.m. Eastern Time.

ADDRESSES: The meeting will be held in the Benjamin Strong Room, Federal Reserve Bank of New York, 33 Liberty Street, New York, NY 10045. The meeting will be open to the public via live webcast at *http://www.financialresearch.gov.* A limited number of seats will be available for those interested in attending the meeting in person, and those seats would be on a first-come, first-served basis. Because the meeting will be held in a secured facility, members of the public who plan to attend the meeting must contact the OFR by email at *andrea.b.ianniello@treasury.gov* by 5 p.m. Eastern Time on February 17, 2015 to inform the OFR of their desire to attend the meeting and to receive further instructions about building clearance.

FOR FURTHER INFORMATION CONTACT: Andrea Ianniello, Designated Federal Officer, Office of Financial Research, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, (202) 622–3002 (this is not a toll-free number), *andrea.b.ianniello@treasury.gov.* Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 2, 10(a)(2), through implementing regulations at 41 CFR 102–3.150, *et seq.*

Public Comment: Members of the public wishing to comment on the business of the Financial Research Advisory Committee are invited to submit written statements by any of the following methods:

- *Electronic Statements.* Email the Committee's Designated Federal Officer at *andrea.b.ianniello@treasury.gov.*
- *Paper Statements.* Send paper statements in triplicate to the Financial Research Advisory Committee, Attn: Andrea Ianniello, Office of Financial Research, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

The OFR will post statements on the Committee's Web site, *http://www.financialresearch.gov,* including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. The OFR will also make such statements available for public inspection and copying in the Department of the Treasury's library, Annex Room 1020, 1500 Pennsylvania Avenue NW., Washington, DC 20220 on official business days between the hours of 8:30 a.m. and 5:30 p.m. Eastern Time. You may make an appointment to inspect statements by telephoning (202) 622–0990. All statements, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Tentative Agenda/Topics for Discussion: The Committee provides an opportunity for researchers, industry leaders, and other qualified individuals to offer their advice and recommendations to the OFR, which, among other things, is responsible for collecting and standardizing data on financial institutions and their activities

and for supporting the work of Financial Stability Oversight Council.

This is the fifth meeting of the Financial Research Advisory Committee. Topics to be discussed among all members will include OFR progress on prior Committee recommendations, current activities of the OFR, Subcommittee reports to the Committee, and Committee recommendations. For more information on the OFR and the Committee, please visit the OFR Web site at *http://www.financialresearch.gov.*

Dated: January 16, 2015.

Barbara Shycoff,

Chief of External Affairs.

[FR Doc. 2015–02316 Filed 2–4–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Bank Activities and Operations

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning its information collection titled, ''Bank Activities and Operations.''

DATES: You should submit written comments by: April 6, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0204, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by email to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Mary H. Gottlieb, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval, without change, of the following information collection:

Title: Bank Activities and Operations—12 CFR part 7.

OMB Control No.: 1557–0204.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

The information collection requirements ensure that national banks conduct their operations in a safe and sound manner and in accordance with applicable Federal banking statutes and regulations. The information is necessary for regulatory and examination purposes.

The information collection requirements in part 7 are as follows:

- 12 CFR 7.1000(d)(1) (National bank ownership of property—Lease financing of public facilities). National bank lease agreements must provide that the lessee will become the owner of the building or facility upon the expiration of the lease.
- 12 CFR 7.1014 (Sale of money orders at nonbanking outlets). A national bank may designate bonded agents to sell the bank's money orders at nonbanking outlets. The responsibility of both the bank and its agent should be defined in a written agreement setting forth the duties of both parties and providing for remuneration of the agent.
- 12 CFR 7.2000(b) (Corporate governance procedures—Other sources of guidance). A national bank shall designate in its bylaws the body of law selected for its corporate governance procedures.
- 12 CFR 7.2004 (Honorary directors or advisory boards). Any listing of a national bank's honorary or advisory directors must distinguish between them and the bank's board of directors or indicate their advisory status.
- 12 CFR 7.2014(b) (Indemnification of institution-affiliated parties—Administrative proceeding or civil actions not initiated by a Federal agency). A national bank shall designate in its bylaws the body of law selected for making indemnification payments.
- 12 CFR 7.2024(a) (Staggered terms for national bank directors). Any national bank may adopt bylaws that provide for the staggering the terms of its directors. National banks shall provide the OCC with copies of any bylaws so amended.
- 12 CFR 7.2024(c) (Size of bank board). A national bank seeking to increase the number of its directors must notify the OCC any time the proposed size would exceed 25 directors.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 1,455.

Estimated Total Annual Responses: 1,455.

Estimated Total Annual Burden: 457 hours.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized and 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 OCC, including whether the information has practical utility;

(b) The accuracy of the OCC'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 on respondents, including through the use of automated collection techniques or other forms of information technology; and

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

Dated: January 30, 2015.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2015–02241 Filed 2–4–15; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 12978

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of three individuals whose property and interests in property have been unblocked pursuant to Executive Order 12978 of October 21, 1995, ''Blocking Assets and Prohibiting Transactions With Significant Narcotics Traffickers''.

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the three individuals identified in this notice whose property and interests in property were blocked pursuant to Executive Order 12978 of October 21, 1995, is effective on January 27, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On October 21, 1995, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (IEEPA), issued Executive Order 12978 (60 FR 54579, October 24, 1995) (the Order). In the Order, the President declared a national emergency to deal with the threat posed by significant foreign narcotics traffickers centered in Colombia and the harm that they cause in the United States and abroad.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The foreign persons listed in an Annex to the Order; (2) any foreign person determined by the Secretary of Treasury, in consultation with the Attorney General and the Secretary of State: (a) To play a significant role in international narcotics trafficking centered in Colombia; or (b) to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the Order; and (3) persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated pursuant to the Order.

On January 27, 2015, the Associate Director, Office of Global Targeting of OFAC removed from the SDN List three individuals listed below, whose property and interests in property were blocked pursuant to the Order:

Individuals

1. PARRA DUQUE, Guillermo, Carrera 3 Oeste No. 11–168, Cali, Colombia; DOB 30 Dec 1964; POB Cali, Colombia; Cedula No. 16824664 (Colombia); Passport AF776832 (Colombia) (individual) [SDNT].
2. RIVERA ZAPATA, Freddy, c/o UNIPAPEL S.A., Yumbo, Colombia; c/o CREDISA S.A., Cali, Colombia; c/o FINVE S.A., Bogota, Colombia; c/o COMPANIA DE FOMENTO MERCANTIL S.A., Cali, Colombia; POB Cali, Valle, Colombia; Cedula No. 16602963 (Colombia); Passport 16602963 (Colombia) (individual) [SDNT].
3. VALENCIA TRUJILLO, Agueda, Carrera 4 No. 11–45 Ofc. 506, Cali, Colombia; Carrera 5 No. 17–66, Cali, Colombia; Calle 9N A 3–37 Apt. 701, Cali, Colombia; c/o CREDISA S.A., Cali, Colombia; c/o COMPANIA DE FOMENTO MERCANTIL S.A., Cali, Colombia; c/o PARQUE INDUSTRIAL PROGRESO S.A., Yumbo, Colombia; c/o CONSTRUCCIONES PROGRESO DEL PUERTO S.A., Puerto Tejada, Colombia; c/o UNIDAS S.A., Cali, Colombia; DOB 10 Aug 1959; POB Cali, Valle, Colombia; Cedula No. 38943524 (Colombia); Passport 38943524 (Colombia) (individual) [SDNT].

Dated: January 27, 2015.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2015–02312 Filed 2–4–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to the Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of three individuals and two entities whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. Sections 1901–1908, 8 U.S.C. Section 1182).

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (SDN List) of the three individuals and two entities identified in this notice whose property and interests in property were blocked pursuant to the Kingpin Act is effective on January 27, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Department of the Treasury, Office of Foreign Assets Control, Washington, DC 20220, Tel: (202) 622–2420.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site at *www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on demand service at (202) 622–0077.

Background

On December 3, 1999, the Kingpin Act was signed into law by the President of the United States. The

Kingpin Act provides a statutory framework for the President to impose sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and to the benefits of trade and transactions involving U.S. persons and entities.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury consults with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security when designating and blocking the property or interests in property, subject to U.S. jurisdiction, of persons or entities found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; and/or (3) playing a significant role in international narcotics trafficking.

On January 27, 2015, the Associate Director, Office of Global Targeting of OFAC removed from the SDN List the three individuals and two entities listed below, whose property and interests in property were blocked pursuant to the Kingpin Act:

Individuals

1. BARCENAS RIVERA, Mauricio, Calle 25 No. 35–21, Cali, Colombia; Calle 74 No. 10–33 Apto. 801, Bogota, Colombia; c/o BIO FORESTAL S.A.S., Medellin, Colombia; c/o C.I. DISERCOM S.A.S., Bogota, Colombia; c/o C.I. OKCOFFEE COLOMBIA S.A.S., Bogota, Colombia; c/o C.I. OKCOFFEE INTERNATIONAL S.A.S., Bogota, Colombia; c/o CUBICAFE S.A.S., Bogota, Colombia; c/o GANADERIA LA SORGUITA S.A.S., Medellin, Colombia; c/o PARQUES TEMATICOS S.A.S., Medellin, Colombia; c/o PROMO RAIZ S.A.S., Medellin, Colombia; c/o UNION DE CONSTRUCTORES CONUSA S.A.S., Bogota, Colombia; c/o C.I. METALURGIA EXTRACTIVA DE COLOMBIA S.A.S., Bogota, Colombia; c/o DESARROLLO MINERO RESPONSABLE C.I. S.A.S., Bogota, Colombia; c/o FUNDACION SALVA LA SELVA, Bogota, Colombia; c/o INVERPUNTO DEL VALLE S.A., Cali, Colombia; c/o LINEA AEREA PUEBLOS AMAZONICOS S.A.S., Bogota, Colombia; DOB 30 Jun 1977; POB Cali, Colombia; Cedula No. 94508327 (Colombia) (individual) [SDNTK].
2. GARZON ACOSTA, Miguel Arcangel; DOB 08 Jan 1949; POB Bogota, Colombia; Cedula No. 19081777 (Colombia) (individual) [SDNTK].
3. SIERRA FERNANDEZ, Juan Felipe, c/o CONTROL TOTAL LTDA, Colombia; c/o CANINOS PROFESIONALES LTDA, Medellin, Colombia; Colombia; DOB 13 Mar 1971; POB Medellin, Colombia; nationality Colombia; citizen Colombia; Cedula No. 98554666 (Colombia) (individual) [SDNTK].

Entities

1. CANINOS PROFESIONALES LTDA, Carrera 43B No. 14–51, Oficina 103, Medellin, Colombia; NIT # 8002104948 (Colombia) [SDNTK].
2. CONTROL TOTAL LTDA, Cra. 45, 23 A Sur-32, Envigado, Antioquia, Colombia; NIT # 8110160518 (Colombia) [SDNTK].

Dated: January 27, 2015.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2015–02305 Filed 2–4–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the subcommittees of the Rehabilitation Research and Development Service Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Subcommittee	Date(s)	Location
Aging & Neurodegenerative Disease	February 24, 2015	VHA National Conference Center.
Musculoskeletal/Orthopedic Rehabilitation	February 24, 2015	VHA National Conference Center.
Regenerative Medicine	February 24, 2015	VHA National Conference Center.
Career Development Award Program	February 24–25, 2015	VHA National Conference Center.
VA–ORD Historically Black College and University Research Scientist Training Program.	February 25, 2015	* VA Central Office.
Spinal Cord Injury	February 25, 2015	* VA Central Office.
Brain Injury: TBI & Stroke	February 26, 2015	VHA National Conference Center.
Psychological Health & Social Reintegration	February 26, 2015	VHA National Conference Center.
Rehabilitation Engineering & Prosthetics/Orthotics	February 26, 2015	VHA National Conference Center.
Sensory Systems/Communication Disorders	February 26, 2015	VHA National Conference Center.
Research Career Scientists	February 27, 2015	* VA Central Office.
Center of Excellence and Research Enhancement Award Program.	April 9, 2015	VHA National Conference Center.

The addresses of the meeting sites are: (* Teleconference). VA Central Office, 131 M Street NE., Washington, DC 20002. VHA National Conference Center, 2011 Crystal Drive, Arlington, VA 22202.

The purpose of the Board is to review rehabilitation research and development applications and advise the Director, Rehabilitation Research and Development Service, and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects.

The subcommittee meetings will be open to the public for approximately one-half hour at the start of each meeting to cover administrative matters and to discuss the general status of the program. Members of the public who wish to attend the open portion of the teleconference sessions may dial 1–800–767–1750, participant code 10172. The remaining portion of each subcommittee meeting will be closed to the public for the discussion, examination, reference to, and oral review of the research applications and critiques. During the closed portion of each subcommittee meeting, discussion and recommendations will include qualifications of the personnel

conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would likely compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

No oral or written comments will be accepted from the public for either portion of the meetings. Those who plan to attend the open portion of a subcommittee meeting should contact Tiffany Asqueri, Designated Federal Officer, Rehabilitation Research and Development Service, at Department of Veterans Affairs (10P9R), 810 Vermont Avenue NW., Washington, DC 20420, or email *tiffany.asqueri@va.gov* at least 5 days before the meeting. For further information, please call Mrs. Asqueri at (202) 443–5757.

Dated: February 2, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–02301 Filed 2–4–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Thursday,

No. 24 February 5, 2015

Part II

Postal Service

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products; Proposed Rule

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Domestic Mailing Services Products

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: In January 2015, the Postal Service™ filed a notice of mailing services price adjustments with the Postal Regulatory Commission (PRC), effective April 26, 2015. This proposed rule contains the revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) that we would adopt to implement the changes coincident with the price adjustments.

DATES: We must receive comments on or before March 9, 2015.

ADDRESSES: Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service®, 475 L'Enfant Plaza SW., Room 4446, Washington DC 20260–5015. You may inspect and photocopy all written comments at USPS® Headquarters Library, 475 L'Enfant Plaza SW., 11th Floor N, Washington, DC, by appointment only between the hours of 9 a.m. and 4 p.m., Monday through Friday, by calling 1–202–268–2906 in advance. Email comments, containing the name and address of the commenter, may be sent to: *ProductClassification@usps.gov,* with a subject line of ''April 2015 Domestic Mailing Services Proposal.'' Faxed comments are not accepted.

FOR FURTHER INFORMATION CONTACT: Karen Key, 202–268–7492, John Rosato, 202–268–8597, or Suzanne Newman, 202–695–0550.

SUPPLEMENTARY INFORMATION: Proposed prices (CPI prices plus Exigent surcharges) will be available in Attachment A, Part II in the Postal Service's Notice, which was filed under Docket Number R2015–4. Materials related to this Docket are available on the Postal Regulatory Commission's Web site at *www.prc.gov.*

The Postal Service's proposed rule includes: Changes to prices (not every price being changed is highlighted, see *www.prc.gov* for complete listing of the proposed prices), several mail classification and preparation changes, modifications to mailpiece characteristics and additional services, multiple product and service simplification efforts, and revisions to the DMM to condense language and eliminate redundancy to improve its ease of use without changing the mailing standards.

Proposed Changes for First-Class Mail Letters and Flats

To better manage the customer experience, the Postal Service™ proposes maintaining the First-Class Mail™ single-piece stamp price at 49 cents. Likewise, single-piece flats up to one ounce will be kept at 98 cents, preserving the convenience to consumers of using two letter stamps for postage. The single-piece additional ounce and non-machinable surcharge prices will increase one cent to 22 cents.

Last year, we introduced a Metered Mail price to provide greater flexibility to price stamps, single-piece Metered Mail, and presort mail to reflect their different costs and markets. The Metered Mail price will increase modestly but will still remain below the single-piece stamp price.

Proposed Changes for Parcels

First-Class Mail Parcels

In November 2014, the Governors approved filing for the transfer of First-Class Mail parcels to a competitive product. The pleading was filed with the Postal Regulatory Commission (PRC) on November 14, 2014, Docket No. MC2015–7. As discussed in the filing, First-Class Mail parcels compete with an assortment of comparable products with fast delivery offered by competitors for mailable matter weighing less than 13 ounces. Since First-Class Mail parcels fulfill all of the criteria for competitive products, and recognizing the competitive nature of the marketplace that these parcels fulfill, the Postal Service plans to remove First-Class Mail parcels from the market dominant product list, and add it as a retail subcategory of the existing First-Class Package® Service competitive product. If this is adopted, the new First-Class Package Service category would maintain First-Class Mail service standards and pricing structure.

Because the Commission has not yet ruled on this proposal, we propose an above average price increase to improve the cost coverage since First-Class Mail parcels have an exceptionally low cost coverage for a First-Class Mail product.

Package Services

Package Services now consists of Alaska Bypass, Bound Printed Matter flats, Bound Printed Mailer parcels, Media Mail, and Library Mail. Bound Printed Matter flats consist primarily of heavy catalogs, and Bound Printed Matter parcels consist primarily of product order fulfillment. We are proposing to increase Media Mail and Library Mail (whose prices are linked by law) by more than average because these products continue to not cover their costs. We are proposing to increases to Bound Printed Matter parcels prices, (and minimally to Bound Printed Matter flats prices as mentioned under Proposed Changes for Flats).

Returns Simplification

The Postal Service proposes several changes to our merchandise return options to make it easier for customers to do business with us. Changes will include the ability for customers to establish a single Return Services permit, and pay a single Return Services annual account maintenance fee at any Post Office, to receive any one, or combination of, the following returns offerings: Merchandise return service (MRS) (including USPS Returns paid using a scan-based payment method), or Parcel Return Service (PRS).

Further, upon annual renewal, the Return Services permit and annual accounting fees will be waived for those mailers showing outbound package volume paid using their outbound permit imprint account within the prior year. The Postal Service feels that this waiver of fees will incentivize new customers to use USPS™ for returns in addition to their outbound shipments, and will encourage our existing mailers to continue doing business with us.

Additional changes proposed will align the availability of insurance for purchase with returns with that of outbound as detailed under the extra services section of this proposed rule. Finally, in response to limited customer use of the Parcel Return Service □ Full Network product made available January 27, 2013, the Postal Service will eliminate it as a general offering, but will retain it as an option for customers under a customized Negotiated Service Agreement (NSA).

Merchandise Return Service

The Postal Service continues its efforts to simplify and streamline its product and service offerings. Currently, merchandise return service (MRS) provides multiple competitive and market dominant products available to business customers to transport their return merchandise. With the expansion and availability of various commercial returns services including Parcel Return Service, USPS Returns (a subcategory of MRS paid using a scan based payment method), Bulk Parcel Return Service, and Business Reply Mail® parcels, customers have multiple commercially priced returns options. To that end, the Postal Service is contemplating replacing the use of market dominant First-Class Mail parcels, Package Services (Media Mail, Library Mail, and

Bound Printed Matter), and Standard Post™ (recently moved to competitive but as a retail-only product) for MRS with competitively priced First-Class Package Service and Parcel Select® Nonpresort (ground) products.

The Postal Service believes that our business mailers using MRS today can receive the same or more customized handling and delivery options when using our commercially priced products, or one of the other existing returns offerings. The Postal Service also anticipates that this change would result in the induction of more parcel volumes priced to cover their costs, unlike First-Class Mail parcels and most of the Package Service products, without compromising service. Additional changes to MRS include eliminating the ability to fax barcoded MRS labels. Since MRS now requires an Intelligent Mail® package barcode (IMpb) with imbedded USPS Tracking® on all labels, and standards already prohibited faxing MRS labels with USPS Tracking barcodes, this means of label production would be removed as an option.

Bulk Parcel Return Service

The Postal Service proposes to revise standards for Bulk Parcel Return Service (BPRS) to eliminate the BPRS annual permit and account maintenance fees as a requirement for the service. Additionally, in support of our visibility initiatives, we propose requiring an IMpb on all BPRS labels. This change will align with the requirement of an IMpb on all other return services labels for parcels, and on all outbound commercial parcels. All other requirements for participation will remain unchanged.

Return Call Tag (Print and Deliver Return Label Service)

On September 7, 2014, the Postal Service implemented a return call tag (label) option for permit holders to electronically request an applicable USPS return label for their permit to be generated and delivered by USPS to their customer (label end-user). This article serves to notify customers that the Postal Service will now refer to Call Tag Return Service as *Print and Deliver Return Label Service.* Future enhancements being considered within this offering includes the ability for outbound shipping labels to be generated and delivered by USPS to a permit holder's customer (label end-user).

Extra Services

The focus of the Postal Service on extra services is simplification, which is designed to reduce redundancy and improve customer ease of use. To accomplish this, we are proposing changes to extra services as follows:

USPS Tracking

The Postal Service continues its efforts to provide visibility and scan data for mailers using USPS to send their shipments. As a result, USPS Tracking will be included at no additional charge for the following market dominant products: First-Class Mail parcels, Media Mail, Library Mail, and Bound Printed Matter. USPS Tracking will still be available for purchase with Standard Mail parcels. An IMpb will be required on the mailpiece in order to provide the included tracking service.

Return Receipt for Merchandise

The Postal Service believes Return Receipt for Merchandise no longer provides a unique service otherwise unavailable in the past. Signature Confirmation™ available for parcels provides the same or equivalent service for a lower price. Declining volumes of Return Receipt for Merchandise coupled with the increase of mailer use of Signature Confirmation supports this transition.

For these reasons, on December 18, 2013 (78 FR 76533), the Postal Service provided advance notice of plans to discontinue offering Return Receipt for Merchandise service in July 2014. Although the date for this change was temporarily deferred, the Board of Governors approved filing for the elimination of Return Receipt for Merchandise as a special service in November 2014 and a pleading was filed with the PRC on November 17, 2014 (Docket No. MC2015–8).

On January 15, 2015, the Postal Service received conditional approval to remove Return Receipt for Merchandise from the Mail Classification Schedule. The Postal Service is studying the order and will evaluate whether or not Return Receipt for Merchandise service will be eliminated. Depending on the Postal Service's decision, Return Receipt for Merchandise service may be eliminated as an extra service on April 26, 2015. The Postal Service shall notify the Commission of its election no later than January 28, 2015.

Insurance

The Postal Service proposes to eliminate separate price tables for domestic Priority Mail Express® merchandise insurance and domestic general insurance. By combining the insurance price tables, it is expected that mailer choices will be simplified. No changes will be made to insurance included with Priority Mail Express and Priority Mail®, or the options for purchasing additional insurance for any applicable outbound product. However, plans are to also expand the availability of insurance coverage for purchase to all returns services. Currently, in some cases only the sender may purchase insurance for his or her return item, or insurance is limited to coverage for $200.00 or less, or no insurance option is available at all. This change will align insurance options available for purchase for returns with that of outbound shipments (excluding standards already disallowing any 'included' insurance coverage for returns).

Furthermore, the Postal Service plans to adjust the insurance threshold for capturing the recipient's signature at the time of delivery from items insured for more than $200.00, to items insured for more than $500.00. Additionally, the delivery record (including a copy of the recipient's signature) would be provided at no additional charge for items insured for more than $500.00. Customers who want a signature for items insured for $500 or less can purchase Signature Confirmation service.

Certified Mail

The Postal Service plans to introduce three new combined offerings under Certified Mail®: Certified Mail Restricted Delivery (available through all channels), and both Certified Mail Adult Signature Required and Certified Mail Adult Signature Restricted Delivery (available online and to commercial mailers). This change will allow customers to choose the combined service as opposed to purchasing the services separately.

Restricted Delivery

The Postal Service plans to eliminate restricted delivery service as a separate add-on extra service with its own separate price and instead offer restricted delivery as a blended service under the extra services with which it can be purchased with today. Customers will be able to choose from the following combinations of services that include restricted delivery:

- Certified Mail Restricted Delivery.
- Certified Mail Adult Signature Restricted Delivery.
- Collect on Delivery (COD) Restricted Delivery.
- Insurance (over $500.00) Restricted Delivery.
- Registered Mail™ Restricted Delivery.
- Signature Confirmation Restricted Delivery.

Additionally, Signature Confirmation Restricted Delivery will be expanded from online only, to include availability through retail and commercial channels.

Return Receipt

The Postal Service plans to align the availability of a domestic return receipt from items insured for more than $200.00, to items insured for more than $500.00, which aligns with the changes to obtaining the delivery record (that includes the recipient's signature) for insured mail. Additionally, the hardcopy return receipt (PS Form 3811, *Domestic Return Receipt*), or any USPS-approved facsimile, would include an IMpb that will be electronically linked to the IMpb of the extra service on the mailpiece. The IMpb on the return receipt will provide the tracking visibility to mailers similar to tracking now provided for all other extra services requiring an IMpb. Additionally, the option for purchasing a return receipt after mailing will be eliminated. Mailers wishing to receive a copy of the delivery record, including the recipient's signature obtained at the time of delivery, will still be able to do so by purchasing the applicable extra service at the time of mailing.

USPS Signature Services

The Postal Service plans to introduce a USPS Signature service umbrella which will encompass the various extra services that provide electronic signature data (including the recipient's signature obtained at the time of delivery). The basic standards for the extra services will remain unchanged. The USPS Signature services umbrella will encompass:

- Signature Confirmation.
- Signature Confirmation Restricted Delivery.
- Adult Signature Required.
- Adult Signature Restricted Delivery.

Except for Signature Confirmation and Signature Confirmation Restricted Delivery, the remaining USPS Signature services are only available through online or commercial channels.

Adult Signature

Adult Signature Required and Adult Signature Restricted Delivery would be expanded to include availability with First-Class Package Service and Parcel Select Lightweight® pieces purchased through commercial channels if this proposed rule is adopted. Customers would be able to choose either Adult Signature Required (delivery to an individual with identification showing they are at least 21 years of age) or Adult Signature Restricted Delivery (delivery to an individual specified by name with identification showing who they are, and that they are at least 21 years of age) for these additional products.

Certificate of Mailing

Changes are being made to certificate of mailing services to provide additional piece level visibility by leveraging technology advancements available today and to minimize the administrative costs associated with providing these services. The Postal Service plans to redesign the commercial offering of certificate of mailing by introducing a new firm sheet, barcoded PS Form 3665, *Certificate of Mailing—Firm,* for three or more mailpieces presented at one time and a new barcoded PS Form 3606–D, *Certificate of Bulk Mailing.* The new PS Form 3665 (or USPS-approved mailer generated facsimile) and the PS Form 3606–D (or USPS-approved mailer generated facsimile) will include an IMpb appended to the IMb (or IMpb, for parcels with included tracking only) on the mailpieces manifested to the form. Mailers must submit an electronic manifest to USPS (using *mail.dat or mail.xml,* or a shipping services file as appropriate for the type of pieces appending to the form) which reconciles with all of the items represented, or listed, on the associated Form 3606–D.

Additional changes to certificate of mailing will limit PS Form 3817 use to less than three pieces presented at retail at one time and PS Form 3665–Firm to three or more pieces presented at one time. Mailers will be permitted to present Form 3665–Firm or Form 3606–D at retail Post Office™ locations when presenting less than 50 pieces or 50 pounds (whichever amount is met first) of corresponding articles at one time, and at a Business Mail Entry Unit (BMEU) or USPS™ authorized DMU (Detached Mail Unit) when at least 50 pieces or 50 pounds (whichever amount is met first) of corresponding articles are presented at one time. Due to the electronic enhancements for PS Form 3665–Firm, duplicate copies of PS Form 3665–Firm after mailing will not be offered; however, duplicate copies of PS Form 3817 after mailing will still be offered.

Collect on Delivery (COD)

The PS Form 3816, *COD Mailing and Delivery Receipt,* used for COD service will be revised to include a Hold For Pickup and a Street Delivery option to mailers using online and commercial payment methods. Additionally, mailers will have the option to obtain electronic funds transfer (EFT), in lieu of a postal money order, for remittance for COD payments made by cash. No fee is associated with obtaining the remittance using an EFT; however, mailers must by authorized by USPS to participate in the EFT option.

Special Handling

The Postal Service will redesign special handling service by eliminating the weight threshold for special handling, and creating content-specific identifiers, and in some cases, additional fees. If this proposed rule is adopted, only the Fragile category will include a fee; however, the Postal Service expects to add the following content-specific handling service codes under the special handling umbrella:

- Hazardous Material Transportation.
- Fragile.
- Perishable.

Competitive Post Office (PO) Box Services

The Postal Service plans to include clarifying language to DMM standards for competitive PO Box™ service when box holders in these locations use the optional street addressing enhancement. Customers who choose to use this designation also have the option of receiving packages from private carriers at their Post Office Box™ address. Packages from private carriers being delivered to a customer at a competitive Post Office Box service location, when using the street addressing designation option, do not require U.S. Postage to be affixed.

Changes to Flats

Incentivize Flats Sequencing System Preparation

In order to incentivize flats sequencing system (FSS) preparation in Standard Mail, Periodicals and Bound Printed Matter Flats, we are proposing pricing for FSS Scheme Bundles entered at an FSS facility. We are also proposing pricing for FSS prepared mail entered at non-FSS locations.

As background, the Postal Service introduced optional flats sequencing system (FSS) preparation standards August 23, 2010 [75 FR 51668–51671] effective January 2, 2011. These FSS preparation standards were developed in collaboration with the mailing industry group; including mail owners and mail service providers. The results of the industry group efforts determined that the preparation of the bundles and pallets specifically for FSS processing could lead to greater efficiencies and cost savings for both the USPS and the mailing industry. As of January 26, 2014, the Postal Service required bundle and pallet preparation of flat-size Standard Mail, Periodicals, and Bound Printed Matter mailpieces prepared for

delivery within the ZIP Codes™ served by FSS processing. This allowed mailers to optionally prepare qualified basic, high density, and high density plus carrier route flat mailpieces into the FSS sortation. The mailers were charged a ''default'' price that required the FSS sortation to be made for these ZIP Codes, however, the FSS pieces were charged the applicable CR, 5D, and 3D price that they would have been charged if they had not presorted to the FSS requirements. There was also limited FSS entry pricing that included discount related pricing on Standard Mail and Periodicals FSS-schemed flats that were entered at FSS facilities on pallets only.

Effective April 26, 2015, the Postal Service will create an FSS piece price for all FSS qualifying pieces. We are proposing to add new FSS piece level prices for machinable barcoded (automation) flats and machinable non-barcoded/nonautomation flats. Sorting of saturation, high density and high density plus carrier route flat mailpieces may be included in FSS scheme bundles and reported on either the FSS scheme barcoded or non-barcoded postage lines.

Additionally, all FSS Scheme containers (including sacks and flat trays) entered at an FSS facility will be eligible for the DFSS entry price for all three mail classes of flats. We are also allowing mailers that are preparing FSS facility containers can now enter those containers at FSS sites and the pieces on these FSS facility containers would be eligible for DSCF prices for all FSS ZIPs processed at that site. The Postal Service is also adding destination entry pricing (DFSS) for eligible FSS scheme and facility containers for qualifying FSS Periodicals flats.

Periodicals In-County priced mail is still optional to presort to the FSS sort scheme. This includes up to 5,000 copies of outside-county pieces that are also included in that mailing issue. We also recommend that all unbound, non-stapled, newspaper-type, Periodicals, and Standard Mail flat-sized mailpieces, not be presorted to the FSS sort scheme.

FSS scheme bundles of Bound Printed Matter (BPM) flats will also have the DFSS entry with scheme bundles on/in any container (FSS Sch Container) and FSS scheme bundles on/in any facility container. Also, a minor change to BPM flats FSS Presorted to FSS scheme will still permit BPM carrier route flats in the FSS sortation, but will then be reported as FSS scheme as either: Origin entry (None) zones 1–9, DNDC entry zones 1–5, DSCF entry; or DFSS entry in a FSS scheme bundles in/on a FSS scheme container; or in a FSS scheme bundles in/on a FSS facility container. FSS scheme bundles of Standard Mail flats will also still permit Standard Mail Carrier Route mail in the FSS sortation but will then be reported as FSS Scheme Pallet, FSS Other, FSS Scheme container or FSS Facility Container depending on the Entry.

Incentivize 5-Digit Pallets of Carrier Route Bundles

We also are proposing a new incentive for Periodicals and Standard Mail flats, 5-digit and/or 5-digit scheme carrier routes pallets which consist entirely of carrier route bundles for the same 5-digit or 5-digit scheme.

Bound Printed Matter Flats Prices

We are proposing minimal increases to Bound Printed Matter flats prices.

Standard Mail

Standard Mail® is primarily advertising mail and includes some lightweight parcels. Several changes to Standard Mail are being proposed to include:

Separate Flats Sequencing System (FSS) Pricing Structure

In 2014 the Postal Service required that flats to be processed on FSS machines comply with FSS preparation guidelines. We now are proposing a separate price structure for FSS that provides the lowest per piece price to FSS scheme bundles on scheme containers, and prices for FSS facility containers at the SCF price. These prices will apply to all preparation levels for FSS volume, including High Density and High Density Plus.

Enhanced Carrier Route Bundle Pricing for Non-FSS Flats

Approximately 86 percent of Carrier Route bundles are entered at postal facilities on 3-Digit pallets. These pallets are more expensive to process than Carrier Route bundles entered on 5-Digit and Carrier Route pallets. In order to encourage mailers to prepare more direct pallets, we propose a new price for Standard Mail flats prepared in Carrier Route bundles on a 5-Digit Pallet. This will be the lowest price available for Non-FSS Standard Mail flats.

Standard Mail Flat Prices

We propose to exceed the PRC requirement to increase Standard Mail flats by at least 1.05 times the average Standard Mail price increase. This increase will improve the cost coverage of Standard Mail flats; however, because catalogs are ''anchors in the mailbox'' that customers look forward to receiving, we want to improve cost coverage while preventing price shock from increasing prices too quickly.

Standard Mail Parcel Prices

Standard Mail parcels currently have lower cost coverage than Standard Mail flats. The price increases in the product focus on Standard Mail Marketing Parcels, which account for 98 percent of the volume in the category. This price increase is expected to improve cost coverage.

Standard Mail Marketing Parcels

Clarifying language will be added to the standards for Standard Mail Marketing Parcels that (bulk) insurance does not extend to Marketing Parcels as already excluded by standards for items bearing alternate address format.

Periodicals

Separate FSS Pricing Structure

In 2014, the Postal Service required that flats that will be processed on FSS machines comply with FSS preparation guidelines. This year, we are proposing a separate price structure for FSS that provides the lowest combined price to FSS scheme bundles on scheme containers.

Enhanced Carrier Route Bundle Pricing for Non-FSS Flats

Approximately 88 percent of Periodicals Carrier Route bundles are entered at postal facilities on SCF and 3-Digit pallets. Carrier Route bundles on these pallets are more expensive to process than those entered on 5-Digit and pure Carrier Route pallets.

Periodicals Prices

In FY 2013, the cost coverage for Periodicals, which includes magazines and newspapers, was well below 100 percent. The PRC asked the Postal Service to use its pricing flexibility to improve the efficiency of Periodicals pricing. To that end, we are proposing significantly higher than average increases on bundles and pallets in order to ensure that these elements cover their costs. We expect modest improvements in preparation, leading to somewhat lower costs and improved cost coverage. Under today's high-speed automation conditions, this option merely provides for inefficiency and higher processing and handling costs, as these non-machinable flats must be segregated from staging for automated processing, and instead worked in a single-piece manual operation. We are also proposing a slightly higher than average increase in piece prices and a lower than average increase for both advertising and editorial pound rates. Combined together, we expect that these

measures will improve the cost coverage for Periodicals.

Other Changes

Expedited Markings on Mailpieces

Clarifications will be made to the mailing standards for use of expedited attention, handling or delivery markings (*e.g.,* ''Urgent,'' ''Rush Delivery,'' ''Expedited,'' ''Time Sensitive'') on mailpieces. Over time, some mailers have expanded the use of these markings to classes of mail other than Standard Mail paid by permit imprint, as originally intended and described in the standards. Additionally, in some cases the wording used has been expanded, risking or creating trademark infringements and false advertising. This rule change serves to provide all mailers with more detailed standards for use of expedited handling or delivery markings across all products and mailpieces.

Change of Address Orders by Phone

The DMM is being revised to update standards for Change of Address Orders made by phone. USPS no longer accepts change of address orders, requiring customer authorization using a credit card, through the corporate call center. Mailers may continue to make Change of Address Orders online at *https://moversguide.usps.com* (which requires customer verification using a credit card, with a minimal validation fee), by submitting PS Form 3575, *Change of Address Order,* or other written notice, to any Post Office.

Indemnity Claims and Refunds

The Postal Service continues its efforts to streamline and improve the refunds and claims processes for our customers. As a result, mailer's paying postage for extra services using any payment method, will now file their requests for any applicable extra service fee refunds using the online application at: *www.usps.com/insuranceclaims/online.htm,* instead of submitting their requests in hardcopy to the local Postmaster for adjudication. Additionally, we are proposing revised DMM language to clarify claims standards and to eliminate outdated or duplicate claims information. For proof of value: Invoices or bill of sales must be *paid* receipts, not solely a customer's statement and a picture from a catalog showing proof of value of an item. For payable claims: The USPS is not presumed to be at fault without any physical damage to the package for live bees, crickets and poultry. For complete loss: If the insured, registered, or COD article is lost (not damaged) the payment includes an additional amount for the postage (not fee) paid by the sender.

Ancillary Service Endorsements

Late Fees for Address Correction Service Past Due

To provide consistency in covering costs incurred from collecting Address Correction Service (ACS™) fee deficiencies, the Postal Service proposes to adopt an annual assessment of approximately 10% per year on any overdue charges for ACS notices provided to the mailer for the preceding billing period. The fee would be applied on any ACS fees more than one month overdue.

Change Service Requested Option 2

The standards for the treatment of Standard Mail letters and flats, and Bound Printed Matter flats will be revised to allow mailers an additional ancillary service endorsement option.

2015 Promotions

The Postal Service has been offering seasonal and promotional prices to increase the value of mail to both the senders and receivers of mailpieces. The Postal Service proposes to offer four mailing promotions in three categories in calendar year 2015, and will share the details of these promotions on the USPS™ RIBBS Web site soon. An overview of the planned promotions follows:

Mobile Technology

These two promotions will build upon previous promotions and continue our strategy to encourage mailers to integrate direct mail with mobile technology, using best practices in mobile marketing.

1. Emerging and Advanced Technologies Promotion; April 1–September 30
2. Mail Drives Mobile Engagement Promotion; July 1–December 31

Technology Drives Relevance

This promotion leverages the value of innovative direct mail techniques that are less widely used, but have been shown to increase the effectiveness of mail campaigns.

3. Color Transpromo Promotion; June 1–November 30

Leverage Value of First-Class Mail

This promotion category is intended to slow the declining volume trends for First-Class Mail. As technology continues to disrupt the mail volume, the Postal Service will ensure Courtesy Reply Mail remains a relevant part of the First-Class Mail marketing mix.

4. Earned Value Promotion; April 1–June 30

Advance Notices

Periodicals-Pending

The Postal Service plans to improve the costly, over-complicated calculation process for mailers in a Periodicals pending status to determine applicable class postage costs. This improvement will allow both the Postal Service and Periodicals publishers to use a pro-rated percent equation based on the difference between Periodicals and the applicable class and subclass prices, to then determine the higher amount of pending postage. Today, the complexity requires hundreds of lines of costly coding and programming each applicable price cell for each price change, which provides more detail than needed by the Postal Service or the publishers.

Periodicals and Bound Printed Matter Flats

Additionally, the Postal Service is contemplating changes to mailing standards to reduce programming and align the physical standards for 'flats' across all mail classes. The change would remove the non-machinable distinction for the Periodicals class and the non-automation distinction for Bound Printed Matter, and require all 'flats' not meeting the applicable flats requirements in DMM 201 (including weight by class and subclass), to be considered as parcels.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Although we are exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), we invite public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. *See* 39 CFR 111.1. Accordingly, 39 CFR part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

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

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

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

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

* * * * *

100 Retail Letters, Cards, Flats, and Parcels

* * * * *

102 Elements on the Face of a Mailpiece

* * * * *

3.0 Placement and Content of Mail Markings

* * * * *

[Insert new 3.5 to read as follows:]

3.5 Marking Expedited Handling on Mail

Mailpieces bearing references to expedited handling or delivery (*e.g.,* ''Urgent,'' ''Rush Delivery,'' ''Expedited,'' ''Time Sensitive'') must meet the same conditions as provided under 604.5.3.5.

* * * * *

133 Prices and Eligibility

1.0 First-Class Mail Prices and Fees

1.1 First-Class Mail Single-Piece Price Application

[Revise the entire text of 1.1 to read as follows:]

The single-piece retail prices for First-Class Mail and First-Class Package Service are provided in Notice 123—Price List and are applied as follows:

a. The First-Class Mail card price applies to a card meeting the standards in 101.6.2.

b. The First-Class Mail letter price applies to letter-size pieces meeting the standards in 101.1.1 and weighing 3.5 ounces or less, and that are not eligible for the card price. There are separate prices for stamped letters, and for letters with postage affixed (other than regular stamps) or imprinted (permit imprint) by the mailer (Metered Mail price).

c. The First-Class Mail flat price applies to flat-size pieces that meet the standards in 101.2.0.

d. The First-Class Package Service parcel price applies to parcel-size pieces under 101.3.0 and to flat-size pieces that do not meet the standards in 101.2.0.

1.2 Price Computation for First-Class Mail

[Revise the text of 1.2 to read as follows:]

Single-piece First-Class Mail and First-Class Package Service retail prices are charged per ounce or fraction thereof; any fraction of an ounce is considered a whole ounce. For example, if a piece weighs 1.2 ounces, the weight (postage) increment is 2 ounces. The minimum postage per addressed piece is that for a piece weighing 1 ounce. To determine single-piece weight in any mailing of nonidentical-weight pieces, weigh each piece individually. To determine single-piece weight in a mailing of identical-weight pieces, weigh a sample group of at least 10 randomly selected pieces and divide the total sample weight by the number of pieces in the sample. Express all single-piece weights in decimal pounds rounded off to four decimal places.

[Delete 1.3, Determining Single-Piece Weight, in its entirety (text relocated to 1.2), then, renumber current 1.4 and 1.5 as new 1.3 and 1.4.]

[Revise the text of renumbered 1.4 to read as follows:]

1.4 Nonmachinable Surcharge

The nonmachinable surcharge is charged per piece and applies only to letter-size pieces that meet one or more of the nonmachinable characteristics in 101.1.2. An envelope weighing no more than one ounce with one enclosed standard optical disc no larger than 12 centimeters in diameter that is mailed as letter-size BRM or PRM under 505 and addressed to a company who sent the disc and BRM or PRM envelope to a subscriber as part of a round-trip-mailing under 233.2.8 is not subject to the nonmachinable surcharge.

2.0 Basic Eligibility Standards for First-Class Mail

[Revise the text of 2.1 to read as follows:]

2.1 Description of Service

First-Class Mail letters and flats and First-Class Package Service parcels receive expeditious handling and transportation. Service objectives for delivery are 1 to 3 days; however, delivery time is not guaranteed.

2.2 Defining Characteristics

2.2.1 Inspection of Contents

[Revise the text of 2.2.1 to read as follows:]

Except for First-Class Package Service pieces paid at commercial base prices, all other First-Class Mail is closed against postal inspection.

* * * * *

2.2.3 Extra Services

[Revise the text of 2.2.3 to read as follows:]

First-Class Mail (including First-Class Package Service and Priority Mail) is the only class of mail eligible to receive the following extra services: Registered Mail service and Certified Mail service (see 503 for additional information).

3.0 Content Standards

* * * * *

3.2 Bills and Statements of Account

[Revise introductory text of 3.2 to read as follows:]

Bills and statements of account must be mailed as First-Class Mail, First-Class Package Service at retail prices, Priority Mail, or Priority Mail Express and are defined as follows:

* * * * *

3.3 Personal Information

[Revise the first sentence of 3.3 to read as follows:]

Mail containing personal information must be mailed as First-Class Mail, First-Class Package Service at retail prices, Priority Mail, or Priority Mail Express.* * *

3.4 Handwritten and Typewritten Material

[Revise the text of 3.4 to read as follows:]

Mail containing handwritten or typewritten material must be mailed as First-Class Mail, First-Class Package Service at retail prices, Priority Mail, or Priority Mail Express.

* * * * *

134 Postage Payment Methods

1.0 Postage Payment Methods for First-Class Mail

1.1 Payment Method

[Revise 1.1 by inserting a new second sentence to read as follows:]

* * * Postage for single-piece First-Class Package Service (parcels) must be paid at a retail post office location, station or branch, or with affixed postage stamps, postage evidencing system indicium, permit imprint, or precanceled stamps, (see 604 for additional information on postage payment methods).

* * * * *

1.3 More Than One Mailer

[Revise the text of 1.3 to read as follows:]

When two or more individuals or organizations, or a party acting as their agent, mail in one package the bills, statements of account, or other letters of the individuals or organizations, to an addressee in common, First-Class Mail or First-Class Package Service postage may be paid based on the weight and dimensions of the entire package of aggregated mail. Postage is not required on each individual piece of First-Class Mail.

* * * * *

135 Mail Preparation

1.0 Preparation for First-Class Mail

The following standards apply to single-piece First-Class Mail:

[Revise the text of 1.0 item a to read as follows:]

a. Each piece must have a delivery address but is not required to bear the marking ''First-Class'', ''First-Class Mail'' or ''First-Class Package Service'', as appropriate for the mailpiece, (presuming the numerical value of postage is affixed).

* * * * *

136 Deposit

1.0 Deposit for First-Class Mail

[Revise the first sentence of 1.0 to read as follows:]

Single-piece First-Class Mail letters and cards and single-piece retail priced First-Class Package Services (parcels) weighing less than 13 ounces may be deposited into any collection box, mail receptacle, or at any place where mail is accepted if the full required postage is paid with adhesive stamps.* * *

* * * * *

200 Commercial Letters, Cards, Flats, and Parcels

* * * * *

201 Physical Standards

* * * * *

3.0 Physical Standards for Machinable and Automation Letters and Cards

* * * * *

3.18 Enclosed Reply Cards and Envelopes

[Revise the second sentence of 3.18 to read as follows:]

* * * For Business Reply Mail (BRM) see 505.1.0, for pre-paid reply mail (also known as Metered Reply Mail) or Courtesy Reply Mail (CRM) see 505.2.0.

4.0 Physical Standards for Flats

* * * * *

4.7 Flat-Size Pieces Not Eligible for Flat-Size Prices

Flat-size mailpieces that do not meet the standards in 4.3 through 4.6 must pay applicable higher prices as noted in either 4.7a. or 4.7b. below.

* * * * *

[Revise item b of 4.7 to read as follows:]

b. * * *Under the column heading ''eligibility as presented,'' flats will be considered to be presented as automation flats only if they meet all other eligibility standards for automation flats.

[Revise Exhibit 4.7b, Pricing for Flats Exceeding Maximum Deflection, to read as follows:]

EXHIBIT 4.7B PRICING FOR FLATS EXCEEDING MAXIMUM DEFLECTION

[see 4.6]

FIRST–CLASS MAIL AUTOMATION

* * * * * * *

FIRST–CLASS MAIL PRESORTED (NONAUTOMATION)

* * * * * * *

PERIODICALS OUTSIDE COUNTY

Piece price eligibility as presented	*Piece price eligibility with failed deflection*
Basic Carrier Route flat, if not entered at a DDU	Machinable 5-digit flat
Machinable barcoded FSS	Nonmachinable barcoded 5-digit flat
Machinable barcoded 5-digit flat	Nonmachinable barcoded 5-digit flat
Machinable barcoded 3-digit flat	Nonmachinable barcoded 3-digit flat
Machinable barcoded ADC flat	Nonmachinable barcoded ADC flat
Machinable barcoded MADC flat	Nonmachinable barcoded MADC flat
Machinable nonbarcoded FSS	Nonmachinable nonbarcoded 5-digit flat
Machinable nonbarcoded 5-digit flat	Nonmachinable nonbarcoded 5-digit flat
Machinable nonbarcoded 3-digit flat	Nonmachinable nonbarcoded 3-digit flat
Machinable nonbarcoded ADC flat	Nonmachinable nonbarcoded ADC flat
Machinable nonbarcoded MADC flat	Nonmachinable nonbarcoded MADC flat
Nonmachinable barcoded or nonbarcoded flat	Price claimed, if otherwise eligible

PERIODICALS IN–COUNTY

* * * * * * *

STANDARD MAIL

Eligibility as presented	*Eligibility with failed deflection*
Basic Carrier Route flat, if not entered at a DDU	Nonautomation 5-digit flat
Automation FSS Sch Pallet	Nonautomation FSS Sch Pallet
Automation FSS Other	Nonautomation FSS Other
Automation FSS Sch Cont.	Nonautomation FSS Sch Cont.
Automation FSS Facility Cont.	Nonautomation FSS Facility Cont.
Automation 5-digit flat	Nonautomation 5-digit flat
Automation 3-digit flat	Nonautomation 3-digit flat
Automation ADC flat	Nonautomation ADC flat
Automation MADC flat	Nonautomation MADC flat
Nonautomation flat (all sort levels)	Nonautomation MADC flat

EXHIBIT 4.7B PRICING FOR FLATS EXCEEDING MAXIMUM DEFLECTION—Continued

[see 4.6]

BOUND PRINTED MATTER	
Eligibility as presented	*Eligibility with failed deflection*
Carrier Route flat, if not entered at a DDU	Carrier Route parcel
Barcoded presorted flat	Presorted parcel
Barcoded FSS Sch flat	Presorted parcel
FSS Sch Container	Presorted parcel
FSS Facility Container	Presorted parcel
Nonbarcoded nonpresorted flat	Price as claimed, if otherwise eligible

* * * * *

202 Elements on the Face of a Mailpiece

* * * * *

3.0 Placement and Content of Mail Markings

* * * * *

[Insert new 3.5 to read as follows:]

3.5 Marking Expedited Handling on Mail

Mailpieces bearing references to expedited handling or delivery (*e.g.,* ''Urgent,'' ''Rush Delivery,'' ''Expedited,'' ''Time Sensitive'') must meet the same conditions as provided under 604.5.3.5.

* * * * *

207 Periodicals

* * * * *

2.0 Price Application and Computation

* * * * *

2.0 Price Application and Computation

2.1 Price Application

* * * * *

2.1.2 Applying Outside-County Piece Prices

* * *Apply piece prices for Outside-County mail as follows:

* * * * *

b. Machinable flats.

[Delete the second sentence of 2.1.2 item b.1.]

1. Apply the ''Machinable Flats—Barcoded'' prices to pieces that meet all of the standards for automation flats in 201.6.0 and include a barcode.

* * * * *

2.2 Computing Postage

* * * * *

2.2.8 Total Postage

[Revise the text of 2.2.8 to read as follows:]

Total Outside-County postage is the sum of the per pound and per piece charges, the bundle charges, the container charges, and any Ride-Along charges, minus all discounts, rounded off to the nearest whole cent. Total In-County postage is the sum of the per pound and per piece charges, and any Ride-Along charges, less all discounts, rounded off to the nearest whole cent.

* * * * *

12.0 Nonbarcoded (Presorted) Eligibility

* * * * *

12.3 Prices—In-County

12.3.1 Five-Digit Prices

5-digit prices apply to:

* * * * *

[Revise item 12.3.1c to read as follows:]

c. Qualifying flats sorted to a FSS scheme under 705.14.0.

12.3.2 Three-Digit Prices

3-digit prices apply to:

* * * * *

[Delete 12.3.2 item c in its entirety]

* * * * *

13.0 Carrier Route Eligibility

* * * * *

13.2 Sorting

13.2.1 Basic Standards

* * *Carrier route prices apply to copies that are prepared in carrier route bundles of six or more addressed pieces each, subject to these standards:

* * * * *

b. *Nonletter-size mailings.* Carrier route prices apply to carrier route bundles that are sorted in one of the following ways:

* * * * *

[Delete 13.2.1b item 4 in its entirety]

* * * * *

13.3 Walk-Sequence Prices

13.3.1 Eligibility

[Revise the second sentence of 13.3.1 to read as follows:]

* * *High density and saturation mailings must be prepared in carrier walk sequence according to USPS schemes see 23.8.

* * * * *

14.0 Barcoded (Automation) Eligibility

14.1 Basic Standards

All pieces in a Periodicals barcoded (automation) mailing must:

* * * * *

[Revise 14.1 item d to read as follows:]

d. Be marked, sorted, and documented as specified in 705.8.0 (if palletized); or 24.0 (for letters) or 25.0 (for flats) or; for nonletter-size mail, 705.9.0, 705.10.0, 705.12.0, or 705.13.0; or for nonletter-size mail, bundles prepared on or in pallets, trays, sacks or other approved container under 705.14.0.

* * * * *

14.2 Eligibility Standards for Full-Service Automation Periodicals

All pieces entered under the full-service automation option must:

* * * * *

[Revise 14.2 item c to read as follows:]

c. Be scheduled for an appointment through the Facility Access and Shipment Tracking (FAST) system when deposited as a DNDC, DADC, DSCF, or DFSS drop shipment.

14.4 Prices—In-County

14.4.1 Five-Digit Prices

5-digit automation prices apply to:

* * * * *

[Revise 14.4.1 item c to read as follows:]

c. Qualifying flats sorted to a FSS scheme bundle under 705.14.0.

14.4.2 Three-Digit Prices

3-digit automation prices apply to:

* * * * *

[Delete 14.4.2 item c in its entirety]

* * * * *

17.0 Documentation

* * * * *

17.4 Detailed Zone Listing for Periodicals

17.4.1 Basic Standards

[Revise the first sentence of 17.4.1 to read as follows:]

The publisher must be able to present documentation to support the actual number of copies of each edition of an issue, by entry point, mailed to each zone, at DDU, DSCF, DADC, DFSS and In-County prices.

* * * * *

17.4.2 Format

Report the number of copies mailed to each 3-digit ZIP Code area at zone prices using one of the following formats:

* * * * *

[Revise the first sentence of 17.4.2 item b to read as follows:]

b. Report copies by zone (In-County DDU, In-County others, Outside-County DDU, Outside-County DFSS, Outside-County DSCF, and Outside-County DADC) and by 3-digit ZIP Code, in ascending numeric order, for each zone.

* * *

17.4.3 Zone Abbreviations

[Revise the text of 17.4.3 to read as follows:]

Use the actual price name or the authorized zone abbreviation in the listings in 17.3 and 17.4.2.

Zone abbreviation	Price equivalent
ICD	In-County, DDU.
IC	In-County, Others.
DDU	Outside-County, DDU.
FSS	Outside-County, DFSS.
SCF	Outside-County, DSCF.
ADC	Outside-County, DADC.
1–2 or 1/2	zones 1 and 2.
3, 4, 5, 6, 7, 8 (as applicable).	zones 3 through 8 (as applicable).
M	mixed zones.

* * * * *

18.0 General Mail Preparation

* * * * *

18.3 Presort Terms

Terms used for presort levels are defined as follows:

* * * * *

[Redesignate current items 18.3c through 18.3t as new items 18.3d through 18.3u, then, add new item18.3c to read as follows:]

c. FSS scheme for flats: the ZIP Code in the delivery address on all pieces in the FSS bundle is one of the 5-digit ZIP Codes processed by the USPS as one scheme as shown in L006.

* * * * *

18.5 FSS Preparation

[Revise the text of 18.5 to read as follows:]

Flat sized Periodicals In-County priced mailings, and Outside-County mailings of up to 5,000 pieces, may be optionally sorted under FSS preparation standards.

* * * * *

26.0 Physical Criteria for Nonmachinable Flat-Size Periodicals

* * * * *

26.3 Flexibility and Deflection

[Revise the text of 26.3 to read as follows:]

Nonmachinable flats (under 26.0) are not subject to flexibility standards or deflection standards in 201.4.0.

* * * * *

29.0 Destination Entry

29.1 Basic Standards

* * *The following standards apply:

* * * * *

[Revise 29.1 item c to read as follows:]

c. The advertising and nonadvertising portions may be eligible for DADC, DSCF, DFSS or DDU pound prices based on the entry facility and the address on the piece.

* * * * *

29.5 Destination Flat Sequencing System (DFSS) Entry

29.5.1 Definition

[Revise 29.5.1 to read as follows:]

For this standard, destination Flat Sequencing System (DFSS) refers to the facilities listed in L006, Scheme, Column B or Facility, Column C.

29.5.2 Eligibility

[Revise 29.5.2 to read as follows:]

DFSS prices apply to pieces deposited at a USPS-designated FSS processing facility and correctly placed in a flat tray, sack, alternate approved container or on a pallet, labeled to a FSS scheme processed by that facility, under labeling list L006. These pieces must include a complete address and meet the physical standards for machinable flats in 201.

* * * * *

240 Commercial Mail Standard Mail

* * * * *

243 Prices and Eligibility

* * * * *

3.0 Basic Eligibility Standards for Standard Mail

* * * * *

3.2 Defining Characteristics

* * * * *

3.2.2 Standard Mail Marketing Parcels

[Revise 3.2.2 by inserting a new last sentence to read as follows:]

USPS Tracking is the only extra service available for Standard Mail Marketing parcels.

* * * * *

5.0 Additional Eligibility Standards for Nonautomation Standard Mail Letters, Flats, and Presorted Standard Mail Parcels

* * * * *

5.6 Nonautomation Price Application—Flats

[Redesignate current items 5.6.1, 5-Digit Prices for Flats, through 5.6.4, Mixed ADC Prices for Flats, as new items 5.6.5 through 5.6.8, then, insert new items 5.6.1 through 5.6.4 as follows:]

5.6.1 FSS Scheme Pallet Prices for Flats

The FSS Scheme Pallet price applies to flat-sized pieces on a FSS Scheme pallet with bundles of 10 or more FSS scheme pieces prepared under 705.14.0.

5.6.2 FSS Other Container Prices for Flats

The FSS Other container price applies to flat-sized pieces in or on a container in bundles of 10 or more FSS scheme pieces properly prepared under 705.14.0.

5.6.3 FSS Scheme Container Price for Flats

The FSS Scheme Container price applies to flat-sized pieces in or on a FSS scheme container, with bundles of 10 or more FSS schemed pieces properly prepared under 705.14.0, entered at a DFSS entry.

5.6.4 FSS Facility Container Prices for Flats

The FSS Facility Container prices applies to flat-sized pieces in or on a FSS facility container, with bundles of 10 or more FSS schemed pieces properly prepared under 705.14.0, entered at a DFSS entry.

5.6.5 5-Digit Prices for Flats

The 5-digit price applies to flat-size pieces:

* * * * *

[Revise the text of renumbered 5.6.5 item a to read as follows:]

a. In a 5-digit/scheme bundle of 10 or more pieces, or 15 or more pieces, as applicable; properly placed in a 5-digit/scheme sack containing at least 125 pieces or 15 pounds of pieces.

* * * * *

5.6.6 3-Digit Prices for Flats

The 3-digit price applies to flat-size pieces:

* * * * *

[Delete renumbered 5.6.6 item c in its entirety]

* * * * *

[Revise the title and text of renumbered 5.6.8 to read as follows:]

5.6.8 Mixed ADC Prices for Flats

Mixed ADC prices apply to flat-size pieces in bundles that do not qualify for 5-digit, 3-digit, or ADC prices; placed in mixed ADC sacks or on ASF, NDC, or mixed NDC pallets under 705.8.0.

* * * * *

6.3 Basic Price Enhanced Carrier Route Standards

* * * * *

6.3.3 Basic Price Eligibility—Flats

Basic prices apply to each piece in a carrier route bundle of 10 or more pieces that is:

* * * * *

[Delete 6.3.3 item e in its entirety]

[Add new item 6.3.4 as follows:]

6.3.4 Basic Carrier Route Bundles on a 5-Digit Pallet (Basic—CR Bundles/Pallet) Price Eligibility—Flats

Basic—CR Bundles/Pallet prices apply to each piece in a carrier route bundle of 10 or more pieces that are palletized under 705.8.0 to a 5-digit or 5-digit scheme destination and entered at an Origin (None), DNDC, DSCF or DDU entry.

* * * * *

7.0 Eligibility Standards for Automation Standard Mail

* * * * *

7.5 Price Application for Automation Flats

Automation prices apply to each piece properly sorted into qualifying groups:

[Redesignate current 7.5 items a through d as new items e through h, then, insert new items a through d to read as follows:]

a. The FSS Scheme Pallet price applies to flat-sized pieces on a FSS scheme pallet with bundles of 10 or more FSS-schemed pieces properly prepared under 705.14.0.

b. The FSS Other price applies to flat-sized pieces in or on a container with bundles of 10 or more FSS-schemed pieces properly prepared under 705.14.0.

c. The FSS Scheme Container price applies to flat-sized pieces on orin a FSS scheme container with bundles of 10 or more FSS- schemed pieces properly prepared under 705.14.0 and dropped at a DFSS.

d. The FSS Facility Container price applies to flat-sized pieces in or on a FSS facility container with bundles of 10 or more FSS-schemed pieces properly prepared under 705.14.0 and dropped at a DFSS.

[Revise text of renumbered item e to read as follows:]

e. The 5-digit price applies to flat-size pieces in a 5-digit/scheme bundle of 10 or more pieces, or 15 or more pieces, as applicable.

[Revise text of renumbered item f to read as follows:]

f. The 3-digit price applies to flat-size pieces in a 3-digit/scheme bundle of 10 or more pieces. It also applies to residual pieces not qualifying for carrier route.

* * * * *

245 Mail Preparation

1.0 General Information for Mail Preparation

* * * * *

1.6 FSS Preparation

[Revise the text of 1.6 to read as follows:]

Except for Standard Mail flats mailed at Saturation, High Density or High-Density Plus prices, all Standard Mail flats destinating to a FSS scheme in accordance with labeling list L006 must be prepared under 705.14.0.

* * * * *

246 Enter and Deposit

* * * * *

4.0 Destination Sectional Center Facility (DSCF) Entry

* * * * *

4.2 Eligibility

* * * * *

4.2.2 Flats

Pieces in a mailing that meets the standards in 2.0 and 4.0 are eligible for the DSCF price, as follows:

* * * * *

[Revise text of 4.2.2 item c to read as follows:]

c. DSCF prices apply to all pieces on or in a FSS Scheme or non-FSS container when entered at a DSCF facility and any of the pieces on or in the container are addressed for delivery within that DSCF's service area.

* * * * *

[Revise the title of 6.0 to read as follows:]

6.0 Destination Flat Sequencing System (DFSS) Entry

6.1 Definition

[Revise the text of 6.1 to read as follows:]

Destination Flat Sequencing System (DFSS) refers to the facilities listed in L006.

6.2 Eligibility

[Revise the text of 6.2 to read as follows:]

DFSS prices apply to pieces deposited at a USPS-designated FSS processing site and correctly placed in or on a container labeled to a FSS scheme or FSS Facility processed by that site under labeling list L006 (Column B or Column C). These pieces must include a full delivery address and meet the physical standards for FSS machinability in 705.14.0.

* * * * *

260 Commercial Mail Bound Printed Matter

263 Prices and Eligibility

1.0 Prices and Fees for Bound Printed Matter

1.1 Nonpresorted Bound Printed Matter

[Delete item 1.1.4 in its entirety, then, renumber current 1.1.5 as new 1.1.4.]

* * * * *

1.2 Commercial Bound Printed Matter

* * * * *

1.2.3 Price Application

[Revise the first sentence of 1.2.3 to read as follows:]

The presorted, FSS scheme, FSS scheme container and FSS facility container Bound Printed Matter price has a per piece charge and a per pound charge.* * *

[Revise the title and text of 1.2.4 to read as follows:]

1.2.4 Bound Printed Matter Carrier Route Prices

Each piece is subject to both a piece price and a pound price.

1.2.5 Bound Printed Matter Destination Entry Prices

[Delete the second sentence of 1.2.5 in its entirety.]

* * * * *

1.2.8 Computing Postage for Permit Imprint

[Revise introductory text of 1.2.8 to read as follows:]

Presorted, FSS scheme, FSS scheme container and FSS facility container and Carrier Route Bound Printed Matter mailings paid with permit imprint are charged a per pound price and a per piece price as follows:

* * * * *

4.0 Price Eligibility for Bound Printed Matter

4.1 Price Eligibility

* * * Price categories are as follows:

[Renumber current 4.1 items c and d as new items d and e, then, insert new item c to read as follows:]

* * * * *

c. FSS Scheme, FSS Container and FSS Facility Container Price. These prices apply to BPM flats prepared in a mailing of at least 300 BPM pieces, prepared and presorted as specified in 705.14.0.

[Delete renumbered item e in its entirety.]

* * * * *

265 Mail Preparation

1.0 General Information for Mail Preparation

* * * * *

1.6 FSS Preparation

[Revise text of 1.6 as follows:]

BPM flats claiming FSS scheme, FSS Sch Container or FSS Facility Container prices, meeting the standards in 201.0 and destinating to a FSS scheme in accordance with labeling list L006, must be prepared under 705.14.0.

* * * * *

5.0 Preparing Presorted Flats

* * * * *

5.3 Sacking

* * * * *

5.3.4 Cosacking Presorted Mail With Barcoded Mail

[Revise the entire text of 5.3.4 to read as follows:]

The following standards apply if the mailing job contains a carrier route mailing, and a Presorted mailing, then the carrier route mailing must be prepared under 6.0, and the Presorted mailing must be co-sacked under 705.9.0. Bundled pieces must be co-sacked under 705.9.0.

266 Enter and Deposit

* * * * *

5.0 Destination Sectional Center Facility (DSCF) Entry

5.1 Eligibility

Bound Printed Matter pieces in a mailing meeting the standards in 3.0 are eligible for the DSCF price when they meet all of the following additional conditions:

* * * * *

b. Are deposited at:

* * * * *

[Revise the text of 5.1b item 2 to read as follows:]

2. DSCF prices apply to all pieces on or in a FSS Scheme, FSS Facility, or non-FSS container when entered at a DSCF facility when the pieces on or in the container are addressed for delivery within that DSCF's service area.

* * * * *

500 Additional Mailing Services

503 Extra and Additional Services

1.0 Basic Standards for All Extra Services

* * * * *

1.3 Paying Fees and Postage

[Revise the first sentence of 1.3 to read as follows:]

Except as provided under 604.6.1 and for official mail of federal government agencies collected under 703.7.0 (for Department of State, see 703.3.0), postage and extra service fees are paid at the time of mailing.* * *

1.4 Matter Eligible for Extra Services

1.4.1 Eligible Matter

One or more of the following extra or additional services may be added at the time of mailing, if the standards for the services are met and the applicable fees are paid, as follows:

Exhibit 1.4.1 Eligible Matter—Domestic Destinations

[Revise the entire Exhibit 1.4.1, Eligible Matter—Domestic Destinations, to read as follows:]

Extra service	Eligible mail class	Additional combined services
Registered Mail	Priority Mail	Collect on Delivery (COD)
Registered Mail Restricted Delivery	First-Class Mail	Return Receipt
	First-Class Package Service	Signature Confirmation.
Certified Mail	Priority Mail	Return Receipt (Form 3811 only if with Adult Signature options [1]).
Certified Mail—Restricted Delivery	First-Class Mail	
Certified Mail—Adult Signature [1]	First-Class Package Service	
Certified Mail—Adult Signature Restricted [1]		
Insurance	Priority Mail Express	USPS Tracking
Insurance Restricted Delivery (If insured >$500.00.)	Priority Mail	Signature Confirmation (available if insured for <$500; included if insured for >$500.00.)
(Note: Priority Mail Express includes $100.00 of insurance and Priority Mail includes either $100.00 or $50.00 of insurance (see 503.4.0), insurance >$500.00 includes Signature Confirmation.)	Critical Mail	Adult Signature Requested [1]
	First-Class Mail	Adult Restricted Delivery [1]
	First-Class Package Service	Return Receipt (if insured >$500.00, Form 3811 only.)
	Standard Post	Fragile
	Bound Printed Matter	Parcel Airlift (PAL).
	Library Mail	
	Media Mail	
	Parcel Select	
	Parcel Select	
	Lightweight (bulk insurance only)	
	Standard Mail (bulk insurance for (non-profit) parcels only)	
Certificate of Mailing	Priority Mail	Fragile
(Form 3817 or Form 3665–Firm) for individual pieces only; Form 3665–Firm is for 3 or more pieces presented at one time and requires an IMpb linked to IMb on mailpieces (see 5.0).	First-Class Mail	Parcel Airlift (PAL).
	First-Class Package Service	
	Bound Printed Matter	
	Library Mail	
	Media Mail	

Extra service	Eligible mail class	Additional combined services
Certificate of Bulk Mailing (Form 3606; only evidence of number of identical weight piece mailed, Form 3606 requires an IMpb linked to IMb on mailpieces (see 5.0).	Priority Mail First-Class Mail First-Class Package Service Parcel Select Parcel Select Lightweight Standard Mail Bound Printed Matter Library Mail Media Mail	Fragile Parcel Airlift (PAL).
Return Receipt (Form 3811 must bear an IMpb linked to the IMb for the host extra service for the appended mailpiece.)	Priority Mail Express (Form 3811 only) Priority Mail [2] First-Class Mail [2] First-Class Package Service Standard Mail (parcels only) [2 3] Parcel Select [4] Parcel Select Lightweight [3] Standard Post [4] Bound Printed Matter [4] Library Mail [4] Media Mail [4]	USPS Tracking (when purchased for Standard Mail parcels [2]) Signature Confirmation Restricted Delivery Signature Confirmation Special Handling Adult Signature Requested [1] (Form 3811) Adult Signature Restricted Delivery [1] (Form 3811) Parcel Airlift (PAL).
USPS Signature Services:		
Signature Confirmation	Priority Mail Critical Mail First-Class Mail (parcels only; electronic option only) First-Class Package Service (electronic option only) Standard Post Parcel Select Bound Printed Matter Library Mail Media Mail	Collect on Delivery (COD) Insurance Registered Mail Return Receipt (Form 3811 only) Special Handling Hold For Pickup Special Handling.
Signature Confirmation Restricted Delivery	Priority Mail [3] First-Class Mail [2 3] First-Class Package Service Standard Mail [2 4] Standard Post [5] Parcel Select [5] Parcel Select Lightweight [4] Bound Printed Matter [5] Library Mail [5] Media Mail [5]	
Adult Signature Required [1] Adult Signature Restricted Delivery [1]	Priority Mail Express Priority Mail Critical Mail First-Class Mail [2] First-Class Package Service [3] Parcel Select Nonpresort Bound Printed Matter [2] Library Mail [2] Media Mail [2]	Insurance Return Receipt (Form 3811 only) Hold For Pickup (under 508.7.0).
USPS Tracking (USPS Tracking is provided at no additional charge for all class of mail, when the applicable standards are met, except Standard Mail parcels; excludes Periodicals.)	Standard Mail (parcels only; electronic option only [1 2])	Insurance (bulk insurance (for Standard Mail (nonprofit) parcels) only [1 2]).
Collect on Delivery (COD) COD Restricted Delivery	Priority Mail Express (1-Day and 2-Day only) Priority Mail First-Class Mail First-Class Package Service Standard Post Parcel Select Bound Printed Matter Library Mail Media Mail	Registered Mail Return Receipt Signature Confirmation [2] (not available for purchase with Priority Mail Express COD) Special Handling Hold For Pickup.
Special Handling:		

Extra service	Eligible mail class	Additional combined services
Fragile	Priority Mail Express Priority Mail First-Class Mail First-Class Package Service Standard Post Parcel Select Bound Printed Matter Library Mail Media Mail	Collect On Delivery (COD) Insurance Signature Confirmation [2] Parcel Airlift (PAL).

1. Not at retail.
2. Parcels only.
3. If purchased with Certified Mail, COD, insurance over $500.00 or Registered Mail.
4. If purchased with bulk insurance over $500.00.
5. If purchased with COD or insurance over $500.00.

1.4.2 Offshore Domestic Destinations

As provided for the classes of mail under 1.4.1, and unless otherwise restricted (see ''Overseas Military/Diplomatic Mail'' section of the Postal Bulletin), extra services are available for mail addressed to APO/FPO/DPO destinations (also see 703), and to ZIP Codes in U.S. territories and possessions (also see 608.2.0), or Freely Associated States (also see 608.2.0), as follows:

Exhibit 1.4.2 Eligible Matter—Offshore Domestic Destinations

[Revise Exhibit 1.4.2, Eligible Matter—Offshore Domestic Destinations, to read as follows:]

Extra service	APO/FPO/DPO	U.S. Territories and possessions	Freely associated states
Registered Mail	Limited [1] (Available only to select APO/FPO/DPO destinations.).	Yes	Yes.
Certified Mail	Yes	Yes	Yes.
Certified Mail Restricted Delivery	Yes	Yes	Yes.
Certified Mail Adult Signature Required	No	Yes	Limited.[2]
Certified Mail Adult Signature Restricted Delivery.	No	Yes	Limited.[2]
Insurance	Yes	Yes	Yes.
Insurance Restricted Delivery	Limited [2]	Yes	Limited.[3]
Certificate of Mailing	Yes	Yes	Yes.
USPS Tracking	Limited [1]	Yes	Limited [2]
USPS Signature Service:			
Signature Confirmation	No	Yes	Limited.[2]
Signature Confirmation Restricted Delivery	No	Yes	Limited.[2]
Adult Signature Requested	No	Yes	Limited.[2]
Adult Signature Restricted Delivery	No	Yes	Limited.[2]
COD	No	Yes	Yes (except for items sent to Marshall Islands and the Federated States of Micronesia).
Special Handling	Yes	Yes	Yes.
Return Receipt	Yes (Form 3811 only)	Yes (Form 3811 only)	Yes (Form 3811 only).

1. Availability of electronic information regarding an event scan may be limited.
2. Excludes Palau, Marshall Islands, and the Federated States of Micronesia (ZIP Codes 96939, 96944, 96960, 96970).
3. If insured for more than $500.00, signature service provided only if hardcopy return receipt (form 3811) is also purchased.

1.4.3 Domestic Returns

Return service	Eligible extra services (paid by permit holder)	Eligible extra services (paid by permit holder or sender)
Merchandise Return Service	Registered Mail Insurance [1, 2] Special Handling	Registered Mail Insurance [1, 2] Special Handling Certificate of Mailing [3]
Priority Mail Return Service	Insurance[2]	Insurance[2]
First-Class Package Return Service		
Ground Return Service		
Parcel Return Service	Insurance [2]	Insurance [2] Certificate of Mailing [3]

Extra services for return mailpieces are available as follows:

Exhibit 1.4.3 Eligible Matter—Domestic Returns

1. Insurance may be combined with USPS Tracking or Special Handling or both.
2. Insurance must be purchased; no included insurance is provided for returns.
3. Individual pieces using Form 3817 or Form 3877 by sender only.

* * * * *

1.7 Forms and Labels

* * * * *

1.7.2 Privately Printed Forms or Labels

[Revise the third sentence of 1.7.2 to read as follows:]

* * *Customers affixing both a barcoded address label and a barcoded extra service label on the same mailpiece must ensure that the barcodes on both labels match.* * *

* * * * *

1.7.4 Acceptance

Customers must also meet the following requirements when presenting mail bearing an extra service IMpb for acceptance:

[Revise the text of 1.7.4 item a to read as follows:]

a. Certificates of mailing using Form 3655-Firm or Form 3606–D for more than 49 pieces presented at one time, or for presorted or permit imprint mailings containing pieces with extra services, must be presented to a Post Office business mail entry unit (BMEU) or authorized detached mail unit (DMU).

* * * * *

1.8 Obtaining Delivery Information and Delivery Records

Delivery records for extra services are available as follows:

[Revise the text of 1.8 items a and c to read as follows:]

a. Information by article number can be retrieved at *www.usps.com* or by calling 1–800–222–1811. A proof of delivery letter (including recipient's signature, when available) may be provided by email.

* * * * *

c. A return receipt (hardcopy Form 3811) may be purchased at the time of mailing and is received by mail.

* * * * *

1.10 Receipts

[Revise the text of the first and third sentence of 1.10, then, insert a new final sentence of 1.10 to read as follows:]

Except when using certificate of mailing Form 3655–Firm and Form 3606–D for less than 50 pieces presented at one time, the mailer receives a USPS sales receipt and the postmarked (round-dated) extra service form for services purchased at retail channels.* * * For three or more pieces with extra or accountable services presented for mailing at one time, the mailer uses Form 3877 (firm sheet) or USPS-approved privately printed firm sheets in lieu of the receipt portion of the individual form.* * * Except for Registered Mail and COD items, the USPS keeps no mailing records for pieces bearing extra services.

[Delete current 1.11, USPS Mailing Records, in its entirety (text relocated to 1.10).]

2.0 Registered Mail

2.1 Basic Standards

2.1.1 Description

[Revise the introductory text of 2.1.1 to read as follows:]

Registered Mail is subject to the basic standards in 1.0; see 1.4 for eligible matter. Registered Mail is the most secure service that the USPS offers. It incorporates a system of receipts to monitor the movement of the mail from the point of acceptance to delivery. Registered Mail provides the sender with a mailing receipt and, upon request (see 1.8), electronic verification that an article was delivered or that a delivery attempt was made. Customers may obtain a record of delivery (which includes the recipient's signature) by purchasing a return receipt (6.0), at the time of mailing. Customers may direct delivery of Registered Mail only to the addressee (or addressee's authorized agent) using Registered Restricted Delivery (2.1.4). Postal insurance is included in the fee for articles with a value of at least $0.01 up to a maximum insured value of $50,000.00. Postal insurance is not available for articles with no value ($0.00). The fees for articles valued over $50,000.00 include insurance up to $50,000.00, and increasingly higher fees for handling costs. The face (address side) of a registered article must be at least 5 inches long and 3½ inches high, regardless of thickness. Registration may not be obtained for the following item if:

* * * * *

[Revise the text of item c to read as follows:]

c. Prepared improperly or packed inadequately to withstand normal handling (see 2.3.4).

* * * * *

[Revise the text of item f. to read as follows:]

f. A class of mail not listed under eligible matter (see 1.4).

2.1.2 Label 200

[Revise the first sentence of 2.1.2 to read as follows:]

Registered Mail must bear the barcoded red Label 200 (see forms at *http://pe.usps.gov/*), or a non-barcoded red Label 200–N (when a mailer-generated shipping label bearing an IMpb (under 708.5.0) is also affixed on the same mailpiece). * * *

* * * * *

[Insert new items 2.1.4 and 2.1.5 to read as follows:]

2.1.4 Additional Standards for Registered Mail Restricted Delivery

Registered Mail Restricted Delivery permits a mailer to direct delivery only to the addressee (or addressee's authorized agent). The addressee must be an individual (natural person) specified by name. The mailer may request Registered Mail Restricted Delivery at the time of mailing by advising the USPS clerk or by marking the mail ''Restricted Delivery'' above the address and to the right of the return address, and paying the applicable fee. A firm mailer must enter the proper fee in the correct column of the firm sheet and place the required endorsement on the mail. Customers may obtain a record of delivery (which includes the recipient's signature) by purchasing a return receipt (6.0). If a return receipt is requested, the correct block on Form 3811 must be checked to show that restricted delivery is also required. Mail marked ''Restricted Delivery'' is delivered under the conditions in 508.1.1.7 and 1.1.8.

2.1.5 Registered COD Mail

Sealed domestic mail bearing First-Class Mail, First-Class Package Service, or Priority Mail postage may be sent as registered COD mail when meeting the standards in 9.0 and as follows:

a. Such mail is handled the same as other Registered Mail.

b. The maximum amount collectible from the recipient on one article is $1,000.00. Indemnity is available up to the registry limit of $50,000.00 by paying the registry fee for the value declared. The total fees charged for registered COD service include the proper registry fee for the value declared plus the registered COD fee. The mailer must declare the full value of the article being mailed, regardless of the amount to be collected from the recipient.

c. The registered label and the COD form must be affixed to each article. The

registration number is used for delivery receipt and indemnity claims.

* * * * *

3.0 Certified Mail

3.1 Basic Standards

3.1.1 Description

[Revise the text of 3.1.1 to read as follows:]

Certified Mail is subject to the basic standards in 1.0; see 1.4 for eligible matter. Certified Mail provides the sender with a mailing receipt and, upon request, electronic verification that an article was delivered or that a delivery attempt was made. Customers can retrieve the delivery status as provided in 1.9. Certified Mail is dispatched and handled in transit as ordinary mail. Except for Priority Mail pieces with included insurance, no insurance coverage is provided when purchasing Certified Mail. USPS maintains a record of delivery (which includes the recipient's signature). Customers may obtain a delivery record by purchasing a return receipt (6.0) at the time of mailing. Customers may direct delivery of Certified Mail only to the addressee (or addressee's authorized agent) using Certified Mail Restricted Delivery (3.2.2); or to an adult using Certified Adult Signature Required or Certified Adult Signature Restricted Delivery when meeting the applicable standards for Adult Signature under 8.1.1e and 8.1.3.

3.2 Mailing

3.2.1 Form 3800

* * * A mailer of Certified Mail must:

* * * * *

[Revise the text of 3.2.1 item e to read as follows:]

e. For Certified Mail Restricted Delivery, meet the additional standards under 3.2.2).

[Insert new item 3.2.2 to read as follows:]

3.2.2 Additional Standards for Certified Mail Restricted Delivery

Certified Mail Restricted Delivery permits a mailer to direct delivery only to the addressee (or addressee's authorized agent). The addressee must be an individual (natural person) specified by name. The mailer may request Certified Mail Restricted Delivery at the time of mailing by advising the USPS clerk or by marking the mail ''Restricted Delivery'' above the address and to the right of the return address and paying the applicable fee. A firm mailer must enter the proper fee in the correct column of the firm sheet and place the required endorsement on the mail. Customers may obtain a record of delivery (which includes the recipient's signature) by purchasing a return receipt (6.0). If a return receipt is requested, the correct block on Form 3811 must be checked to show that restricted delivery is also required. Mail marked ''Restricted Delivery'' is delivered under the conditions in 508.1.1.7 and 1.1.8.

4.0 Insured Mail

* * * * *

4.1.1 Additional Insurance—Priority Mail Express

[Revise the text of 4.1.1 to read as follows:]

Additional insurance, up to a maximum coverage of $5,000.00, may be purchased for merchandise valued at more than $100.00 sent by Priority Mail Express. The additional insurance fee is in addition to postage and other fees. See Notice 123—Price List. The insurance fee is entered in the block marked ''Insurance'' on the mailing label. If the label does not contain this block, the mailer uses the ''COD'' block by crossing out ''COD,'' writing ''INS'' to the right, and entering the fee for the coverage. Coverage is limited to the actual value of the contents, regardless of the fee paid, or the highest insurance value increment for which the fee is fully paid, whichever is lower. When ''signature required'' service is not requested or when ''waiver of signature'' is requested, additional insurance is not available.

[Delete 4.1.2, Fees for Priority Mail Express Insurance, in its entirety (text relocated to 4.1.1).]

4.2 Insurance Coverage—Priority Mail

Priority Mail pieces bearing an Intelligent Mail package barcode (IMpb) or USPS retail tracking barcode (see 4.3.4) are insured against loss, damage, or missing contents, up to a maximum of $50.00 or $100.00, subject to the following:

* * * * *

[Delete 4.2 item e in its entirety, then, renumber current items f and g as new items e and f.]

* * * * *

4.3 Basic Standards

4.3.1 Description

[Revise the introductory text of 4.3.1 to read as follows:]

Insured mail is subject to the basic standards in 1.0; see 1.4 for eligible matter. The following additional standards apply to insured mail:

* * * * *

[Revise the text of 4.3.1 item c to read as follows:]

c. Insured mail provides the mailer with a mailing receipt. No record of insured mail is kept at the office of mailing; however, the USPS maintains insured mail delivery records for a period of time. An item insured for $500.00 or less receives a delivery scan. An item insured for more than $500.00 receives a delivery scan and the USPS obtains and provides the recipient's signature as the delivery record to the mailer electronically. Customers may obtain a delivery record by purchasing a return receipt (6.0). Customers may direct delivery of mail insured for more than $500.00 only to the addressee (or addressee's authorized agent) using Insurance Restricted Delivery (4.5);

* * * * *

4.3.2 Ineligible Matter

The following types of mail may not be insured:

* * * * *

[Delete 4.3.2 item e in its entirety (eligible matter provided under 1.4), then, renumber item f as new item e.]

f. Matter mailed at First-Class Mail prices (including Priority Mail) that consists of items described in 123.3.0,133.3.0, 233.2.0, and 283.2.0, and required to be mailed at First-Class Mail prices.

* * * * *

4.3.4 Markings and Forms

[Revise the introductory text of 4.3.4 to read as follows.]

The treatment of pieces is determined by the insurance amount as described in 4.3.1c and under the following conditions:

[Revise the text of 4.3.4 items a and b to read as follows:]

a. For retail pieces insured for $500.00 or less, the mailer must affix a barcoded Form 3813 (see forms at *http://pe.usps.gov/*) to each piece above the delivery address and to the right of the return address.

b. For retail pieces insured for more than $500.00, the mailer must affix a barcoded Form 3813–P (see forms at *http://pe.usps.gov/*) to each piece above the delivery address and to the right of the return address.

* * * * *

[Revise the second sentence of 4.3.4 item d to read as follows:]

d. * * * Mailing receipts are provided under 1.10.

* * * * *

[Revise the title of 4.4, Bulk Insurance for Standard Mail, as follows:]

4.4 Bulk Insurance for Standard Mail and Parcel Select Lightweight

4.4.1 Eligibility

[Revise the introductory text of 4.4.1 to read as follows:]

To mail at the bulk insurance prices, for Standard Mail (except Marketing Parcels) and Parcel Select Lightweight, mailers must obtain an authorization under 4.4.2 and meet the following criteria:

* * * * *

[Insert new 4.5 as follows:]

4.5 Additional Standards for Insurance Restricted Delivery

Insurance Restricted Delivery permits a mailer to direct delivery only to the addressee (or addressee's authorized agent). The addressee must be an individual (natural person) specified by name. The mailer may request Insured Restricted Delivery at the time of mailing by advising the USPS clerk or by marking the mail ''Restricted Delivery'' above the address and to the right of the return address and paying the applicable fee. A firm mailer must enter the proper fee in the correct column of the firm sheet and place the required endorsement on the mail. Customers may obtain a record of delivery (which includes the recipient's signature) by purchasing a return receipt (6.0). If a return receipt is requested, the correct block on Form 3811 must be checked to show that restricted delivery is also required. Mail marked ''Restricted Delivery'' is delivered under the conditions in 508.1.1.7 and 1.1.8.

[Revise the title of 5.0 to read as follows:]

5.0 Certificates of Mailing

5.1 Basic Standards

5.1.1 Description—Individual Pieces

[Revise the introductory text of 5.1.1 to read as follows:]

Certificates of mailing are subject to the basic standards in 1.0, see 1.4 for eligible matter. Certificates of mailing (Form 3817 and barcoded Form 3665–Firm, including USPS-approved facsimiles) are available only at the time of mailing and provide evidence that individual mailpieces have been presented to the USPS for mailing. Certificates of mailing do not provide a record of delivery, and the Postal Service does not retain copies of either form. Form 3817 is available for less than three individual pieces, presented at one time at a retail post office, station or branch). Form 3665–Firm is available for three or more pieces, but less than 50 pieces or 50 pounds (whichever amount is met first), presented at one time at a retail post office, station or branch, or for three or more pieces, but at least 50 pieces or 50 pounds (whichever amount is met first), presented at a BMEU or USPS authorized DMU). Each individual Form 3817 or the Form 3665–Firm (in addition to scanning the barcode) is postmarked (round-dated) at the time of mailing; the form(s) are then returned to the mailer and become the mailer's receipt.

[Delete 5.1.2, Eligible Matter—Single Piece, in its entirety (context of text already under 1.4 for eligible matter), then, renumber current 5.1.3 through 5.1.7 as new 5.1.2 through 5.1.6.]

5.1.2 Paying Fees

[Revise the first sentence of renumbered 5.1.2 to read as follows:]

For certificate of mailing, in addition to the correct postage, the applicable certificate of mailing fee must be paid for each article on Form 3817 or listed on Form 3665–Firm and for duplicate copies of either form.* * *

5.1.3 Mailer Preparation

[Revise the text of renumbered 5.1.3 to read as follows:]

A certificate of mailing must be completed by the mailer and all entries must be typed or printed in ink, by ballpoint pen, or computer-generated; the form or firm sheets become the mailer's receipts. Individual certificate and firm mailings must show the names and addresses of the sender and addressee (if Form 3665–Firm is being used, the mailer must include the corresponding IMb (for letters and flats) or IMpb (for parcels) for each article listed) and may show the amount of postage paid. The mailer may also place identifying invoice or order numbers on the certificate as a reference.

[Revise the title of renumbered 5.1.4 to read as follows:]

5.1.4 Firm Mailings—Three or More Pieces

When the number of articles presented justifies such action, the mailer must comply with these standards:

* * * * *

[Revise the text of 5.1.4 item b to read as follows:]

b. When the mailer describes and lists three or more individual pieces on Form 3665–Firm, but does not present the pieces in the order shown on the sheets, the mailer must consecutively number each entry line on the sheet and lightly number each piece to show both the corresponding sheet and line number.

[Insert a new item c under 5.1.4 to read as follows:]

c. Firm mailers using Form 3665–Firm, or USPS approved facsimiles, must submit an electronic manifest to USPS (using mail.dat or mail.xml, or a shipping services file as appropriate for the type of pieces appending to the form) which reconciles with all of the items listed on the associated Form 3665–Firm.

5.1.5 Duplicate Copies—After Mailing

[Revise the first sentence of renumbered 5.1.5 to read as follows:]

To obtain a duplicate copy of the certificate after mailing (Form 3817 only), the mailer must present the original postmarked certificate and an additional certificate endorsed ''Duplicate'' or a copy showing the original dates of mailing. * * *

5.1.6 Presenting to Rural Carrier

[Revise the text of renumbered 5.1.6 to read as follows:]

For certificate of mailing (Form 3817 only), a mailer may provide mail to the rural carrier with the fee for the certificate. The carrier obtains the certificate at the Post Office, attaches the stamps, obtains the postmark (round-date) on the certificate on the day of mailing, and delivers the certificate to the mailer on the next trip.

5.2 Other Bulk Quantities—Certificate of Bulk Mailing

5.2.1 Description

[Revise the text of 5.2.1 to read as follows:]

Certificate of Bulk Mailing is subject to the basic standards in 1.0, see 1.4 for eligible matter. Barcoded Form 3606–D, or USPS approved facsimile, is available only at the time of mailing and is used to specify only the number of identical-weight pieces mailed; it does not provide evidence that a piece was mailed to a particular address. The Form 3606–D IMpb is scanned and postmarked (round-dated) at the time the mailing is presented and returned to the mailer as their receipt. Bulk mailers must submit an electronic manifest to USPS (using mail.dat or mail.xml, or a shipping services file as appropriate for the type of pieces appending to the form) which reconciles with all of the items represented on the associated Form 3606–D. Form 3606–D is available for identical-weight mailings of less than 50 pieces or 50 pounds (whichever amount is met first) presented at any retail Post Office, station or branch, or, for mailings of at least 50 pieces or 50 pounds (whichever amount is met first) presented at a BMEU or USPS authorized DMU. Certificate of bulk mailing service does not provide a record of delivery and the Postal Service

does not retain any copies of Form 3606–D. The Form 3606–D cannot be used as a certificate of mailing of individual mailpieces or itemized lists or if presented in combination with mailpieces already presented for mailing under an approved manifested mailing system under 705.

5.2.2 Paying Fees

[Revise the text of 5.2.2 to read as follows:]

The applicable certificate of bulk mailing fee must be paid for mailings of identical-weight pieces reported on Form 3606–D, or for additional copies of the form if requested at the time of mailing, in addition to the correct postage. Mailers using Form 3606–D may affix ordinary stamps or postage evidencing indicia on the form to pay the fee. When postage evidencing indicia are used, they must bear the full numerical value of the fee in the imprint. Mailers using Form 3606–D with a permit imprint mailing also may pay certificate of mailing fees, at the time of mailing, using the same permit imprint.

6.0 Return Receipt

6.1 Basic Standards

6.1.1 Description

[Revise the text of 6.1.1 to read as follows:]

Return Receipt service is subject to the basic standards in 1.0; see 1.4 for eligible matter. A return receipt may be purchased at the time of mailing and provides a mailer with evidence of delivery (to whom the mail was delivered and date of delivery), and information about the recipient's actual delivery address. A mailer purchasing a return receipt may choose to receive the return receipt by mail (Form 3811) or electronically (by email, or by signature extract file format under 1.8). A complete return address is required on the mailpiece when a return receipt is requested. For Priority Mail Express (Form 3811 option only), the return address on the Priority Mail Express label meets this requirement.

* * * * *

6.2 Obtaining Service

* * * * *

[Delete items 6.2.2, After Mailing, and 6.2.3, Time Limit, in their entirety.]

6.3 Other Requests for Delivery Information

6.3.1 Receipt Not Received

[Revise the text of 6.3.1 to read as follows:]

A mailer who did not receive a return receipt (Form 3811) for which the mailer had paid may request information from the delivery record within 90 days of the date of purchase using Form 3811–A. The mailer must complete Form 3811–A, at any Post Office, station or branch, and produce their receipt showing that the applicable return receipt fee was paid.

[Delete 6.3.2, Form 3811–A, in its entirety (text relocated to 6.3.1).]

[Delete sections 7.0, Restricted Delivery, through 9.0 Return Receipt for Merchandise, in their entirety, then, renumber current 10.0 through 15.0 as new 7.0 through 12.0.]

* * * * *

7.0 USPS Tracking

7.1 Basic Standards

7.1.1 Description

[Revise the text of renumbered 7.1.1 to read as follows:]

USPS Tracking is subject to the basic standards in 1.0; see 1.4 for eligible matter. USPS Tracking provides the mailer with information about the date and time an article was delivered or the date and time of the delivery attempt. See 1.9 to obtain delivery information. USPS Tracking is available only at the time of mailing. No record is kept at the office of mailing. USPS Tracking does not include insurance, but insurance may be purchased as an additional service unless otherwise restricted. Some statutes governing the mailing of legal documents may require the use of Certified Mail or Registered Mail, rather than USPS Tracking.

[Revise the title of and insert a new first and second sentence to renumbered 7.1.2 as follows:]

7.1.2 Electronic Option USPS Tracking for Standard Mail Parcels

Electronic option USPS Tracking may be purchased for Standard Mail parcels for mailers using privately printed forms or labels, or Label 400, and who establish an electronic link with the USPS to exchange acceptance and delivery data. Mailers wishing to obtain a mailing receipt may use Form 3877.

* * *

* * * * *

7.1.3 Additional Physical Standards

[Revise the introductory text of renumbered 7.1.3 to read as follows:]

In addition to the applicable standards in 101, 201.7.0, and 201.8.0, all parcels must be large enough to hold the required delivery address, return address, mailing labels, postage, barcode, endorsements, and other mail markings on the address side of the parcel. In addition to the applicable standards in 101 and 201 and for the purposes of USPS Tracking with Standard Post, Media Mail, Library Mail, Bound Printed Matter, or Parcel Select, the parcel must meet these additional requirements:

[Delete 7.1.3 item a in its entirety (context of text relocated to introductory text), then, renumber current items b and c as new a and b.]

* * * * *

[Delete renumbered 7.1.4, Service Options, in its entirety (appropriate text relocated to either 7.1.2 or 7.2.1 as only electronic option remains).]

7.2 Labels

7.2.1 Types of Labels

[Revise the text of renumbered 7.2.1 to read as follows:]

Mailers using privately printed USPS Tracking labels must meet the requirements in 1.8. Mailers not printing their own privately printed labels must use one of the label options as follows:

a. Label 400 may be used by: Electronic option mailers, USPS retail associates when affixed to mailpieces at a Post Office, station, or branch, or by mailers when affixed to mailpieces with postage and fees prepaid by metered indicia or ordinary stamps. A mailing receipt is provided to mailers who present mailpieces with an affixed Label 400 at a Post Office, branch, or station, or to their USPS carrier. A mailer may also present mailpieces to a retail employee at a Post Office, station, or branch; and the retail associate will affix a USPS Tracking label to the item.

b. Unique, product specific USPS-provided tracking labels are for use by electronic option mailers. The labels are populated with the product service type code and customer's Mailer Identification (MID) number in the Intelligent Mail package barcode (IMpb).

* * * * *

[Revise the title of renumbered 8.0 to read as follows:]

8.0 USPS Signature Services

8.1 Basic Standards

8.1.1 Description

[Revise the entire text of renumbered 8.1.1 to read as follows:]

USPS Signature Services include Signature Confirmation, Signature Confirmation Restricted Delivery, Adult Signature Required, and Adult Signature Restricted Delivery, all of which are subject to the basic standards in 1.0; see 1.4 for eligible matter. Some statutes governing the mailing of legal documents may require the use of Certified Mail or Registered Mail rather than USPS Signature Services. USPS

Signature Services are available as follows:

a. Signature Confirmation provides the mailer with information about the date and time an article was delivered or the date and time of the delivery attempt. A delivery record (including the recipient's signature) is maintained by the USPS and is available electronically or by email, upon request. The Signature Confirmation is available as a Retail option: Available at Post Offices at the time of mailing; a mailing receipt is provided. Electronic option: Available to mailers who establish an electronic link with the USPS to exchange acceptance and delivery data; no mailing receipt is provided.

b. Signature Confirmation Restricted Delivery provides the same service as provided under item a. and permits a mailer to direct delivery only to the addressee (or addressee's authorized agent). The addressee must be an individual (natural person) specified by name. The mailer may request Insured Restricted Delivery at the time of mailing by advising the USPS clerk or by marking the mail ''Restricted Delivery'' above the address and to the right of the return address and paying the applicable fee. A firm mailer must enter the proper fee in the correct column of the firm sheet and place the required endorsement on the mailpiece.

c. Adult Signature service provides electronic confirmation of the delivery or attempted delivery of the mailpiece and signature of the recipient, who must be 21 years of age or older. Prior to delivery, the recipient must furnish proof of age via a driver's license, passport, or other government-issued photo identification that lists age or date of birth. The USPS maintains a record of delivery (including the recipient's signature) for two years. The Adult Signature options are:

1. Adult Signature Required—provides delivery to a person who is 21 years of age or older. Upon delivery, an adult who is 21 years of age or older must provide one of the forms of identification listed above and provide a signature for receipt of the mailpiece.

2. Adult Signature Restricted Delivery—provides Adult Signature Required with the additional restriction of limiting delivery to a specific addressee or authorized agent who is 21 years of age or older. If the specific individual is not 21 years of age or older, the mailpiece will be returned to sender.

[Revise the title and text of renumbered 8.1.2 to read as follows:]

8.1.2 Additional Standards for Signature Confirmation

For Signature Confirmation with Standard Post, Media Mail, Library Mail, Bound Printed Matter, or Parcel Select, the parcel must meet these additional requirements:

a. The surface area of the address side of the parcel must be large enough to contain completely and legibly the delivery address, return address, postage, and any markings, endorsements, and extra service labels.

b. Except as provided in (12.1.2c.) for machinable parcels, the parcel must be greater than ¾ inch thick at its thickest point.

c. If the mailpiece is a machinable parcel under 201.7.0 and no greater than ¾ inch thick, the contents must be prepared in a strong and rigid fiberboard box or similar container or in a container that becomes rigid after the contents are enclosed and the container is secured. The parcel must be able to maintain its shape, integrity, and rigidity throughout processing and handling without collapsing into a letter-size or flat-size piece.

d. Mailers must use one of the following labels:

1. Form 153 (see forms at *http://pe.usps.gov/*), obtained from the Post Office at no charge, may be used only with the retail option.

2. Label 315 electronic Signature Confirmation is available to electronic option mailers.

3. Privately printed barcoded labels must meet the requirements in 1.8. On the Priority Mail label, mailers must use the registered trademark symbol following the Priority Mail text or add the following statement at the bottom of the label in at least 6-point Helvetica type: ''Priority Mail is a registered trademark of the U.S. Postal Service.'' See Parcel Labeling Guide or Publication 97 available on RIBBS.

e. The barcoded label section of Label 315 or Form 153 (see forms at *http://pe.usps.gov/*) must be placed completely on the address side either above the delivery address and to the right of the return address, or to the left of the delivery address. A privately printed Signature Confirmation label that is separate from a privately printed address label must be placed in close proximity to the address label.

[Delete renumbered 8.1.3, Service Options, in its entirety (context of text relocated to 8.1.2), then insert new 8.1.3 as follows:]

8.1.3 Additional Standards for Adult Signature Service

Customers may obtain Adult Signature Required and Adult Signature Restricted Delivery by producing qualified shipping labels with Intelligent Mail package barcodes. The Adult Signature Required or Adult Signature Restricted Delivery fee must be paid in addition to the correct postage using Click-N-Ship, PC Postage, Permit imprint (if the customer electronically submits postage statements and mailing documentation) or IBI postage meter. Conditions in 8.3.1 and 8.3.2 also apply to Adult Signature Restricted Delivery items. A shipment of cigarettes and smokeless tobacco with Adult Signature service, mailed by certain individuals under 601.9.0, requires the mailer to present items at a retail counter.

[Delete renumbered 8.2, Labels, in its entirety (context of text relocated to 8.1.2).]

9.0 Collect on Delivery (COD)

9.1 Basic Standards

9.1.1 Description

[Revise the text of renumbered 9.0 to read as follows:]

Collect on delivery (COD) is subject to the basic standards in 1.0; see 1.4 for eligible matter. Any mailer may use COD to mail an article (using a unique COD number for each article) for which the mailer has not been paid and have its price and the cost of the postage collected (not to exceed $1,000.00) from the addressee (or agent). COD service provides the mailer with a mailing receipt and the USPS maintains a record of delivery (including the recipient's signature). The recipient has the option to pay the COD charges (with one form of payment) by cash, or a personal check or money order made payable to the mailer (accepted by the USPS employee upon the recipient's presentation of adequate identification). The USPS forwards the check or money order to the mailer. If payment is made by cash, a money order fee is included in the amount collected from the recipient (unless the mailer is authorized to participate in EFT for the remittance), in addition to the COD amount. The Postal Service cannot intervene in disputes between mailers and recipients of COD mail after payment was returned to the mailer. Customers may obtain a delivery record by purchasing a return receipt. Bulk proof of delivery service (7.0) is also available if electronic return receipt service is purchased at the time of mailing.

* * * * *

9.1.3 Registered COD Mail

[Revise the text of renumbered 9.1.3 to read as follows (text relocated under 2.1.5, Registered COD):]

Sealed domestic mail bearing First-Class Mail, First-Class Package Service, or Priority Mail postage may be sent as registered COD mail as provided under 9.0 and 2.1.5.

* * * * *

10.0 Special Handling

10.1 Basic Standards

10.1.1 Description

[Revise the first and last sentences of renumbered 10.1.1 to read as follows:]

Special Handling is subject to the basic standards in 1.0; see 1.4 for eligible matter.* * * There are unique service codes included in the IMpb for the content categories (Fragile, Hazardous Material Transportation, Live Animal Transportation, Perishables, and Cremated Remains (only available with Priority Mail Express)) of special handling.

10.1.2 Bees and Poultry

[Revise the text of renumbered 10.1.2 to read as follows:]

Unless sent Priority Mail Express, Priority Mail, First-Class Mail or First-Class Package Service, special handling is required for parcels containing honeybees or baby poultry.

10.1.3 Marking

[Revise the text of renumbered 10.1.3 to read as follows:]

Except for cremated remains (accordingly marked or with Label 139 affixed) the marking ''Special Handling'' must appear prominently above the address and to the right of the return address on each piece for which special handling service is requested.

[Delete item 14.1.4, Parcel Select—Nonmachinable Parcels, in its entirety (the Parcel Select nonmachinable surcharge was eliminated in a prior price change).]

* * * * *

505 Return Services

1.0 Business Reply Mail (BRM)

1.1 Business Reply Mail (BRM) Prices and Fees

[Revise the title and text of 1.1.1 to read as follows:]

1.1.1 General BRM Charges

For BRM cards, letters and flats, an annual permit fee under 1.2 is required, and a per-piece fee under 1.1.8 is applied to each mailpiece, in addition to the applicable First-Class Mail or Priority Mail postage. See Notice 123—Price List for applicable prices and fees.

[Revise the title and text of 1.1.2 (context of deleted text relocated to 1.1.1) to read as follows:]

1.1.2 High-Volume Basic BRM

An annual account maintenance fee is required for high-volume BRM.

[Revise the text of 1.1.3 (context of deleted text relocated to 1.1.1) to read as follows:]

1.1.3 Basic Qualified BRM (QBRM)

In addition to prices and fees under 1.1.1, an annual account maintenance fee is required for basic QBRM (which applies to a card meeting the applicable standards in 1.6 and 201.1 or a letter meeting the applicable standards in 1.6 that is not eligible for and claimed at the QBRM price for cards).

[Revise the text of 1.1.4 (context of deleted text relocated to 1.1.2) to read as follows:]

1.1.4 High-Volume Qualified BRM

In additional to 1.1.1, annual permit and account maintenance fees, and a quarterly fee, are required for high-volume QBRM.

[Revise the text of 1.1.5 (context of deleted text relocated to 1.1.1) to read as follows:]

1.1.5 Bulk Weight Averaged Nonletter-Size BRM

In addition to 1.1.1, permit holders participating in bulk weight averaged nonletter-size BRM under 1.8 must pay an annual account maintenance fee, and a monthly maintenance fee.

* * * * *

[Insert new 1.1.7 through 1.1.11 as follows (these relocated sections all have to do with prices and fees):]

1.1.7 Postage

Each piece of returned BRM is charged the applicable single-piece First-Class Mail or Priority Mail postage (423.1.0, and 133.1.0). Cards must meet the standards in 201.1.0 to qualify for card price postage. Any card larger than those dimensions is charged the applicable First-Class Mail letter price. For Priority Mail or First-Class Mail BRM pieces exceeding 13 ounces in weigh, if the zone cannot be determined from a return address or cancellation, then the permit holder is charged zone 4 postage based on the weight of the piece. For QBRM, see 1.6.3.

1.1.8 Per Piece Fees

Per piece fees listed in 1.1 are charged for each piece of returned BRM postcard, letter or flat (in addition to postage in 1.1.1). If a permit holder has not paid an annual account maintenance fee and established a BRM advance deposit account, then the basic (higher) BRM per piece fee must be paid. If a permit holder has paid the annual account maintenance fee and has established a BRM advance deposit account, then the high-volume (lower) BRM per piece fee is paid. For QBRM, see 1.6.4.

1.1.9 Advance Deposit Account and Annual Account Maintenance Fee

A permit holder may choose to pay an annual account maintenance fee and establish an advance deposit account, which qualifies returned BRM pieces for the high-volume per piece fee. The account maintenance fee must be paid once each 12-month period at each Post Office where a permit holder holds an advance deposit account. Payment of the account maintenance fee is based on the anniversary date of the initial payment. The fee may be paid in advance only for the next 12-month period and only during the last 60 days of the current 12-month period. The fee charged is that which is in effect on the date of payment. A separate advance deposit account solely for BRM is not required. An advance deposit account can be used for BRM under these conditions:

a. For each withdrawal, only one statement is provided for each annual account maintenance fee paid.

b. If a permit holder distributes BRM with different addresses (including Post Office box numbers) under the same permit number going to the same delivery unit and has only one business reply account, then the BRM is separated by each different address but only one statement is provided and only one annual account maintenance fee is paid.

c. The permit holder must pay an annual account maintenance fee for each separate statement (accounting) requested. If only one annual account maintenance fee is paid, then the permit holder receives only one statement.

d. The permit holder must maintain a sufficient balance in the BRM advance deposit account to cover postage and per piece fees for returned mailpieces. The permit holder is notified if funds are insufficient. After 3 calendar days, if no funds are deposited, then the BRM on hand is charged the basic BRM per piece fee and postage and charges are collected from the permit holder (*e.g.,* in cash) prior to delivery.

e. BRM addressed to several different firms at the same delivery unit may be delivered to an agent authorized by a valid BRM permit holder. The agent pays one annual account maintenance fee for all the firms represented by the agent in the same delivery unit. If the agent, or any of the firms represented by the agent, wants a separation of charges, then separate (additional) account maintenance fees must be paid.

1.1.10 Renewal of Annual Account Maintenance Fee

An annual renewal notice is provided to each BRM permit holder with a BRM advance deposit account. The notice and the payment for the next 12 months must be returned by the expiration date to the Post Office that holds the advance deposit account. After the expiration date, if the permit holder has not paid the annual account maintenance fee but still has a valid BRM permit, returned BRM pieces no longer qualify for the high-volume BRM per piece fee and are charged the basic BRM per piece fee in 1.1.8.

1.1.11 Payment Options

Permit holders may pay for postage and per piece fees on returned pieces by cash or check upon delivery, through a regular postage due account (604.6.3), or through a BRM advance deposit account (1.1.9). A regular postage due account is not charged an annual account maintenance fee and does not qualify the permit holder for high-volume BRM per piece fees.

[Delete 1.2 Qualified Business Reply Mail (QBRM) Prices, and 1.3, Qualified Business Reply Mail (QBRM), in their entirety, (1.2 is already stated in 505.1.1 and 1.3 relocated to 1.10, Additional Standards for QBRM.), then, insert new 1.2, Permits, (relocated from current 1.5) to read as follows:]

1.2 Permits

1.2.1 Required

Any mailer who wants to distribute BRM must apply for and receive a permit. The permit number, city, and state where the permit is held must appear on all pieces of BRM.

1.2.2 Application Process

The mailer may apply for a BRM permit by submitting a completed Form 3615 to the Post Office issuing the permit and paying the annual permit fee. If a completed Form 3615 is already on file for the mailer for other permits at that office, then the mailer must submit the annual BRM permit fee and the USPS amends Form 3615 by adding the BRM authorization.

1.2.3 Annual Permit Fee

A permit fee must be paid once each 12-month period at each Post Office where a BRM permit is held. Payment of the permit fee is based on the anniversary date of the permit's issuance. The fee may be paid in advance only for the next 12 months and only during the last 60 days of the current service period. The fee charged is that which is in effect on the date of payment. Agents authorized by a permit holder under 1.7 are not required to pay an annual permit fee at the Post Office where their BRM is received.

1.2.4 Renewal of Annual Permit Fee

An annual renewal notice is provided to each BRM permit holder by the USPS. The notice and the payment for the next 12 months must be returned by the expiration date to the Post Office that issued the permit. After the expiration date, if the permit holder has not paid the annual permit fee, then returned BRM pieces are treated as follows:

a. Postcards of no obvious value are treated as waste and disposed of at the delivery unit.

b. Letter and flat pieces with a return address are endorsed ''Business Reply Permit Canceled'' and are returned to the sender.

c. Pieces without a return address are endorsed ''Business Reply Permit Canceled'' and forwarded to the mail recovery center for handling.

1.2.5 Other Post Offices

A permit holder may distribute BRM through any Post Office for delivery at any Post Office under 1.7.

1.2.6 Revocation of a Permit

The USPS may revoke a BRM permit because of format errors or for refusal to pay permit fees (annual, accounting, quarterly, or monthly), postage, or per piece fees. If the permit was revoked due to format errors, then a former permit holder may obtain a new permit and permit number by completing and submitting a new Form 3615, paying the required BRM annual permit fee, paying a new annual account maintenance fee (if applicable), and, for the next 2 years, submitting two samples of each BRM format to the appropriate Post Office for approval.

[Renumber current 1.4 through 1.12 as new 1.3 through 1.8.]

[Revise the title (to align with other titles in 505) of renumbered 1.3 as follows:]

1.3 Basic Standards

1.3.1 Description

[Revise the text of renumbered 1.3.1 to read as follows:]

Business Reply Mail (BRM) service enables a permit holder to receive First-Class Mail and Priority Mail back from customers. The permit holder guarantees payment of the applicable First-Class Mail or Priority Mail postage, plus a per piece fee, on all returned BRM which includes any incomplete, blank, or empty BRM cards and envelopes and any mailable matter with a BRM label affixed. BRM cards, envelopes, self-mailers, and flats may be distributed by a BRM permit holder in any quantity for return to any Post Office in the United States and its territories and possessions, including military Post Offices overseas. High-Volume BRM under 1.1.2 is a subset of BRM that qualify pieces for a reduced per piece fee. QBRM, under 1.1.3, 1.1.4 and 1.6, is a subset of BRM available for specific automation-compatible letter-size pieces that qualify for an automation postage price and a reduced per piece fee. Domestic BRM may not be distributed to foreign countries (see the International Mail Manual for International Business Reply Service (IBRS)). BRM may not be used for any purpose other than that intended by the permit holder, even when postage is affixed. In cases where a BRM card or letter is used improperly as a label, the USPS treats the item as waste.

[Delete renumbered 1.3.2, Payment Guarantee, in its entirety, (text relocated under 1.3.1, Description), then, renumber recently renumbered 1.3.3, Services, through 1.3.8, Error Notification, as new 1.3.2 through 1.3.7.]

[Revise the title and text of newly renumbered 1.3.2 as follows:]

1.3.2 Extra Services

No extra services are permitted with BRM, except for BRM parcels bearing an Intelligent Mail package barcode with imbedded USPS Tracking service.

[Delete renumbered 1.3.3, Address, in its entirety, (text relocated more appropriately under 1.8.6, Format Elements), then, renumber recently renumbered 1.3.4, through 1.3.7 as new 1.3.3 through 1.3.6.]

[Delete recently renumbered 1.3.4, Intentions of the Permit Holder, in its entirety, (text relocated in 1.3.1, Description) and renumber recently renumbered 1.3.5 through 1.3.6 as new 1.3.4 through 1.3.5.]

1.3.4 Samples

[Revise the text of newly renumbered 1.3.4 to read as follows:]

Prior to printing, permit holders are encouraged, but not required, to submit preproduction samples of BRM to the USPS for approval. QBRM pieces require USPS approval (1.6).

1.3.5 Error Notification

[Revise the text of newly renumbered 1.3.5 to read as follows:]

If the USPS discovers a BRM format error, the responsible permit holder or authorized agent receives written notification of the error. The permit holder must correct the error and make

sure that all future BRM pieces meet appropriate specifications. The repeated distribution of BRM with format errors is grounds for revoking a BRM permit (1.2.6).

[Delete renumbered 1.4, Permits, in its entirety (relocated to new 1.2.]

[Delete renumbered 1.5, Postage, Per Piece Fees, and Account Maintenance Fees, and 1.5.1, Postage through 1.5.4, Renewal of Annual Account Maintenance Fee, (all text relocated within 1.1) in their entirety.]

[Renumber 1.5.5 through 1.5.7 as new 1.3.6 through 1.3.8.]

1.3.6 Combined Pieces as a Single Item

Two or more BRM pieces may be mailed as a single piece if the BRM pieces are identically addressed and prepared for mailing in accordance with 201.1.0. The permit holder is charged postage based on the total weight of the combined piece plus one per piece fee. If the combined pieces become separated, then the permit holder must pay postage and a per piece fee for each individual piece. Combined pieces are not eligible for QBRM postage prices or per piece fees.

1.3.7 With Postage Affixed

[Revise the text of renumbered 1.3.7 to read as follows:]

BRM with postage affixed is handled the same as other BRM. No effort is made to identify or separate BRM pieces with postage affixed. The amount of affixed postage is not deducted from the postage or per piece fees owed. The permit holder may request a credit or refund for postage affixed to BRM under 604.9.2.

[Delete newly renumbered 1.3.8 in its entirety (context of text relocated to 1.1.11 under BRM Prices and Fees).]

1.4 Mailpiece Characteristics

* * * * *

1.4.5 Window Envelopes

The following standards apply to BRM prepared in an open-panel or a covered window envelope:

* * * * *

c. Open panel window envelopes:

* * * * *

[Revise the text of renumbered 1.4.5c.2 to read as follows:]

2. Other required and optional elements in 1.5 may be printed on the insert appearing through the address window.

1.4.6 Self-Mailers and Reusable Mailpieces

[Revise the first sentence of renumbered 1.4.6 to read as follows:]

In addition to the standards in 1.4 and 1.5, self-mailers and reusable mailpieces must meet the standards in 201.3.14 and 601.6.5 (or 601.6.6).* * *

* * * * *

[Revise the title and text of renumbered 1.4.8 to read as follows:]

1.4.8 Labels for Letter-Size Pieces

The minimum size of a BRM label for use on letter-size pieces is 2 inches high and 3 inches long. BRM labels on ordinary letter-size pieces are not required to have a FIM or a ZIP+4 barcode, but all other format standards in 1.5 must be met. In cases where a BRM card or letter is used improperly as a label, the USPS treats the item as waste. The following standards apply to BRM labels for use on letter-size pieces:

a. The minimum size of a BRM label is 2⅝ inches high and 4¼ inches long. All format elements, including a FIM, must be printed on the label. *Exception:* The vertical series of horizontal bars must be at least ¾-inch high. Horizontal bars may be omitted on BRM letter-size pieces bearing Intelligent Mail barcodes. The back of the label must be coated with a permanent adhesive strong enough to firmly attach the label to an envelope.

b. The permit holder must provide instructions to the user describing how the label should be applied to a mailpiece and what precautions must be observed when applying the label (see Exhibit 1.4.8a). A pictorial diagram showing proper placement of the label must be included with the instructions. At a minimum, the instructions must include the following directions:

1. Place the label squarely in the upper right corner of the envelope.

2. Do not write on the envelope or label.

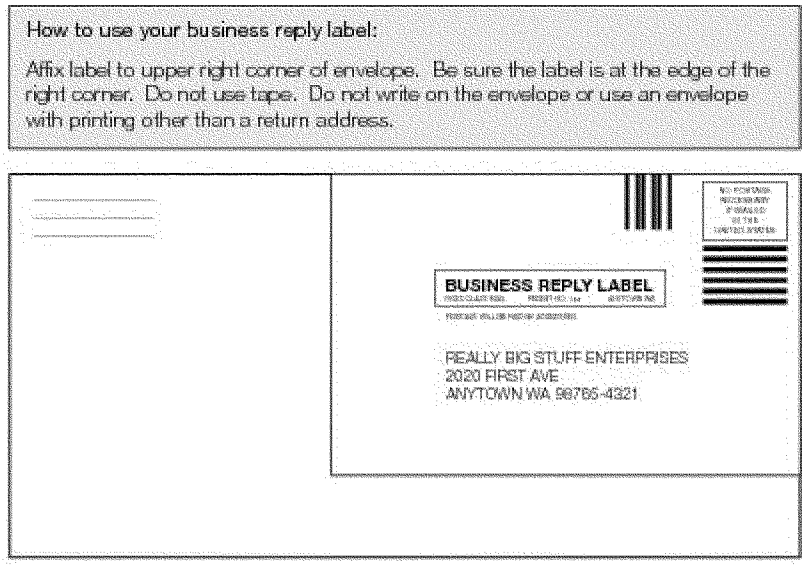
3. Do not use a window envelope, an envelope that is less than 1 inch higher than the label an envelope that is more than 4½ inches high, or an envelope with any printing other than a return address.

4. Do not use tape to affix the label.

c. When the label is affixed to an envelope, the address must be placed within the OCR read area (see 202.2.1).

d. Pieces with business reply labels cannot qualify for QBRM prices.

Exhibit 1.4.8a Instructions for Affixing Business Reply Label



[Delete 1.4.9, Labels for Letter-Size Pieces, in its entirety (context of text relocated to 1.4.8).]

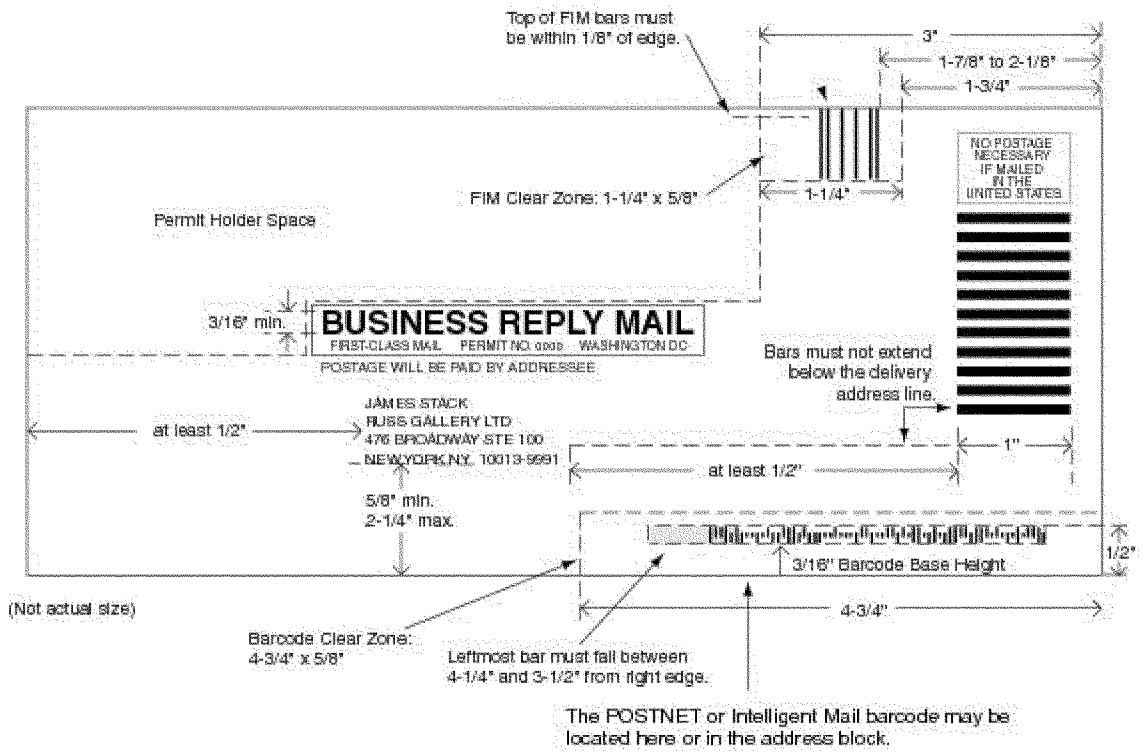
1.5 Format Elements

1.5.1 General

[Revise the text of renumbered 1.5.1 to read as follows:]

Except for BRM parcels under 3.0, all pieces of BRM are subject to these format elements. The USPS may revoke a BRM permit because of format errors under 1.2.6. An Intelligent Mail barcode (IMb) is not required, except for QBRM prices; if an IMb is used, it must be printed and placed under 1.5.10 and as shown in Exhibit 1.5.1a. Pieces of QBRM and bulk weight averaged nonletter-size BRM are subject to additional format standards listed in 1.6 and 1.8. BRM format elements are shown in Exhibit 1.5.1a.

Exhibit 1.5.1a Business Reply Mail Format



1.5.2 Printing and Print Reflectance

[Revise the second sentence of renumbered 1.5.2 to read as follows:]

* * *Handwriting, typewriting, and hand stamping may not be used to prepare BRM. Printed borders are not permitted on letter-size BRM, but are permitted on envelopes greater than 6⅛ inches high or 11½ inches long or ¼ inch thick. * * *

* * * * *

1.5.4 Business Reply Legend

[Revise the first sentence of 1.5.4 to read as follows:]

The legend ''BUSINESS REPLY MAIL'' or ''BUSINESS REPLY LABEL'', as appropriate, must appear on all pieces. * * *

* * * * *

1.5.6 Delivery Address

[Add a new first sentence to and revise item d of renumbered 1.5.6 to read as follows:]

The delivery address on a piece of BRM may not be altered to redirect the mailpiece to any address other than the one preprinted on the piece. * * *

* * * * *

[Renumber current 1.9 as new 1.5.10, then, revise the title and text of renumbered 1.5.10 to read as follows:]

1.5.10 Additional Standards for Letter-Size and Flat-Size BRM Bearing an IMb

When an Intelligent Mail barcode is printed on any BRM pieces, it must contain the barcode ID, service type ID, and correct ZIP+4 routing code, as specified under 708.4.3. The IMb must be placed on the address side of the piece and positioned as part of the delivery address block under 202.5.7 or within the barcode clear zone in the lower right corner of the piece if printed directly on the piece.

1.6 Additional Standards for Qualified Business Reply Mail (QBRM)

1.6.1 Description

[Revise renumbered 1.6.1 to read as follows:]

Qualified business reply mail (QBRM) is a subset of business reply mail. Permit holders distribute automation-compatible letter-size pieces that qualify for automation postage prices and reduced per piece fees. In addition to meeting the eligibility requirements below, the authorization to participate in QBRM under 1.6.2, and the format standards in 1.5, QBRM is First-Class Mail that:

a. Is letter-size and is prepared to meet the automation compatibility requirements in 201.3.0 (except 201.3.13.1).

b. Meets all the Business Reply Mail (BRM) standards in 1.3 through 1.8.

c. Has postage and per piece charges deducted from a BRM advance deposit account.

d. Is authorized to mail at QBRM prices and fees under 1.6.2. During the authorization process, a proper ZIP+4 Code is assigned to the mailer (under 1.6.2) for each price category of QBRM to be returned under the system (one for card priced pieces, one for letter-size pieces weighing 1 ounce or less, and

one for letter-size pieces weighing over 1 ounce up to and including 2 ounces).

e. Bears the proper ZIP+4 Code, assigned by USPS for the appropriate price category, in the address of each piece. The ZIP+4 Codes assigned for this program must be used only on the organization's appropriate QBRM pieces.

f. Bears the correct Intelligent Mail barcode, correctly prepared under 1.9 and 708.4.0, that corresponds to the unique ZIP+4 code in the address on each piece distributed.

g. Bears a properly prepared facing identification mark (FIM) C on each piece distributed (see 708.9.0).

[Delete renumbered 1.6.2, Eligibility, in its entirety (text in ''1.3'' as reference in 1.10.2 relocated to 1.10.1 (1.10.1 subsequently renumbered as new 1.6.1)), then, renumber recently renumbered 1.6.3 through 1.6.8 as new 1.6.2 through 1.6.7.]

1.6.2 Authorization

[Revise the text of renumbered 1.6.2 to read as follows:]

To participate in QBRM, a mailer with a valid BRM permit and having paid the annual account maintenance fee, must submit Form 6805 to the Postmaster or manager, Business Mail Entry for the Post Office to which the QBRM pieces are to be returned. USPS assigns to the mailer a proper BRM ZIP+4 Code, as applicable, reviews Form 6805 and preproduction samples provided by the mailer for compliance with relevant standards, and if approved, issues the mailer an authorization via the Form 6805.

* * * * *

1.6.4 Per Piece Fees

[Revise the text of renumbered 1.6.4 to read as follows:]

Per piece fees are charged for each piece of returned QBRM (in addition to postage in 1.6.3). Pieces that do not meet the format requirements for QBRM cannot qualify for QBRM per piece fees and are charged the high-volume BRM per piece fees in 1.1.2.

1.6.5 Annual Account Maintenance Fee and Advance Deposit Account

[Revise the text of renumbered 1.6.5 to read as follows:]

Permit holders are required to pay QBRM postage and per piece fees through a BRM advance deposit account, which requires payment of an annual account maintenance fee (see 1.1.9).

* * * * *

[Revise the complete text of renumbered 1.7 to read as follows (incorporating the text and sections 1.11.2 through 1.11.6 as new 1.7.1 items a through e.):]

1.7 BRM Distributed and Received by Agents of a Permit Holder

1.7.1 Description

Permit holders may give permission to subsidiary offices, agents, or authorized representatives to distribute and receive BRM using a single (corporate) permit number. BRM pieces are distributed by and returned to agents, who pay postage and per piece fees on those returned pieces. Agents may use any type of BRM service meeting the applicable standards in 1.0 and under the following additional conditions:

a. Permit—The main permit holder or ''corporate'' office applies for the permit number and pays the permit fee. The agent must present a letter of authorization from the permit holder showing the name, address, and telephone number of the local agent authorized to receive the BRM to the Post Office where the BRM is to be returned. Any time there is a change to the original permit application or the authorization letter, each agent must provide an amended letter of authorization to their local Post Office.

b. Annual Permit Fee—Agents do not pay a separate annual permit fee but must submit evidence (usually a copy of Form 3544) to the local office once each 12-month period to show that the annual permit fee has been paid. This evidence is not required if-the permit holder has a centralized account processing system (CAPS) account, through which the local Post Office can determine that the permit fee has been paid.

c. Postage, Per Piece Fees, and Annual Account Maintenance Fees—Agents receiving BRM or QBRM are responsible for paying all the postage and per piece fees, and applicable annual account maintenance fees, under 1.1 for the type of service received.

d. Payment Guarantee—The permit holder is ultimately responsible for postage and per piece fees for all pieces returned under that permit number. If a local agent refuses or neglects to pay postage or per piece fees on returned pieces, then those pieces are forwarded to the Post Office that issued the original permit for collection of postage and per piece fees from the permit holder. Once forwarded to the permit holder, these pieces cannot qualify for QBRM postage and per piece fees. The permit holder's refusal to accept and pay the required postage and per piece fees for BRM offered for delivery is grounds for immediate revocation of the BRM permit (1.5.6).

e. Format—BRM distributed by agents must meet all required format standards in 1.4 and 1.5. Authorized representatives distributing BRM on behalf of a permit holder must have the permit holder's name and permit number printed on the BRM and their own names and addresses printed below the permit holder's name, except:

1. When the agent is a branch of an authorized business.

2. The permit holder notifies a Post Office that authorized representatives may use the permit holder's permit number without printing the permit holder's name.

1.8 Bulk Weight Averaged Nonletter-size BRM

* * * * *

1.8.3 Postage, Per Piece Fees, and Other Fees

[Revise the last sentence of renumbered 1.8.3 to read as follows:]

* * * Permit holders participating in bulk weight averaged nonletter-size BRM must pay an annual account maintenance fee and a monthly maintenance fee (see 1.1.5).

[Revise the title of 1.8.4, Application Procedures, to read as follows:]

1.8.4 Application Process

[Revise the introductory text of renumbered 1.8.4 to read as follows:]

A permit holder who wants to use bulk weight averaged BRM for nonletter-size pieces must submit a written request to the Postmaster of the office where the BRM permit is held. The Postmaster forwards this information to the manager, Customer Service Standardization, USPS Headquarters (see 608.8.0 for address). The request must include the following information:

* * * * *

[Revise the text of 1.8.4d read as follows:]

d. Based on the estimated volume in 1.8.4c, a 24-hour estimate and a 30-day estimate of postage and per piece fees using the postage and charges listed in 1.1.5.

* * * * *

1.8.7 Revoking Authorization

[Revise the introductory text of renumbered 1.8.7 to read as follows:]

A Postmaster may terminate authorization for bulk weight averaged BRM by sending written notice to the permit holder, for any of the following reasons:

* * * * *

[Revise the heading of 2.0, Permit Reply Mail, to read as follows:]

2.0 Permit, Pre-paid (Metered), and Courtesy Reply Mail

[Revise the title of 2.1, General Information, to read as follows;]

2.1 Permit Reply Mail

2.1.1 Description

[Revise the second sentence of 2.1.1 to read as follows:]

* * * Mailers must distribute PRM pieces as part of the contents of an outgoing First-Class Mail mailing (see 230) only by using a valid permit imprint (604.5.0) account.

[Revise the title of 2.1.2, Services, as follows;]

2.1.2 Extra Services

* * * * *

[Delete 2.1.3, Address, in its entirety (text relocated to 2.3.6), then renumber current 2.1.4 through 2.1.5 as new 2.1.3 through 2.1.4.]

* * * * *

2.3.6 Delivery Address

[Revise the text of 2.3.6 to read as follows:]

The complete address (including the permit holder's name, delivery address, city, state, and ZIP+4 Code) must be printed on the piece. The delivery address on a PRM mailpiece may not be altered to redirect it to any address other than the one preprinted on the piece. PRM pieces must bear an Intelligent Mail barcode meeting the standards in 202.5.0 and 708.4.0.

* * * * *

2.3.8 Company Logo

[Revise the text of 2.3.8 to read as follows:]

A company logo is permitted on letter-size PRM, provided the logo is placed no lower than ⅝ inch from the bottom edge of the piece and it does not interfere with any required format element.

[Delete 2.4, Permit Imprint Account, in its entirety (relocated the last sentence to 2.1.1, Description, and the rest of this text is already stated in 2.1.1), then, renumber current 2.5 and 2.6 as new 2.4 and 2.5.]

* * * * *

[Renumber recently renumbered 2.5, Courtesy Reply Mail, as new 2.7.]

[Insert new section 2.6 (relocated more appropriately here from 604.4.5.2) to read as follows:]

2.6 Prepaid (Metered) Reply Mail

2.6.1 Description

Mailers may use indicia generated by any postage evidencing system (see 604.4) to prepay reply postage on Priority Mail Express, on Priority Mail when the price is the same for all zones, on First-Class Mail, and on single-piece price Media Mail and Library Mail under the following conditions.

a. The postage amount must be sufficient to prepay the full postage due.

b. Print indicia directly on the mailpiece or on a label, and place indicia under 201.4.3.3.

c. Indicia used to prepay reply postage must not show the date.

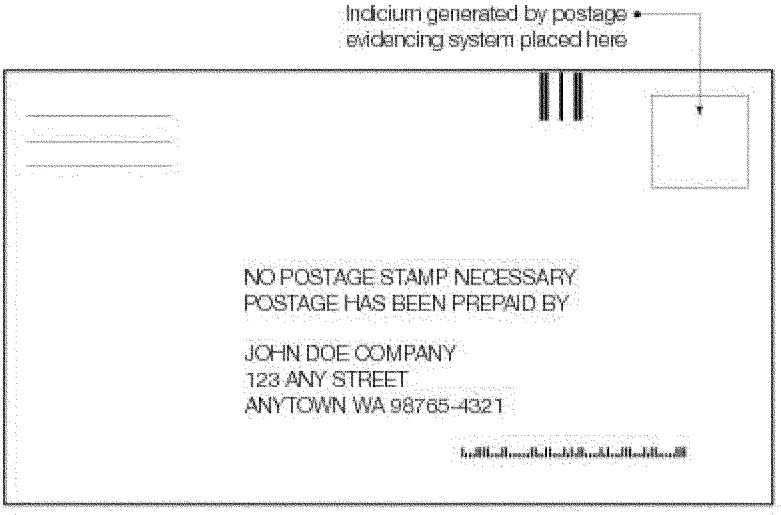
d. Pre-address the mailpiece for return to the authorized user only.

e. Print the words ''NO POSTAGE STAMP NECESSARY POSTAGE HAS BEEN PREPAID BY'' directly above the address.

f. Mailers may use FIM A on barcoded letter-size First-Class Mail reply mail except when using PC Postage.

g. When using PC Postage, mailers must use FIM D for prepaid reply mail when the indicium is printed directly on the mailpiece.

h. The address side must appear as described in this section and shown in the illustration below. Nothing may be added except a return address, FIM, or barcode.



* * * * *

[Insert new 2.8 (context of text relocated from 201.3.18) to read as follows:]

2.8 Enclosed Reply Cards and Envelopes

Mailers may enclose reply cards or envelopes (*i.e.* BRM under 1.0; Permit Reply Mail under 2.1 and 2.4, Prepaid (Metered) Reply under 2.6, or Courtesy Reply Mail under 2.7), addressed for return to a domestic delivery address, within automation mailings subject to provisions in 201.3.0 for enclosures.

[Revise the title of 3.0 to read as follows:]

3.0 Merchandise Return Service (MRS)

3.1 Prices and Fees

3.1.1 Permit Fee

[Revise the text of 3.1.1 to read as follows:]

An annual Returns Services permit fee must be paid once each 12-month period at each Post Office where a Merchandise Return Service (MRS) permit is held. The fee (in effect on the date of the payment) may be paid for the next 12 months, during the last 60 days of the service period, before the anniversary of the permit's issuance. An approved merchandise return permit on Form 3615 must be on file at every Post Office to which parcels are returned.

3.1.2 Advance Deposit Account and Account Maintenance Fee

[Revise the entire text of 3.1.2 (including relocated text from 3.2.9, Multiple Accounts) to read as follows:]

There is an annual Returns Services account maintenance fee for the advance deposit account. The permit holder must pay postage and extra service fees through an advance deposit account and must pay an annual account maintenance fee. When an advance deposit account is kept at each entry location, a separate permit (except as provided under 3.2.11 and for qualified national permit holders using scan based payment for returns) is needed and the annual merchandise return service permit and annual account maintenance fees must be paid at each Post Office. The fee (in effect on the date of the payment) may be paid for the next 12 months, during the last 60 days of the service period, before the anniversary date of the initial fee payment. A separate advance deposit account for MRS is not required; the annual account maintenance fee is charged if MRS postage and fees are paid from an existing account:

a. For each withdrawal, only one statement is provided for each annual account maintenance fee paid.

b. The permit holder must pay an annual account maintenance fee for each separate statement (accounting) requested.

* * * * *

3.1.5 Priority Mail Commercial Base and Commercial Plus Prices

Priority Mail Commercial Base and Commercial Plus prices are available to MRS permit holders when the following criteria are met:

[Revise the text of 3.1.5 item a by deleting the second sentence.]

* * * * *

3.2 Basic Standards

3.2.1 Description

[Revise the text of 3.2.1 to read as follows:]

Merchandise return service allows an authorized Returns Services permit holder to pay the postage and extra service fees on single-piece priced Priority Mail, or First-Class Package Service or ground return service parcels (Parcel Select Nonpresort) that are returned to the permit holder by the permit holder's customers via a special barcoded label (see 3.5.10) produced by the permit holder.

* * * * *

[Delete 3.2.5, IMpb Standards, in its entirety, (context of text in new item j. under 3.5.10, Label Format Elements) then, renumber current 3.2.6 through 3.2.14 as new 3.2.5 through 3.2.13.]

* * * * *

3.2.6 Application Process

[Revise the text of 3.2.6 to read as follows:]

The applicant must submit a completed Form 3615 and the annual permit fee to the Post Office issuing the permit, or amend an existing Form 3615 on file at that office by adding the merchandise return service authorization to existing Returns Service permit authorizations. Except for MRS labels generated by the USPS Application Program Interface (API), Form 3615 must be accompanied by copies of the MRS labels (including printed copies of labels intended to be faxed to customers or transmitted to customers electronically) and the instructions provided to the permit holder's customers. All MRS labels that have preprinted USPS Tracking barcodes must be approved by the USPS. If articles are to be returned from customers as Registered Mail, the applicant must indicate ''Registered Mail'' on the application. After a MRS permit is obtained, any change to label formats or customer instructions must be approved by the Post Office where the permit is held. The permit is valid for 12 months after the approval date of the application.

[Delete renumbered 3.2.7, Procedure, (text relocated in 3.1.1), 3.2.8, Multiple Accounts, (text relocated in 3.1.2) in their entirety, then renumber recently renumbered 3.2.9 through 3.2.13 as new 3.2.7 through 3.2.11.]

[Revise the title and text of newly renumbered 3.2.7, Renewal, to read as follows:]

3.2.7 Permit Renewal

To renew the MRS permit, the permit holder must send the annual fees (under 3.1.1 and 3.1.2) to the issuing Post Office by the expiration date of the permit, or authorize the Postmaster to deduct the fee from the advance deposit account, or establish a CAPS link for EFT. If a permit holder's outbound permit account shows any amount of outbound parcel volumes, the annual Returns Services permit and account maintenance fees may be waived at the time of renewal. Written authorization is not needed for permit renewal if there is no change to the authorization on file at the delivery unit.

3.2.8 Nonrenewed Permit

[Revise the text of 3.2.8 to read as follows:]

If the permit is not renewed, merchandise return mail bearing the sender's return address is returned to the sender; otherwise, it is treated as dead mail.

3.2.9 Permit Cancellation

[Revise the text of 3.2.9 to read as follows:]

The USPS may cancel a MRS permit if the permit holder refuses to accept and pay postage and fees on merchandise return service parcels, fails to keep sufficient funds in the advance deposit account to cover postage and fees, or distributes merchandise return labels or tags that do not meet USPS standards.

3.2.10 Reapplying After Cancellation

[Revise the text of 3.2.10 to read as follows:]

To receive a new MRS permit at the same Post Office after a merchandise return permit is canceled, the applicant must amend the Form 3615 on file at that office to reflect the new application date; pay a new permit fee; submit for approval two samples of any label format to be used; provide evidence that the reasons for the permit cancellation are corrected; and provide and keep funds in an advance deposit account to cover normal returns for at least 2 weeks.

3.2.11 Using Other Post Offices

[Revise the text of 3.2.11 to read as follows:]

The permit holder may distribute merchandise return labels for return through other Post Offices (*i.e.* stations or branches under a Main Post Office) without paying an additional permit fee if the permit holder opens and keeps their advance deposit account at the Post Office where the permit is issued and supplies that Postmaster the name, address, and telephone number of a representative in each additional station or branch if different from the information on the application.

[Revise the title of 3.3, Additional Standards for Permit Holder, to read as follows:]

3.3 Additional Standards for MRS

[Revise the title and text of 3.3.1 to read as follows:]

3.3.1 Extra and Additional Services

The MRS permit holder may obtain extra and additional services with MRS as follows:

a. Insurance—Which may be combined with special handling) for MRS containing only matter not required to be mailed at First-Class Mail prices under 133.3.0. To request

insurance, the permit holder must preprint or rubber-stamp ''Insurance Desired by Permit Holder for $_____ (value)'' to the left of and above the ''Merchandise Return Label'' legend and below the ''Total Postage and Fees Due'' statement on the merchandise return label. The value part of the endorsement, showing the dollar amount of insurance for the article, may be handwritten by the permit holder. If insurance is paid for by the MRS permit holder, then only the MRS permit holder may file a claim (609).

b. Registered Mail—May be obtained by the MRS permit holder under the following conditions:

1. The customer using the MRS label must declare the full value of the article to be registered when presented at the Post Office. Registered Mail service may be obtained only on articles returned at Priority Mail or First-Class Package Service prices and may not be combined with any other extra service.

2. A permit holder wanting to add Registered Mail service under an existing permit must submit a written request to the Post Office where the permit is held, with samples of the merchandise return labels and a copy of the instructions to be provided to the permit holder's customers. The permit holder must not distribute labels that request Registered Mail service before receiving USPS written approval.

c. Special Handling—The permit holder may obtain special handling service with MRS.

d. Pickup on Demand Service—The permit holder may obtain Pickup on Demand service with MRS. Pickup on Demand service may be combined with Certified Mail (Priority Mail only), USPS Tracking, and special handling.

e. USPS Tracking—(which may be combined with insurance and special handling or both) is included with MRS when the MRS labels are properly formatted under 3.5.10.

f. Mailing Acknowledgment—The permit holder may prepare a detachable mailing acknowledgment form, subject to these conditions:

1. The acknowledgment must not bear adhesive but must be attached to the label and perforated or designed for easy separation at the time of mailing.

2. The acknowledgment establishes no USPS liability for the parcel if damaged, lost, or stolen.

3. The acknowledgment provides documentation for account management between the mailing customer and the permit holder. The USPS charges no fee, keeps no records, and does not provide copies of or further information about the acknowledgment.

4. A merchandise return service parcel containing the detachable mailing acknowledgment form must be presented to the USPS acceptance employee at the time of mailing to be executed.

5. Each mailing acknowledgment part of the label must include a unique parcel identification number assigned by the permit holder; the return address of the customer mailing the parcel, in the upper part of the detachable form; the permit holder's address, in the lower part of the form; an initials section in the acknowledgment portion for use by the USPS acceptance employee; and space in the acknowledgment part where the USPS acceptance employee places the date stamp.

[Delete 3.3.2, Registered Mail, through 3.3.7, Mailing Acknowledgment, in their entirety (context of text relocated to 3.3.1).]

3.4 Additional Standards for Permit Holder's Customer

3.4.1 Customer Options

[Revise the text of 3.4.1 to read as follows:]

If the permit holder has not indicated the extra services listed in 3.3.1a through 3.3.1d a customer may request the extra services listed in 3.3.1a through 3.3.1d at their own expense.

3.4.2 Insurance

[Revise the text of 3.4.2 to read as follows:]

If insurance is paid by the customer, then only the customer may file a claim.

3.4.3 Certificate of Mailing

* * * * *

[Revise the title of 3.5, Preparation, to read as follows:]

3.5 Labels

3.5.1 Distribution of Labels

[Revise the text of 3.5.1 to read as follows:]

Merchandise return service labels may be distributed to customers as an enclosure with merchandise, as a separate item (including when requested electronically through the Business Customer Gateway for printing and delivery to the end-user by USPS), as part of a double postcard subject to 201.1.2.8 and the approval of the PCSC, as an electronic transmission for customer downloading and printing, or through one of the permit holder's designated pickup facilities. Any such label distributed to a customer must meet the format standards in 3.5.10, including the requirement to furnish instructions.

[Delete 3.5.2, Labels, in its entirety (text relocated to introductory text of renumbered 3.5.10, Label Format Elements); then, renumber 3.5.3 through 3.5.14 as new 3.5.2 through 3.5.13.]

[Revise the title and text of renumbered 3.5.2 to read as follows:]

3.5.2 Mailer Price Markings

It is recommended that permit holders preprint a price marking on the merchandise return service labels they distribute to ensure that returned parcels will be given service and charged postage according to the wishes of the permit holder. Regardless of weight, all unmarked parcels will be treated as Standard Post and charged Parcel Select Nonpresort prices.

[Revise the title and text of renumbered 3.5.3 to read as follows:]

3.5.3 Label Preparation

Any photographic, mechanical, or electronic process or any combination of such processes other than typewriting or handwriting may be used to prepare the MRS label and detachable acknowledgment form. The background may be any light color (excluding brilliant colors) that allows the address, postmark, and other endorsements to be readily discerned. If labels are faxed to customers or electronically transmitted to customers for their local printing, the permit holder must advise their customers of these preparation requirements as part of the required instructions required under 3.5.5. All MRS labels bearing the required IMpb (with imbedded USPS Tracking) must be certified for use by the USPS prior to distribution. Labels with USPS Tracking barcodes cannot be faxed to customers.

[Revise the title and text of renumbered 3.5.4 to read as follows:]

3.5.4 Labeling Methods

If all applicable content and format standards are met (including the written instructions required by 3.5.5), a merchandise return service label may be produced by any of the following methods:

* * * * *

[Revise the text of renumbered 3.5.4 item c to read as follows:]

c. Printed and delivered by USPS to the customer (end-user) when requested electronically by the permit holder or its agents through the Business Customer Gateway.

* * * * *

[Revise the title of renumbered 3.5.5 to read as follows:]

3.5.5 Labeling Instructions

Written instructions must be provided with the label that, at a minimum, directs the customer to do the following:

* * * * *

[Revise renumbered 3.5.5 item d by changing any blue colored text to black.]

d. ''Mail the labeled parcel at a Post Office, drop it in a collection box, leave it with your letter carrier, or schedule a package pickup at usps.com.''

[Delete renumbered 3.5.6, Insured Markings, in its entirety (context of text relocated more appropriately under 3.5.8); then, insert new 3.5.6 to read as follows:]

3.5.6 Special Handling Endorsement

To request special handling, the permit holder must preprint or rubber-stamp ''Special Handling Desired by Permit Holder'' to the left of and above the ''Merchandise Return Label'' legend and below the ''Total Postage and Fees Due'' statement on the merchandise return label.

* * * * *

[Revise the title and text of renumbered 3.5.8 to read as follows:]

3.5.8 Placement of Extra Service Labels

The permit holder must either leave a clear space on the merchandise return label to the right of the return address for the placement of the applicable extra service label (see 503.1.7.2 for additional standards for extra service labels) or instruct the customer to affix the merchandise return label to the article so that the USPS acceptance employee can place the extra service label on the article directly above the merchandise return label.

[Delete renumbered 3.5.9, Placement of Return Receipt for Merchandise Label, (context of text relocated more appropriately under 3.5.8) and 3.5.10, Special Handling Endorsement, (context of text relocated to 3.5.6) in their entirety; then, renumber newly renumbered 3.5.11 through 3.5.13 as new 3.5.9 through 3.5.11.]

[Revise the title and text of renumbered 3.5.9 to read as follows:]

3.5.9 Additional Standards for Special Handling Labels

In addition to meeting the standards under 3.5.6 and 3.5.8, as applicable, the permit holder must provide ''Special Handling'' labels with instructions to customers about their placement on the parcel.

[Revise the title, complete text, and exhibits, of newly renumbered 3.5.10 to read as follows:]

3.5.10 Label Format Elements

The label used for merchandise return service must meet the standards in the Parcel Labeling Guide available on RIBBS.

[Delete renumbered 3.5.11, Certificate of Mailing, in its entirety (already stated in 505.3.4.3).]

3.6 Enter and Deposit

3.6.1 Customer Mailing Options

[Revise the last section of the first sentence of 3.6.1 to read as follows:]

* * *; or at any place designated by the Postmaster for the receipt of mail.

* * *

[Insert new 3.7 to read as follows:]

3.7 Additional Standards for USPS Return Services

3.7.1 Permit and Account Fees

An annual Returns Services permit fee, under 3.1.1, and annual account maintenance under 3.1.2, are ~~is~~ required for the USPS Return Services described in 3.7.

3.7.2 Extra Services

USPS insurance is the only extra service that can be purchased for USPS Returns (Priority Mail Return Service, First-Class Package Return Service and Ground Return Service). There is no included insurance provided for Priority Mail Return Service pieces.

3.7.3 Prices

Commercial Base prices are available for permit holders receiving Priority Mail Return Service and First-Class Package Return Service mailpieces under 3.7. Permit holders may combine cumulative volumes for Priority Mail Return Service and First-Class Package Return Service. Eligibility for Commercial Plus prices are available to permit holders who qualify for Commercial Base prices, and at least one of the following:

a. Have cumulative Priority Mail Return Service, First-Class Package Return Service, and Ground Return Service volume exceeding a combined total of 25,000 return pieces in the previous calendar year.

b. Have cumulative returns Commercial Plus cubic (see 1.1.4) volume exceeding a combined total of 85,000 pieces returned in approved packaging in the previous calendar year.

c. Have cumulative returns and outbound volume exceeding a combined total of 90,000 pieces in the previous calendar year.

d. Have a signed Commercial Plus returns customer commitment agreement with USPS.

e. Have a signed commercial plus Critical Mail commitment agreement with USPS.

3.7.4 Postage

Postage is calculated based on the weight of the parcel and zone, except for First-Class Package Return Service, for which postage is based on the weight of the parcel and Critical Mail returns, for which postage is based on flat rate pricing. Customers must pay postage under a scan based payment program (705.24.0) and using an eVS/CAPS account.

3.7.5 Description

Priority Mail Return Service (including Critical Mail), First-Class Package Return Service and Ground Return Service provide return service options to customers who meet the applicable standards in 3.0. Except for restricted material described in Publication 52, any mailable matter may be mailed using any of the USPS Return Service options. Any content that constitutes First-Class Mail matter may only be mailed using Priority Mail Return Service or using First-Class Package Return Service at Commercial Plus prices.

3.7.6 Labels

USPS Return Service labels must meet the standards in the Parcel Labeling Guide available on RIBBS. USPS Return Services standard label sizes are 3 inches by 6 inches, 4 inches by 4 inches, or 4 inches by 6 inches and must be certified by the USPS for use prior to distribution. All other label sizes require written approval from the National Customer Support Center (NCSC). The label must include an Intelligent Mail package barcode, accommodate all required elements, be legible, and be prepared in accordance with 708.5.0 and Publication 205 at *https://ribbs/evs/documents/tech_guides/pubs/Pub205.PDF.* Permit holders or their agents may distribute approved USPS Return Service labels and instructions by means listed under 3.5.4. Permit holders or their agents must provide written instructions to the label end-user (mailer) as provided under 3.5.5. The label used for USPS Returns must meet the standards in the Parcel Labeling Guide available on RIBBS.

3.7.7 Additional Standards for Priority Mail Return Service

Priority Mail Return Service may contain any mailable matter weighing no more than 70 pounds. Lower weight limits apply to Commercial Plus cubic (see 1.1.4), APO/FPO mail is subject to 703.2.0 and 703.4.0, and Department of State mail is subject to 703.3.0. Priority Mail Return Service receives expeditious handling and transportation, with service standards in accordance with Priority Mail. Priority Mail Return Service items mailed under a specific customer agreement is

charged postage according to the individual agreement. Otherwise Priority Mail Return Service eligibility is under 3.7.3. Commercial Base and Commercial Plus prices are the same as for outbound Priority Mail in Notice 123—Price List.

3.7.8 Additional Standards for First-Class Package Return Service

First-Class Package Return Service handling, transportation, and eligibility of contents is the same as for outbound First-Class Package Service parcels under 433. Parcels weighing more than 13 ounces but less than 16 ounces may be included in the eligibility calculation for Commercial Plus prices and parcels weighing 13 ounces or less are eligible for Commercial Base prices.

3.7.9 Additional Standards for Ground Return Service

Ground Return Service provides ground transportation for mailpieces containing mailable matter weighing no more than 70 pounds and meeting the content standards in 153.3.0. Ground Return Service assumes the handing and transportation and service objectives for delivery of Standard Post.

[Delete current 4.0, USPS Returns, in its entirety; then, renumber current 5.0, Parcel Return Service, as new 4.0.]

4.0 Parcel Return Service

[Deleted renumber 4.1, Basic Information, in its entirety, (text relocated to new 4.3).]

[Renumber and retitle the 4.2 heading to read as follows:]

4.1 Prices and Fees

[Deleted 4.2.1, Postage, in its entirety (text relocated to new 4.1.3).]

[Renumber and retitle 4.2.2 as follows:]

4.1.1 Permit and Account Fees

[Revise renumbered 4.1.1 to read as follows:]

The participant must pay an annual permit fee at the Post Office where the PRS permit is held, and must pay postage through an advance deposit account by paying an annual account maintenance fee. See Notice 123—Price List for applicable fees.

[Delete renumbered 4.2.3, Advance Deposit Account and Annual Account Maintenance Fee, in its entirety, (context of text relocated to renumber 4.1.2).]

[Delete the renumbered heading 4.3, Prices.]

[Renumber 4.3.1, Parcel Return Service Prices, as 4.1.2; then, delete 4.3.2 through 4.3.3 (text relocated to new 4.1.2); then revise the entire text to read as follows:]

4.1.2 Parcel Return Service Prices

Parcel Return Service prices are based on the price that applies to the weight increment of each addressed piece, and on the designated return facility, RDU, RSCF, or RNDC. The price is charged per pound or fraction thereof; any fraction of a pound is considered a whole pound. For example, if an item weighs 4.225 pounds, the weight increment is 5 pounds. The minimum price per piece is the 1-pound price and these additional standards apply:

a. Parcel Return Service—Nonmachinable Prices: Parcels exceeding the maximum machinable dimensions in 401.1.5 or are considered an outside parcel under 401.1.7 are subject to nonmachinable prices.

b. Balloon and Oversized Prices: RSCF and RNDC parcels that weigh less than 20 pounds but measure more than 84 inches in combined length and girth are charged the applicable price for a 20-pound parcel (balloon price). Regardless of weight, any parcel that measures more than 108 inches (but not more than 130 inches) in combined length and girth must pay the oversized price.

c. Standard Post Prices: PRS-labeled parcels shipped from origin ZIP Codes 006–009, 967–969, and 995–999 that are picked up at an RNDC are subject to retail Standard Post prices.

[Insert new 4.1.3 as follows:]

4.1.3 Postage

There are three PRS price categories:

a. Parcel Return Service—RDU. Parcels returned as Standard Post to, and retrieved in bulk from, a designated delivery unit.

b. Parcel Return Service—RSCF. Parcels returned as Standard Post to, and retrieved in bulk from, a designated SCF.

c. Parcel Return Service—RNDC. Parcels returned as Standard Post to, and retrieved in bulk from, a designated NDC.

[Renumber current 4.3.5, Noncompliant Labels, as new 4.3.11.]

[Insert new 4.2 to read as follows:]

4.2 Basic Standards

4.2.1 Description

Parcel Return Service (PRS) applies to parcels that are picked up in bulk by authorized permit holders or their agents. Permit holders guarantee payment of postage for all parcels mailed with a PRS label. By providing an approved PRS label to its customers, the merchant or other party designates the permit holder identified on the label as their agent for receipt of mail bearing that label, and authorizes the USPS to provide that mail to the permit holder or its designee. The permit holder must retrieve parcels at each of the return network distribution centers (RNDC). For this purpose, an RNDC is each NDC as noted in L601. PRS permit holders also may retrieve parcels at one or more designated return sectional center facilities (RSCFs) or designated return delivery units (RDUs). Payment for parcels returned under PRS is deducted from a separate advance deposit (postage-due) account funded through the Centralized Account Processing System (CAPS). The permit holder must be authorized to use eVS (see 705.2.9).

4.2.2 Conditions for Mailing

Parcels may be mailed as PRS when all of the following conditions apply:

a. Parcels contain eligible matter as described in 153.3.0 and 153.4.0.

b. Parcels bear a PRS label that meets the standards in 5.4.

c. Parcels show the permit number, and the permit holder has paid the annual PRS permit fee and the annual PRS account maintenance fee.

4.2.3 Customer Mailing Options

Returned parcels may be deposited as follows:

a. At any Post Office, station, or branch.

b. In any collection box (except a Priority Mail Express box).

c. With any letter carrier.

d. As part of a collection run for other mail (special arrangements may be required).

e. At any place designated by the postmaster for the receipt of mail.

4.2.4 Application Process

Companies who wish to participate in PRS must send a request on company letterhead to the manager, Business Mailer Support (see 608.8.0 for address). The request must contain the following information:

a. Company name and address.

b. An individual's contact name, telephone number, fax number, and email address.

c. The price category or categories to be used, and the proposed retrieval locations (delivery units, sectional center facilities, and network distribution centers).

d. A description of the electronic returns manifesting system to be used to document returns listed by location and price eligibility.

4.2.5 Approval

The manager, Business Mailer Support reviews each request and proceeds as follows:

a. If the applicant meets the criteria, the manager, Business Mailer Support

approves the letter of request and sends an authorization letter outlining the terms and conditions for the program.

b. If the application does not meet the criteria, the manager, Business Mailer Support denies the request and sends a written notice to the applicant with the reason for denial.

4.2.6 Permit Cancellation

USPS may cancel a PRS permit for any of the following reasons:

a. The permit holder fails to pay the required postage and fees for returned parcels.

b. The permit holder does not maintain adequate available funds to cover postage and fees for returned parcels.

c. The permit holder does not fulfill the terms and conditions of the PRS permit authorization.

d. The return labels do not conform to the specifications in 5.4.

4.2.7 Reapplying After Cancellation

To receive a new PRS permit after cancellation under 5.1.7, the mailer must:

a. Submit a letter to the manager, Business Mailer Support requesting a permit and a new agreement.

b. Pay a new permit fee.

c. Provide evidence showing that the reasons for cancellation no longer exist.

d. Maintain adequate available funds to cover the expected number of returns.

4.2.8 Extra Services and Endorsement

Pieces using PRS may not bear an ancillary service endorsement (see 102.4.0 and 507.1.5). See 503.0 for available extra services for PRS.

4.2.9 Pickup Schedule and Location

Permit holders or their agents must set up recurring or standing appointments to retrieve PRS parcels. If the permit holder (or agent) has existing appointments to deliver Parcel Select parcels to destination facilities and those facilities are one of the NDCs, designated RSCFs, or designated RDUs, those appointments can be used for retrieving PRS parcels at the same time. Permit holders or their agents must retrieve parcels on a regular schedule as follows:

a. From RNDCs, at a minimum of every 48 hours, excluding Sundays and USPS holidays.

b. From all listed RSCFs, at a minimum of every 24 hours, excluding Saturdays, Sundays, and USPS holidays. The Postal Service maintains a list of active RSCFs and provides permit holders 30-day notice of changes to the list. This list is available on the Facility Access and Shipment Tracking system (FAST) at *https://fast.usps.com/fast/.*

c. From RDUs, according to the authorization letter. The USPS maintains a list of active RDUs and provides permit holders 30-day notice of changes to the list. This list is available on the Facility Access and Shipment Tracking system (FAST) at *https://fast.usps.com/fast/.*

d. For parcels picked up from RNDCs and that are shipped from origin ZIP Codes 006–009, 967–969, and 995–999, see 5.3.

4.2.10 Parcels Endorsed Hold for Pickup

PRS participants must pay the appropriate Parcel Return Service RDU price under 5.3 for any unclaimed, refused, undeliverable as addressed, or recalled parcels that are endorsed ''Hold For Pickup'' (under 508.7.0) and that bear the marking ''PARCEL RETURN SERVICE REQUESTED'' or ''PRS REQUESTED'' followed by a unique 569 prefix ZIP Code.

4.2.11 Noncompliant Labels

PRS permit holders must use USPS-certified labels meeting the standards in 4.3. When noncompliant labels are affixed to PRS parcels, which travel through the Postal network to the delivery address of the label, the permit holder will be assessed the appropriate Standard Post price, calculated from the parcel's entry point in the USPS network to its delivery address. If the parcel's entry point cannot be determined, then postage will be calculated at zone 4.

[Revise the title of renumbered 4.3 as follows:]

4.3 Labels

4.3.1 Label Preparation

[Revise renumbered 4.3.1 to read as follows:]

PRS labels must be certified by the USPS for use prior to distribution as defined in the service agreement. In addition, permit holders must obtain USPS certification for barcode symbologies. Except for by FAX, any photographic, mechanical, or electronic process or any combination of these processes may be used to produce PRS labels. The background of the label may be any light color that allows the address, barcodes, and other required information to be easily distinguished. If labels are electronically transmitted to customers for their local printing, the permit holder must advise customers of these printing requirements as part of the instructions in 4.3.3.

4.3.2 Labeling Methods

[Revise renumbered 4.3.2 to read as follows:]

If all applicable contents and formats are approved (including instructions to the user), permit holders or their agents may distribute a PRS label by any of the methods provided under 3.5.4.

[Revise the title and text of renumbered 4.3.3 to read as follows:]

4.3.3 Labeling Instructions

Regardless of label distribution method, permit holders or their agents must always provide written instructions to the user of the PRS label as provided under 3.5.5.

4.3.4 Label Format Elements

[Revise renumbered 4.3.4 to read as follows:]

PRS labels must meet the standards in the Parcel Labeling Guide available on RIBBS. There is no minimum size for PRS labels; however, the label must be big enough to accommodate all of the label elements and standards in this section. All PRS label elements must be legible. Except where a specific type size is required, elements must be large enough to be legible from a normal reading distance and be separate from other elements on the label.

[Delete 6.0, Parcel Return Service-Full Network, in its entirety.]

[Renumber current 7.0, Bulk Parcel Return Service, as new 5.0.]

5.0 Bulk Parcel Return Service

[Retitle renumbered 5.1 to read as follows:]

5.1 Bulk Parcel Return Service (BPRS) Permit and Fees

[Delete renumbered 5.1.1, Permit Fee, through 5.1.3, Per Piece Charge, in their entirety (text relocated in new 5.1.1).]

[Delete the renumbered heading 5.2, Charges and Fees.]

[Renumber 5.2.1 through 5.2.6 as new 5.1.1 through 5.1.6, then, revise the title and text of renumbered 5.1.1 to read as follows:]

5.1.1 Permit and Per Piece Fees

A BPRS permit is required to participate in BPRS; no annual fee is required to obtain a BPRS permit. Each piece returned through BPRS is charged only the per piece fee, not postage, regardless of weight. See Notice 123—Price List for applicable fees.

[Delete renumbered 5.1.2, Per Piece Fee, in its entirety (context of text relocated under 5.5.1); then, renumber 5.1.3 through 5.1.6 as new 5.1.2 through 5.1.5.]

[Revise the title and text of newly renumbered 5.1.2 to read as follows:]

5.1.2 Advance Deposit Account

The permit holder must pay BPRS fees through an advance deposit account. A separate advance deposit account for BPRS is not required; the annual account maintenance fee is charged if BPRS fees are not paid from an existing account and the permit holder desires a single, separate accounting of all charges deducted from that account.

[Delete renumbered 5.1.3, Existing Advance Deposit Account, (relocated to 5.1.2, Advance Deposit Account), and 5.1.4, Payment Guarantee, (relocated to 5.2.3 under Availability), in their entirety; then, renumber 5.1.5, Postage Due Weight Averaging, as new 5.1.3.]

* * * * *

[Renumber 5.3, General Information, as new 5.2, then revise the title of renumbered 5.2, General Information, to read as follows:]

5.2 Basic Standards

5.2.1 Description

[Revise renumbered 5.2.1 to read as follows:]

Bulk parcel return service (BPRS) allows mailers of large quantities of Standard Mail or Parcel Select Lightweight machinable parcels that are either undeliverable-as-addressed or un-opened and refused by addressees to be returned to designated postal facilities. The mailer has the option of picking up all returned parcels from a designated postal facility at a predetermined frequency specified by the USPS or having them delivered by the USPS in a manner and frequency specified by the USPS. For this service, a mailer establishes a BPRS permit and pays a per piece charge for each parcel returned from an advance deposit account.

5.2.2 Availability

[Revise renumbered 5.2.2 to read as follows:]

A mailer may be authorized to use BPRS when the following conditions apply:

a. All returned parcels are initially prepared as regular or Nonprofit Standard Mail, or Parcel Select Lightweight, and are machinable parcels as defined in 201.7.5.

b. At least 10,000 Standard Mail or Parcel Select Lightweight machinable parcels will be returned to a designated postal facility during a 12-month period.

c. Parcels are returned to the mailer either because they are undeliverable-as-addressed or because they are un-opened and refused by the addressee.

d. Parcels bear an approved BPRS label or one of the following BPRS endorsements (507.2.0) on the outbound mailpiece:

''Return Service Requested—BPRS''

''Address Service Requested—BPRS''

e. Parcels have a return address that is in the delivery area of the Post Office that issued the BPRS permit.

f. The postal facility designated for returned parcels is located in the United States, its territories or possessions, or is a U.S. military Post Office overseas (APO or FPO).

g. The mailer has a valid postage due advance deposit account and BPRS permit.

h. BPRS parcels may be combined with the shipper paid forwarding service (507.4.2.9).

i. Standard Mail or Parcel Select Lightweight parcels that qualify for a Media Mail or Library Mail price under the applicable standards, and that contain the name of the Package Service price in the mailer's ancillary service endorsement (507.1.5.3d.), are not eligible for BPRS.

[Delete renumbered 5.2.3, Optional Label, in its entirety (text relocated to 5.4.2); then, insert new 5.2.3, Payment Guarantee, to read as follows:]

5.2.3 Payment Guarantee

The permit holder guarantees payment of all applicable fees. The Post Office returns BPRS items to the permit holder only when there are sufficient funds in the advance deposit account to pay the fees on returned pieces.

[Delete renumbered 5.2.4, Extra Services, in its entirety (text relocated to New 5.2.4).]

[Delete renumbered heading 5.4, Permits, in its entirety.]

[Renumber current 5.4.1, Application Process, through 5.4.3, Postage Due Service Agreement, as 5.2.4 through 5.2.6; then, retitle renumbered 5.2.4 to read as follows:]

5.2.4 Application Process

[Revise the introductory text and items a, b, and f, of renumbered 5.2.4 to read as follows:]

To obtain a BPRS permit, a mailer must send a written request to the Postmaster at each Post Office where parcels are to be returned that includes the following:

a. Request for the BPRS permit.

b. Information pertinent to each requested delivery point that documents either the receipt of, or that there are reasonable grounds to expect, at least 10,000 machinable parcels originally mailed at regular or non-profit Standard Mail or Parcel Select Lightweight prices during the past, or next, 12 months.

* * * * *

f. If a label will be furnished for returning opened parcels, the labels must be USPS approved, prepared in accordance with 5.5, and must be accompanied by complete instructions for its use as described in 3.5.5.

5.2.5 Authorization

[Revise the text of renumbered 5.2.5 to read as follows:]

A BPRS mailer will be required to sign a postage due service agreement with each Post Office that issues a permit for the return of BPRS parcels. Upon approval of a mailer's request, the Post Office issues an authorization letter and provides a postage due service agreement with a BPRS permit number. The permit number is used for account administration and is required on BPRS labels under 5.5, when used.

[Delete renumbered 5.2.6, Postage Due Service Agreement, (text relocated to 5.2.5), in its entirety.]

[Insert new heading, 5.3 Permits]

5.3 Permits

[Renumber 5.4.4 as new 5.3.1 and revise text to read as follows:]

5.3.1 Permit Renewal

A Post Office provides BPRS permit holders with annual renewal notices advising that their permits are due to expire. A notice must be returned to the issuing Post Office with the fee payment or authorization for the postmaster to deduct the fee from the advance deposit account by the permit expiration date. Written authorization is not necessary for renewal of a permit if there is no change to the authorization on file at the Post Office where the parcels are returned. If a permit holder does not renew a BPRS permit after having been given notice, the USPS will endorse the mail ''Bulk Parcel Return Service Canceled'' and will charge postage due at the single-piece First-Class Mail or Priority Mail price as appropriate for the weight of the piece. If the single-piece First-Class Mail or Priority Mail price is not paid, the mail is forwarded to the nearest mail recovery center.

[Renumber 5.4.5 and 5.4.6 as new 5.3.2 and 5.3.3.]

5.3.2 Permit Cancellation

A BPRS permit may be canceled by the USPS for any of the following reasons:

* * * * *

[Revise the text of renumbered 5.3.2 item e to read as follows:]

e. Failure to conform return labels to the specifications in section 5.5.

5.3.3 Reapplying After Cancellation

A mailer must do the following to receive a new BPRS permit at the same

Post Office where a permit was previously canceled:

[Revise the text of renumbered 5.3.3 items a to read as follows; then, delete item b in its entirety; then, renumber items c and d and new items b and c:]

a. Submit a letter to that office requesting a BPRS permit and new agreement.

* * * * *

[Insert new section 5.3.4 as follows:]

5.3.4 Extra Services

Extra services cannot be added to pieces returned via bulk parcel return service.

[Revise the title and text of renumber 5.5, Label Requirements, to read as follows:]

5.5 Optional BPRS Label

An authorized BPRS permit holder has the option to use a label to identify BPRS parcels for return to a designated postal facility. The label is prepared at the mailer's expense and must meet all format standards in the Parcel Labeling Guide available on RIBBS, including an IMpb meeting the standards in 708.5.0.

* * * * *

507 Mailer Services

1.0 Treatment of Mail

* * * * *

1.5 Treatment for Ancillary Services by Class of Mail

* * * * *

1.5.3 Standard Mail and Parcel Select Lightweight

Undeliverable-as-addressed (UAA) Standard Mail and Parcel Select Lightweight pieces are treated as described in Exhibit 1.5.3, with these additional conditions:

* * * * *

Exhibit 1.5.3 Treatment of Undeliverable Standard Mail and Parcel Select Lightweight

[Revise (only) the two designated sections of Exhibit 1.5.3 titled Address Service Requested (Option 1 and Option 2) and Change Service Requested[1 4] (Option 1 and Option 2) to read as follows:]

Mailer endorsement	USPS Treatment of UAA pieces
No Endorsement [1]	* * * * *
"Electronic Service Requested"	* * * * *
"Address Service Requested"	(Does not include Shipper Paid Forwarding/Return participants)
OPTION 1	* * * * *
OPTION 2	* * * * *
"Address Service Requested"	* * * * *
Shipper Paid Forwarding/Return Option 1.	
Shipper Paid Forwarding/Return Option 2.	
Shipper Paid Forwarding/Return Option 3	
"Address Service Requested—BPRS"	* * * * *
"Forwarding Service Requested" [3]	* * * * *
"Return Service Requested"	* * * * *
OPTION 1	
OPTION 2	
"Return Service Requested—BPRS"	* * * * *
"Change Service Requested" [1 4].	
OPTION 1	*(Valid for all pieces, including ACS participating pieces)* If no change-of-address order on file, or if change-of-address order is on file: Notice of new address or reason for non-delivery provided (address correction fee charged); piece disposed of by USPS. *Restrictions:* The following restrictions apply: (1) USPS Tracking is the only extra services permitted with this endorsement. (2) This endorsement is not permitted for Standard Mail or Parcel Select Lightweight containing hazardous materials.
OPTION 2	*(Available via ACS only; for Standard Mail letters and flats only)* If no change-of-address order on file: Reason for non-delivery provided to mailer (electronic ACS fee charged); piece disposed of by USPS. If change-of-address order on file: • Months 1 through 12: Piece forwarded; postage due charged to the mailer at applicable Forwarding Fee based on the piece shape (letter or flat); separate notice of new address provided (electronic ACS fee charged). • Months 13 through 18: Piece disposed of by USPS; separate notice of new address provided (electronic ACS fee charged). After month 18: Treatment same as noted under "If no change-of-address order on file". *Restrictions:* The following restrictions apply: (1) USPS Tracking is the only extra services permitted with this endorsement. (2) This endorsement is not permitted for Standard Mail containing hazardous materials.
"Change Service Requested"	* * * * *

* * * * *

1.5.4 Standard Post, Package Services and Parcel Select

Undeliverable-as-addressed (UAA) Standard Post, Package Services, and Parcel Select mailpieces are treated as described in Exhibit 1.5.4, with these additional conditions:

* * * * *

Exhibit 1.5.4 Treatment of Undeliverable Standard Post, Package Services, and Parcel Select

[Revise (only) the designated section of Exhibit 1.5.4 titled Change Service Requested[2] (Option 1 and Option 2) to read as follows:]

Mailer endorsement	USPS Treatment of UAA pieces
No Endorsement	* * * * *
"Electronic Service Requested"	* * * * *
"Address Service Requested"	* * * * *
"Address Service Requested"	* * * * *
"Forwarding Service Requested"[1]	* * * * *
"Return Service Requested"	* * * * *
Option 1	
Option 2.	
"Change Service Requested"[2]	
Option 1	*(Valid for all pieces, including ACS participating pieces)* If no change-of-address order on file, or if change-of-address order is on file: Notice of new address or reason for non-delivery provided (address correction charged): piece disposed of by USPS. *Restrictions:* The following restrictions apply: (1) USPS Tracking and Signature Confirmation are the only extra services permitted with this endorsement. (2) This endorsement is not permitted for Standard Post or Package Services containing hazardous materials.
Option 2	*(Available via ACS only; for Bound Printed Matter flats only)* If no change-of-address order on file: Reason for non-delivery provided to mailer (electronic ACS fee charged); piece disposed of by USPS. If change-of-address order on file: • Months 1 through 12: Piece forwarded; postage due charged to the mailer at applicable Forwarding Fee based on the piece shape (flat); separate notice of new address provided (electronic ACS fee charged). • Months 13 through 18: Piece disposed of by USPS; separate notice of new address provided (electronic ACS fee charged). After month 18: Treatment same as noted under "If no change-of-address order on file".
"Change Service Requested"	* * * * *

* * * * *

2.0 Forwarding

2.1 Change-of-Address Order

2.1.4 Methods of Filing

Customers may use one of the following methods to file a change-of-address with the Post Office:

* * * * *

[Delete item c. in its entirety.]

* * * * *

4.0 Address Correction Services

* * * * *

4.2 Address Change Service (ACS)

* * * * *

4.2.8 Address Correction Service Fee

[Revise the text of 4.2.8 to read as follows:]

Unless excepted, the applicable fee for address correction is charged for each separate notification of address correction or the reason for nondelivery provided. Once the ACS fee charges have been invoiced, any unpaid fees for the prior invoice cycle (month) will be assessed an annual administrative fee of 10% for the overdue amount.

* * * * *

508 Recipient Services

1.0 Recipient Options

1.1 Basic Recipient Concerns

* * * * *

1.1.7 Priority Mail Express and Accountable Mail

[Revise the introductory text of 1.1.7 to read as follows:]

The following conditions also apply to the delivery of Priority Mail Express, Registered Mail, Certified Mail, mail insured for more than $500.00, Adult Signature, or COD, as well as mail for which a return receipt is requested or the sender has specified restricted delivery.

* * * * *

[Insert new 1.1.8 (relocated from previously deleted 503.8.0) as follows:]

1.1.8 Additional Delivery Standards for Restricted Delivery

In additional to the standards described under 1.1.7, mail marked "Restricted Delivery" is delivered only to the addressee or to the person authorized in writing as the addressee's agent (the USPS may require proof of identification from the addressee (or agent) to receive the mail, and under the following conditions:

a. Mail for famous personalities and executives of large organizations is normally delivered to an agent authorized to sign for such mail.

b. Mail for officials of executive, legislative, and judicial branches of the government of the United States or of the states and possessions and their

political subdivisions, or to members of the diplomatic corps, may be delivered to a person authorized by the addressee or by regulations or procedures of the agency or organization to receive the addressee's mail.

c. Mail for the commander or other officials of military organizations by name and title, is delivered to the unit mail clerk, mail orderly, postal clerk, assistant postal clerk, or postal finance clerk, when such individuals are designated on DD (Department of Defense) Form 285 to receipt for all mail addressed to the units for which they are designated. If the person accepting mail is designated on DD Form 285 to receipt for ordinary mail only, then restricted delivery mail addressed to the commander, or other official by name and title, is delivered to the mail clerk only if authorized by the addressee.

d. Mail for an inmate of a city, state, or federal penal institution, in cases where a personal signature cannot be obtained, is delivered to the warden or designee.

e. Mail for minors or persons under guardianship may be delivered to their parents or guardians.

f. An addressee who regularly receives restricted delivery mail may authorize an agent on Form 3801 or by letter to the Postmaster and must include the notation ''this authorization is extended to include restricted delivery (or Adult Signature Restricted Delivery) mail''. Form 3849 also may be used for the authorization, if the Post Office has no standing delivery order or letter on file, when the addressee enters the name of the agent on the back of Form 3849 in the space provided and signs the form. The agent must sign for receipt of the article on the back of the form.

g. When mail is addressed to two or more persons jointly, all addressees or their agents must be present to accept delivery together. The delivery receipt obtained and the return receipt, if any, must be signed by all joint addressees or their agents. The mail may then be delivered to any of the addressees or their agents unless one or more addressees or their agents object, in which case delivery is not made until all the addressees or their agents sign a statement designating who is to receive the mail.

h. Either person may sign for mail addressed to one person in care of another (*i.e.* ''In Care Of'').

* * * * *

4.0 Post Office Box Service

* * * * *

4.5 Fee Group Assignments

* * * * *

4.5.4 Additional Standards for Competitive PO Box Services

* * * Customers in competitive locations may also complete a customer agreement in order to receive one or more of the following enhancements:

[Revise 4.5.4 item a to read as follows:]

a. Street Addressing—The option to use the Post Office street address for their mailing address along with customer's box number preceded by as follows (customers who choose to use this designation also have the option of receiving packages from private carriers at the customer's Post Office Box address): John Smith, 123 Main Street #4567, Any Town, NY 10001.

* * * * *

[Revise 4.5.4 item c to read as follows:]

c. Signature on File—the option to simplify receipt of Priority Mail Express, mail insured for more $500.00, and Signature Confirmation items, all of which may include an electronic Return Receipt request, by providing a signature kept on file by the Postmaster.

* * * * *

604 Postage Payment Methods

* * * * *

4.0 Postage Meters and PC Postage Products (''Postage Evidencing Systems'')

* * * * *

4.5 Special Indicia

* * * * *

4.5.2 Reply Postage

[Revise the entire text of 4.5.2 (context of text relocated to 505.2.6, Prepaid Reply Mail), to read as follows:]

Mailers may use indicia generated by any postage evidencing system to prepay reply postage as provided under 505.2.0.

* * * * *

5.0 Permit Imprint (Indicia)

* * * * *

5.3 Indicia Design, Placement, and Content

* * * * *

[Revise the title and text of 5.3.5 to read as follows:]

5.3.5 Marking Expedited Handling on Permit Imprint Mail

Mailpieces bearing markings that reference directly or indirectly expedited attention, handling or delivery (*e.g.,* ''Urgent,'' ''Rush Delivery,'' ''Expedited,'' ''Time Sensitive'') must meet the following conditions:

a. The indicia much show the class of mail (*e.g.* ''Standard'' or ''STD''; ''Presorted Standard'' or ''PRSRT STD''; or ''Nonprofit Organization,'' ''Nonprofit Org.,'' or ''Nonprofit'' or as applicable for the class of mail as provided under 5.3.6 or 5.3.7) more prominently than other words in the indicia.

b. Include a clear space of at least 3/8 inch around the entire indicia.

c. Pieces may not include markings identical to or confusingly similar to USPS trademarks (word marks or logos), trade dress, or other words, symbols, or designs used by the USPS to identify a class of mail, price of postage, or level of service, unless such markings are correctly used under the applicable standards for the mailpiece on which they appear and the corresponding postage and fees have been paid. Words, symbols or designs that are unlawful or legally actionable, or create a claim for false advertisements or contributory infringement (infringement of third party rights) are not permitted.

* * * * *

6.0 Payment of Postage

6.1 Basic Standards

The mailer is responsible for proper payment of postage. Postage on all mail must be fully prepaid at the time of mailing, except as specifically provided by standard for:

[Revise 6.1 items a and b to read as follows:]

a. Reply mail and return services under 505.0.

b. Alternate Postage payment under 5.5.

* * * * *

[Insert new item g under 6.1 to read as follows:]

g. Packages from private carriers being delivered to a customer at a competitive Post Office Box service location, when using the street addressing designation option, as provided under 508.4.5.4.

* * * * *

9.0 Exchanges and Refunds

* * * * *

9.2 Postage and Fee Refunds

* * * * *

9.2.5 Applying for Refund

[Revise the first and the last sentences of 9.2.5 to read as follows:]

For refunds under 9.2, excluding postage refunds for extra service fees under 9.2.7, the customer must apply for a refund on Form 3533; submit it to

the postmaster; and provide the envelope, wrapper (or a part of it) showing the names and addresses of the sender and addressee, canceled postage and postal markings, or other evidence of postage and fees paid.* * * Refunds for postage evidencing systems postage, excluding postage refunds for extra service fees under 9.2.7, are submitted under 9.3.

* * * * *

[Insert new 9.2.7 to read as follows:]

9.2.7 Applying for Extra Service Refund

For refunds for fees paid for extra services, as allowed under applicable standards in 9.2, the customer must apply for a refund online at *www.usps.com/domestic-claims.*

* * * * *

609 Filing Indemnity Claims for Loss or Damage

1.0 General Filing Instructions

* * * * *

1.5.2 Claims Filed by Mail

[Revise the first sentence of 1.5.2 to read as follows:]

Customers may file a claim by completing a Form 1000 and mailing the original copy to the address indicated on the form, accompanied by proof of value.* * *

* * * * *

3.0 Providing Evidence of Insurance and Value

3.1 Evidence of Insurance

* * * Examples of acceptable evidence are:

* * * * *

[Revise the second sentence of 3.1 item d to read as follows:]

d. * * * The printout must identify the USPS Tracking number of the insured parcel, total postage paid, insurance fee paid, declared value (if applicable), mailing date, origin ZIP Code, and delivery ZIP Code.

* * * * *

3.2 Proof of Value

* * * Examples are:

[Revise 3.2 item a to read as follows:]

a. A sales receipt, paid invoice or bill of sale, or statement of value from a reputable dealer.

[Delete current 3.2 items b and c in their entirety; then, renumber current items d through h as new items b through f.]

* * * * *

4.0 Claims

4.1 Payable Claim

[Revise the introductory text of 4.1 to read as follows:]

Insurance for loss or damage to insured, COD, or Registered Mail within the amount covered by the fee paid, or the indemnity limits for Priority Mail, or Priority Mail Express (under 4.2), is payable for the following:

[Revise 4.1 item a to read as follows:]

a. Article's actual value when mailed.

* * * * *

[Revise 4.1 item k to read as follows:]

k. Cost of bees, crickets, or baby poultry destroyed by *physical* damage to the package, otherwise, the USPS is not presumed to be at fault.

[Delete 4.1 items l and m in their entirety; then, renumber current items n through q as new l through o.]

* * * * *

[Revise newly renumbered item n to read as follows:]

n. For firearms mailed by licensed firearm dealers (under 601.8.0 and Publication 52), 4, a Form 1508 must be submitted with the claim.

[Revise newly renumbered item o to read as follows:]

o. For collectible items, a sales receipt, paid invoice or bill of sale, or statement of value from a reputable dealer (*i.e.,* a licensed business owner who is qualified to estimate value or cost of repairs for the item) must be provided as described in 3.2a.

4.2 Payable Priority Mail Express Claim

In addition to the payable claims in 4.1, the following are payable for Priority Mail Express mailpieces:

[Revise the second sentence of 4.2 item a to read as follows:]

a. * * * Coverage is limited to $100 per mailpiece, subject to a maximum limit per occurrence as provided in 4.2a.4. ***

* * * * *

4.3 Nonpayable Claims

[Revise the introductory text of 4.3 to read as follows:]

Indemnity is not paid for insured mail (including Priority Mail Express and Priority Mail), Registered Mail, COD, or Priority Mail and Priority Mail Express in these situations:

* * * * *

[Revise 4.3 item d to read as follows:]

d. Requested replacement value exceeded article's actual value when mailed.

* * * * *

[Revise 4.3 item f to read as follows:]

f. Loss resulting from delay of the mail, except under 4.2a.2 and 4.3ad.

* * * * *

[Revise 4.3 item h to read as follows:]

h. Perishable contents frozen, melted, spoiled, or deteriorated.

* * * * *

[Revise 4.3 item k to read as follows:]

k. Death of honeybees, crickets, and harmless live animals not the fault of the USPS (mailability is subject to standards under 601.8.4 and Publication 52, Chapter 5).

* * * * *

[Revise 4.3 item r to read as follows:]

r. Consequential loss of Priority Mail Express claimed, except under 4.2a.3 and 4.3ad.

* * * * *

5.0 Compensation

5.1 Payment Limit

[Revise the first sentence of 5.1 to read as follows:]

The USPS does not make payment for more than the article's actual value when mailed or, for bulk insurance, for more than the wholesale cost of the contents to the sender if a lesser amount.* * *

* * * * *

5.4 Loss

[Revise the title and text of 5.4 to read as follows:]

If the insured, registered, or COD article is lost the payment includes an additional amount for the postage (not fee) paid by the sender. Postage for Priority Mail Express is refunded under 604.9.5.

* * * * *

6.0 Adjudication of Claims

* * * * *

6.3 Final USPS Decision of Claims

[Revise the text of 6.3 to read as follows:]

If Accounting Services sustains the denial of a claim, the customer may submit an additional appeal within 30 days for final review and decision at *www.usps.com/insuranceclaims/online.htm.* Customers who did not file their claim online must send a written appeal to the Consumer Advocate (see 608.8.0 for address).

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

[Revise heading of 14.0 to read as follows:]

14.0 FSS Scheme Preparation

[Revise the entire text of 14.1 to read as follows:]

14.1 General

All Standard Mail, Bound Printed Matter (BPM), and Periodicals flats meeting the standards in 201 must be sorted to FSS schemes, properly bundled and placed on/in pallets, trays, sacks, or approved alternate containers, for FSS scheme ZIP Code combinations within the same facility. Mailings that include 10 or more pieces of Standard Mail flats, 6 or more pieces of Periodicals flats, or 10 or more pieces (or 10 or more pounds) of BPM flats to an FSS scheme must be prepared in FSS scheme bundles. The Postal Service also recommends the use of authorized flat trays in lieu of sacks for FSS bundles. FSS scheme bundles that are not required to be placed in a FSS scheme or FSS facility container are combined with bundles of non-FSS sorted bundles and placed on an applicable SCF, 3-digit or NDC container. Mailers must prepare FSS scheme qualifying mailpieces for each individual FSS scheme combination, and then prepare bundles of uniform size from those pieces. Mailpieces and bundles must also be prepared as follows:

a. Bundles for all FSS schemes must be identified as an FSS scheme presort with an optional endorsement line under 708.7.0, or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

b. It is recommended that all pieces placed into an FSS scheme bundle be barcoded, and bear an accurate delivery point Intelligent Mail barcode with an accurate 11-digit routing code.

c. All FSS scheme bundles must be prepared in bundles with a 3-inch minimum and a 6.5-inch maximum height. ''Leveling'' (adjusting bundle heights within an FSS Scheme to avoid overflow bundles) of the bundles within each scheme is encouraged. Bundles must be placed on or in sacks, trays, pallets or alternate authorized container to form layers of consistent thickness; bundles of uneven thickness must be counter-stacked on pallets or approved alternate container in accordance with 8.5.8. Except for one overflow bundle that may be under the minimum size, all bundles within each FSS scheme must be of uniform size.

d. Pallets must be prepared under 8.0 and labeled under 8.6, with a pallet placard bearing an Intelligent Mail container barcode as described in 708.6.4.

e. An FSS scheme pallet, or approved alternate container, must be made when 250 pounds or more of bundles are available for an individual FSS scheme. Bundles remaining after palletization may be placed in sacks (or flat trays if approved) or approved alternate container.

f. FSS scheme bundles for multiple schemes processed at one facility according to column C, L006 may be combined on an FSS facility pallet or approved alternate container if quantities are less than 250 pounds.

g. Sacks and trays containing flat-size pieces prepared under FSS schemes must meet the applicable sacking standards in 14.2, 14.3, and 14.4 and be labeled with Intelligent Mail tray or sack label under 708.6.

14.2 Periodicals

14.2.1 Basic Standards

[Revise the entire text of 14.2.1 to read as follows:]

All Periodicals flats meeting the standards in 201 (nonmachinable flats up to ¾ inch thick may be included if they meet the standards in 705.14) and destinating to FSS sites as shown in L006 must be prepared according to these standards. Mailings of In-County Periodicals flats and the associated Outside-County Periodicals flats mailings of 5,000 pieces or less also may be prepared according to these standards. Periodicals are subject to the following:

a. Pricing eligibility is based on 207.11.0 through 207.14.0. All Periodicals flats prepared under these standards will be assessed the FSS scheme price. FSS bundles placed on FSS scheme or FSS facility pallets, sacks, trays, or approved alternate container will claim the FSS scheme bundle price.

b. FSS scheme pallets will be assessed the FSS scheme Pallet price. FSS facility sort level pallets will be charged an FSS Facility Pallet container price. FSS scheme sacks or trays will be assessed the FSS scheme Sack/Tray price. Pallets, sacks and trays entered at a DFSS will claim the DFSS entry price.

c. The Outside-County pound price will be DFSS price. The Inside-County price will claim prices for the ''None'' entry level.

d. Mailers must provide standardized presort documentation under 708.1.0 that demonstrates eligibility for FSS prices in accordance with 207.14.0 and 207.25.0.

e. Each bundle must be identified with a ''SCH 5–DIGIT FSS'' optional endorsement line in accordance with Exhibit 708.7.1.1, or when authorized, using a red Label 5 SCH barcoded pressure-sensitive bundle label.

f. All FSS schemed Periodicals mailpieces prepared on FSS scheme pallets must be prepared in uniform size bundles, between 3 inches and 6.5 inches in height and secured under 203.3.0, except that one overflow bundle per mailpiece pool may be under the minimum size. All Periodicals FSS scheme mailpieces must meet the standards in 705.14.0.

14.2.2 Pallet Preparation and Labeling

[Revise the second and third sentences of the introductory text of 14.2.2 to read as follows:]

* * * Residual bundles may be included with non-FSS bundles and placed directly on 3-digit, SCF, or ADC pallets in accordance with 8.10.2, or placed in sacks or approved alternate containers. Preparation sequence and labeling is as follows:

* * * * *

[Revise 14.2.2b and 14.2.2b1 to read as follows:]

b. *FSS facility,* optional, no minimum, permitted only for FSS scheme bundles prepared for the FSS sort plans processed within the same facility, as shown in L006. Labeling:

1. Line 1: L006, column C.

* * * * *

14.2.3 Sack Preparation and Labeling

[Revise the first sentence of the introductory text of 14.2.3 to read as follows:]

Properly prepared flat-size mailpieces in FSS scheme bundles may be placed in sacks or approved alternate containers when 250 pounds are not available to a presort destination (including DFSS sites).

* * * Preparation and labeling:

[Revise 14.2.3 item a to read as follows:]

a. *FSS scheme,* required at 72 pieces, optional at 24 pieces (fewer pieces not permitted), permitted only for FSS scheme bundles prepared for a single FSS scheme, as shown in L006; labeling:

* * * * *

[Revise 14.2.3 item b to read as follows:]

b. *FSS facility,* optional with a minimum of 24 pieces (fewer pieces not permitted), permitted only for FSS bundles prepared for the FSS sort plans processed within the same facility, as shown in L006; labeling:

* * * * *

14.3 Standard Mail

14.3.1 Basic Standards

* * * * *

* * * Standard Mail flats are subject to the following:

[Revise 14.3.1 item b to read as follows:]

b. Mailers must provide standardized presort documentation under 708.1.0 that demonstrates eligibility for FSS scheme prices in accordance with 243.

[Delete 14.3.1 item c in its entirety; then, renumber current items d and e as new items c and d; then, and revise renumbered item d to read as follows:]

d. Standard Mail FSS scheme mailpieces must meet all the standards in 705.14.1.

* * * * *

14.3.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

[Revise 14.3.2 item a to read as follows:]

a. *FSS scheme,* required (optional under 250 pounds), no minimum, permitted only for FSS scheme bundles prepared for a single FSS scheme, as shown in L006. Labeling:

* * * * *

[Revise 14.3.2 items b and b1 to read as follows:]

b. *FSS facility,* optional, no minimum, permitted only for FSS scheme bundles prepared for the FSS scheme processed within the same facility, as shown in L006. Labeling:

1. Line 1: L006, column C.

* * * * *

14.3.3 Sack Preparation and Labeling

[Revise the first sentence of the introductory text of 14.3.3 to read as follows:]

Properly prepared flat-size mailpieces in FSS scheme bundles may be placed in sacks or approved alternate containers when 250 pounds are not available to a FSS scheme, L006. * * * Preparation and labeling:

[Revise 14.3.3 item a to read as follows:]

a. *FSS scheme,* required at 125 pieces or 15 pounds, permitted only for FSS scheme bundles prepared for a single FSS scheme, as shown in L006; labeling:

* * * * *

[Revise 14.3.3 item b to read as follows:]

b. *FSS facility,* optional with a minimum of 125 pieces or 15 pounds, permitted only for FSS scheme bundles prepared for the FSS schemes processed within the same facility, as shown in L006; labeling:

* * * * *

14.4 Bound Printed Matter

14.4.1 Basic Standards

[Revise the introductory text of 14.4.1 to read as follows:]

Bound Printed Matter (BPM) flats eligible for, and paid at FSS Scheme prices and that meet the standards in 201, must be prepared in FSS scheme bundles and placed on pallets, or in flat trays, sacks, or approved alternate containers, for delivery to ZIP Codes having FSS processing capability, as shown in L006. BPM flats are subject to the following:

* * * * *

[Revise 14.4.1 item b to read as follows:]

b. Mailers must provide standardized presort documentation under 708.1.0 that demonstrates eligibility for FSS scheme prices in accordance with 263.

[Revise 14.4.1 item c to read as follows:]

c. Mailers must prepare all eligible flat-size mailpieces into FSS scheme bundles according to L006.

* * * * *

14.4.2 Pallet Preparation and Labeling

* * * Preparation sequence and labeling:

* * * * *

b. *FSS facility sort,* optional, no minimum, permitted only for FSS bundles prepared for the FSS schemes processed within the same facility, as shown in L006. Labeling:

[Revise 14.4.2 item b1 to read as follows:]

1. Line 1: L006, Column C.

* * * * *

14.4.3 Sack Preparation and Labeling

[Revise the introductory text of 14.4.3 to read as follows:]

Properly prepared flat-size mailpieces in FSS scheme bundles may be placed in trays, sacks, or approved alternate containers when 250 pounds are not available to an FSS scheme. FSS scheme bundles may be placed in mixed NDC sacks or alternate containers, or combined with non-FSS bundles and placed in 3-digit, SCF, ADC, and mixed ADC sacks or alternate containers. Preparation and labeling:

[Revise 14.4.3 item a to read as follows:]

a. FSS *scheme,* required at 20 pieces, permitted only for FSS scheme bundles prepared for a single FSS scheme, as shown in L006; labeling:

* * * * *

[Revise the text of 14.4.3b as follows:]

b. *FSS facility sort,* optional with a minimum of 20 pieces, permitted only for FSS scheme bundles prepared for the FSS schemes processed within the same facility, as shown in L006.

* * * * *

708 Technical Specifications

1.0 Standardized Documentation for First-Class Mail, Periodicals, Standard Mail, and Flat-Size Bound Printed Matter

* * * * *

1.2 Format and Content

For First-Class Mail, Periodicals, Standard Mail, and Bound Printed Matter, standardized documentation includes:

* * * * *

c. For mail in trays or sacks, list these required elements:

[Insert a new second sentence in the text of 1.2c item 4 to read as follows:]

* * * * *

4. * * * For pieces prepared in FSS scheme bundles, list by 5-digit ZIP Code within each bundle. * * *

* * * * *

1.3 Price Level Column Headings

The actual name of the price level (or abbreviation) is used for column headings required by 1.2 and shown below:

a. Automation First-Class Mail, Standard Mail, and barcoded Periodicals:

[Revise the table in 1.3 item a to read as follows:]

Price	Abbreviation
FSS [Periodicals flats, Standard Mail flats]	SB.
5-Digit [First-Class Mail letters and flats, Periodicals letters and flats, and Standard Mail letters and flats]	5B.
3-Digit [First-Class Mail letters and flats, Periodicals letters and flats, and Standard Mail letters and flats]	3B.
AADC [First-Class Mail, Periodicals, and Standard Mail letters]	AB.
ADC [First-Class Mail, Periodicals, and Standard Mail Flats]	AB.
Mixed AADC [First-Class Mail, Periodicals, and Standard Mail letters]	MB.
Mixed ADC [First-Class Mail, Periodicals, and Standard Mail flats]	MB.
Basic [In-County Periodicals]	BB.
Firm [Outside-County Periodicals]	FB.

b. Presorted First-Class Mail, barcoded and nonbarcoded Periodicals flats, nonbarcoded Periodicals letters, and machinable and nonmachinable Standard Mail:

[Revise the table in 1.3 item b to read as follows:]

Price	Abbreviation
Presorted [First-Class Mail letters/cards, flats, and parcels]	Presort.
5-Digit [First-Class Mail parcels, all Standard Mail, and Periodicals letters]	5D.
FSS [Periodicals flats, Standard Mail flats]	SB.
3-Digit [First-Class Mail parcels, all Standard Mail and Periodicals letters]	3D.
SCF [for Standard Mail parcels]	SCF.
AADC [Standard Mail machinable letters]	AB.
ADC [First-Class Mail parcels, First-Class Mail Package Service parcels, Standard Mail nonmachinable letters, flats, and irregular parcels and all Periodicals].	AD.
Basic [In-County Periodicals]	BS.
Mixed AADC [Standard Mail machinable letters]	MB.
Mixed ADC [Standard Mail nonmachinable letters, flats, irregular parcels; and all Periodicals]	MD.
Mixed ADC [First-Class Mail parcels]	SP.
NDC [Standard Mail machinable parcels and Marketing parcels 6 ounces and over]	NDC.
Mixed NDC [Standard Mail machinable parcels and Marketing parcels 6 ounces and over]	MNDC.
Firm [Outside-County Periodicals]	FB.

c. Carrier Route Periodicals and Enhanced Carrier Route Standard Mail:

* * * * *

1.4 Sortation Level

The actual sortation level (or corresponding abbreviation) is used for the bundle, tray, sack, or pallet levels required by 1.2 and shown below:

[Revise the table in 1.4 to read as follows:]

Sortation level	Abbreviation
Carrier Route	CRD.
5-Digit Carrier Routes	CR5.
5-Digit Scheme Carrier Routes [sacks and pallets, Periodicals flats and irregular parcels, Standard Mail flats]	CR5S.
5-Digit Scheme [barcoded and machinable letters]	5DGS.
5-Digit Scheme [pallets, Periodicals flats and irregular parcels, Standard Mail flats, Bound Printed Matter flats]	5DGS.
Merged 5-Digit [sacks and pallets, Periodicals flats and irregular parcels, Standard Mail flats]	M5D.
Merged 5-Digit Scheme [sacks and pallets, Periodicals flats and irregular parcels, Standard Mail flats]	M5DS.
5-Digit	5DG.
FSS Scheme [bundle, tray, sack or other approved container, Periodicals flats, Standard Mail flats, Bound Printed Matter flats].	FSS.
3-Digit Carrier Routes	CR3.
3-Digit Scheme [barcoded letters, barcoded and co-bundled flats]	3DGS.
Merged 3-Digit [sacks, Periodicals flats and irregular parcels]	M3D.
3-Digit	3DG.
ADC	ADC.
ADC [pallets created from bundle reallocation]	PADC.
AADC	AADC.
Mixed ADC	MADC.
Origin Mixed ADC	OMX.
Mixed AADC	MAAD.
SCF [sacks and pallets, Periodicals flats, Bound Printed Matter, Standard Mail irregular parcels less than 6 ounces]	SCF.
SCF [pallets created from bundle reallocation]	PSCF.
NDC	NDC.
ASF	ASF.
NDC [pallets created from bundle reallocation]	PNDC.
Mixed NDC [working]	MNDC.

* * * * *

1.6 Detailed Zone Listing for Periodicals

1.6.1 Definition and Retention

[Revise the first sentence of 1.6.1 to read as follows:]

The publisher must be able to present documentation to support the number of copies of each edition of an issue, by entry point, mailed to each zone, and at DDU, DFSS, DSCF, DADC, DNDC, and In-County prices.* * *

* * * * *

1.6.3 Zone Abbreviations

Use the actual price name or the authorized zone abbreviation in the listings in 1.0 and 207.17.4.2:

[Revise the table in 1.6.3 to read as follows:]

Zone abbreviation	Rate equivalent
ICD	In-County, DDU.
IC	In-County, Others.
DDU	Outside-County, DDU.
FSS	Outside-County, DFSS.

Zone abbreviation	Rate equivalent
SCF	Outside-County, DSCF.
ADC	Outside-County, DADC.
1–2 or 1/2	zones 1 and 2.
3, 4, 5, 6, 7, 8 (as applicable)	zones 3 through 8 (as applicable)
M	mixed zones.

* * * * *

1.7.2 Outside-County Container Report

The container report must contain, at a minimum, the following elements:

* * * * *

[Revise 1.7.2 item d to read as follows:]

d. Container entry level (origin, DDU, DFSS, DSCF, DADC, or DNDC).

* * * * *

6.0 Standards for Barcoded Tray Labels, Sack Labels, and Container Placards

* * * * *

6.2 Specifications for Barcoded Tray and Sack Labels

* * * * *

6.2.4 3-Digit Content Identifier Numbers

* * * See Exhibit 6.2.4.

Exhibit 6.2.4 3-Digit Content Identifier Numbers

[Update Exhibit 6.2.4, 3-Digit Content Identifier Numbers, to read as follows:]

Class and mailing	CIN	Human–Readable content line
Priority Mail Express OPEN AND DISTRIBUTE		
* * * * *		
PRIORITY MAIL OPEN AND DISTRIBUTE		
* * * * *		
First-Class Package Service, Parcels		
* * * * *		
All Other Classes, Parcels		
* * * * *		
FIRST–CLASS MAIL		
FCM Letters—Automation		
* * * * *		
FCM Letters—Nonautomation Machinable		
* * * * *		
FCM Letters—Presorted Nonmachinable		
* * * * *		
FCM Letters—Single-Piece		
* * * * *		
FCM Flats—Automation		
* * * * *		
FCM Flats—Presorted		
* * * * *		
FCM Flats—Co-trayed Automation and Presorted		
* * * * *		
FCM Flats—Single-Piece		
* * * * *		
FC Parcels—Presorted		
* * * * *		
PERIODICALS (PER)		
PER Letters—Carrier Route		

Class and mailing	CIN	Human–Readable content line
* * * * *		
PER Letters—Barcoded (Automation)		
* * * * *		
PER Letters—Nonbarcoded (Nonautomation)		
* * * * *		
PER Flats—Carrier Route		
* * * * *		
PER Flats—Barcoded		
* * * * *		
PER Flats—Nonbarcoded		
* * * * *		
PER Flats—Co-sacked Barcoded and Nonbarcoded		
* * * * *		
PER Flats—Merged Carrier Route, Barcoded, and Nonbarcoded		
merged 5-digit sacks	339	PER FLTS CR/5D.
merged 5-digit scheme sacks	349	PER FLTS CR/5D SCH.
FSS scheme	707	PER FLTS 5D FSS SCH BC.
FSS facility	703	PER FLTS 5D FSS FAC BC.
merged 3-digit sacks	352	PER FLTS CR/5D/3D.
PER Irregular Parcels—Merged Carrier Route and Presorted		
* * * * *		
PER Irregular Parcels—Carrier Route		
* * * * *		
PER Irregular Parcels—Presorted		
* * * * *		
PERIODICALS (NEWS)		
NEWS Letters—Carrier Route		
* * * * *		
NEWS Letters—Barcoded (Automation)		
* * * * *		
NEWS Letters—Nonbarcoded (Nonautomation)		
* * * * *		
NEWS Flats—Carrier Route		
* * * * *		
NEWS Flats—Barcoded		
* * * * *		
NEWS Flats—Nonbarcoded		
* * * * *		
NEWS Flats—Co-sacked Barcoded and Nonbarcoded		
* * * * *		
NEWS Flats—Merged Carrier Route, Barcoded, and Nonbarcoded		
merged 5-digit	439	NEWS FLTS CR/5D.
merged 5-digit scheme	449	NEWS FLTS CR/5D SCH.
FSS scheme	708	NEWS FLTS 5D FSS SCH BC.
FSS facility	704	NEWS FLTS 5D FSS FAC BC.
merged 3-digit sacks	452	NEWS FLTS CR/5D/3D.
NEWS Irregular Parcels—Merged Carrier Route and Presorted		
* * * * *		
NEWS Irregular Parcels—Carrier Route		
* * * * *		
NEWS Irregular Parcels—Presorted		

Class and mailing	CIN	Human–Readable content line
* * * *		*
STANDARD MAIL		
ECR Letters—Barcoded		
* * * *		*
ECR Letters—Nonautomation (Machinable)		
* * * *		*
ECR Letters—Nonautomation (Nonmachinable)		
* * * *		*
STD Letters—Automation		
* * * *		*
STD Letters—Nonautomation Machinable		
* * * *		*
STD Letters—Presorted Nonmachinable		
* * * *		*
STD Letters—Residual Pieces Subject to FCM Single-Piece Prices		
* * * *		*
Enhanced Carrier Route Flats—Nonautomation		
* * * *		*
STD Flats—Co-sacked Automation and Nonautomation		
* * * *		*
STD Flats—Merged Carrier Route, Automation, and Presorted		
merged 5-digit	539	STD FLTS CR/5D.
merged 5-digit scheme	549	STD FLTS CR/5D SCH.
FSS scheme	709	STD FLTS 5D FSS SCH BC.
FSS facility	705	STD FLTS 5D FSS FAC BC.
STD Flats—Automation		
* * * *		*
STD Flats—Nonautomation		
* * * *		*
STD Flats—Residual Pieces Subject to FCM Single-Piece Prices		
* * * *		*
Customized MarketMail (CMM)		
* * * *		*
ECR Marketing Parcels		
* * * *		*
STD Marketing Parcels less than 6 oz. and Irregular Parcels		
* * * *		*
STD Marketing Parcels 6 oz. or more and Machinable Parcels		
* * * *		*
STD Machinable and Irregular Parcels—Presorted		
* * * *		*
PACKAGE SERVICES		
Carrier Route BPM—Flats		
* * * *		*
Presorted BPM—Flats		
* * * *		*
Presorted BPM—Automation Flats		

Class and mailing	CIN	Human–Readable content line
* * * *		*
BPM Flats—Co-sacked Barcoded and Presorted		
5-digit scheme sacks	648	PSVC FLTS 5D SCH BC/NBC.
FSS scheme	710	PSVC FLTS 5D FSS SCH BC.
FSS facility	706	PSVC FLTS 5D FSS FAC BC.
5-digit sacks	648	PSVC FLTS 5D BC/NBC.
3-digit sacks	661	PSVC FLTS 3D BC/NBC.
SCF sacks	667	PSVC FLTS SCF BC/NBC.
ADC sacks	668	PSVC FLTS ADC BC/NBC.
mixed ADC sacks	669	PSVC FLTS BC/NBC WKG.
Carrier Route BPM—Irregular Parcels		
* * * *		*
Presorted BPM—Irregular Parcels		
* * * *		*
Carrier Route BPM—Machinable Parcels		
* * * *		*
Presorted BPM—Machinable Parcels		
* * * *		*
[Revise the following heading under PACKAGE SERVICES to read as follows:]		
Media Mail and Library Mail Flats—Presorted		
* * * *		*
[Revise the following heading under PACKAGE SERVICES to read as follows:]		
Media Mail and Library Mail Irregular Parcels—Presorted		
* * * *		*
Media Mail and Library Mail Machinable Parcels—Presorted		
* * * *		*
PARCEL SELECT		
Parcel Select Machinable Parcels		
* * * *		*
Parcel Select DSCF and DDU Prices		
* * * *		*
Parcel Select—Irregular (Nonmachinable) Parcels		
* * * *		*
Parcel Select Lightweight Machinable Parcels		
* * * *		*
Parcel Select Lightweight Irregular Parcels		
* * * *		*
Combined Package Services and Parcel Select Parcels		
* * * *		*
Combined Package Services, Parcel Select, and Standard Machinable Parcels		
* * * *		*
Combined Package Services, Parcel Select, and Standard—All Parcels		
* * * *		*
Combined Package Services, Parcel Select, and Standard—Irregular Parcels 2 up to 6 oz. (APPS-machinable)		
* * * *		*
Combined PSVC & STD—Irregular Parcels less than 2 oz., and tubes and rolls (not APPS-machinable)		

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if our proposal is adopted.

* * * * *

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015–01851 Filed 2–4–15; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL REGISTER

Vol. 80 Thursday,

No. 24 February 5, 2015

Part III

Small Business Administration

13 CFR Parts 121, 124, 125, et al.

Small Business Mentor Protégé Program; Small Business Size Regulations; Government Contracting Programs; 8(a) Business Development/Small Disadvantaged Business Status Determinations; HUBZone Program; Women-Owned Small Business Federal Contract Program; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals; Proposed Rule

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 121, 124, 125, 126, 127, 134

RIN 3245–AG24

Small Business Mentor Protégé Program; Small Business Size Regulations; Government Contracting Programs; 8(a) Business Development/ Small Disadvantaged Business Status Determinations; HUBZone Program; Women-Owned Small Business Federal Contract Program; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) is proposing to amend its regulations to implement provisions of the Small Business Jobs Act of 2010 and the National Defense Authorization Act for Fiscal Year 2013. Based on authorities provided in these two statutes, the proposed rule would establish a Government-wide mentor-protégé program for all small business concerns, consistent with SBA's mentor-protégé program for Participants in SBA's 8(a) Business Development (BD) program. The proposed rule would also make minor changes to the mentor-protégé provisions for the 8(a) Business Development program in order to make the mentor-protégé rules for each of the programs as consistent as possible. The proposed rule would amend the current joint venture provisions to clarify the conditions for creating and operating joint venture partnerships, including the effect of such partnerships on any mentor-protégé relationships. Finally, the proposed rule would make several additional changes to current size, 8(a) Office of Hearings and Appeals or HUBZone regulations, concerning among other things, ownership and control, changes in primary industry, standards of review and interested party status for some appeals.

DATES: Comments must be received on or before April 6, 2015.

ADDRESSES: You may submit comments, identified by RIN: 3245–AG24, by any of the following methods: (1) Federal eRulemaking Portal, available at *www.regulations.gov,* follow the instructions for submitting comments; or (2) Mail/Hand Delivery/Courier: Brenda Fernandez, U.S. Small Business Administration, Office of Government Contracting, 409 3rd Street SW., 8th Floor, Washington, DC 20416. SBA will not accept comments to this proposed rule submitted by email.

FOR FURTHER INFORMATION CONTACT: Brenda Fernandez, U.S. Small Business Administration, Office of Government Contracting, 409 3rd Street SW., 8th Floor, Washington, DC 20416; (202) 205–7337; *brenda.fernandez@sba.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On September 27, 2010, the President signed into law the Small Business Jobs Act of 2010 (Jobs Act), Public Law 111–240, which was designed to protect the interests of small businesses and increase opportunities in the Federal marketplace. In April 2010, prior to the enactment of the Jobs Act, President Obama established an Interagency Task Force on Federal Contracting Opportunities for Small Businesses in order to coordinate executive departments' and agencies' efforts towards ensuring that all small businesses have a fair chance to participate in Federal contracting opportunities. The task force was ordered to produce proposals and recommendations for: (i) Using innovative strategies, such as teaming, to increase opportunities for small business contractors and utilizing and expanding mentorship programs, such as the mentor-protégé program; (ii) removing barriers to participation by small businesses in the Federal marketplace by unbundling large projects, improving training of Federal acquisition officials with respect to strategies for increasing small business contracting opportunities, and utilizing new technologies to enhance the effectiveness and efficiency of Federal program managers, acquisition officials, and the Directors of Offices of Small Business Programs and Offices of Small and Disadvantaged Business Utilization, their managers, and procurement center representatives in identifying and providing access to these opportunities; (iii) expanding outreach strategies to match small businesses, including firms located in HUBZones and firms owned and controlled by women, minorities, socially and economically disadvantaged individuals, and service-disabled veterans, with contracting and subcontracting opportunities; and (iv) establishing policies, including revision or clarification of existing legislation, regulations, or policies, that are necessary or appropriate to effectuate these objectives.

In September 2010, the task force issued a preliminary report and announced three priority objectives for assisting small businesses in Federal contracting,: stronger rules; a better equipped, informed and accountable acquisition work force; and improved outreach and better use of technology and data. Among other recommendations, the task force determined that mentor-protégé programs should be promoted through a new government-wide framework to give small businesses the opportunity to develop their capabilities with the assistance of experienced businesses in an expanded Federal procurement arena.

With the enactment of the Jobs Act, Congress recognized that mentor-protégé programs serve an important business development function for small business and authorized SBA to establish separate mentor-protégé programs for the Service-Disabled Veteran-Owned Small Business Concern (SDVO SBC) Program, the HUBZone Program, and the Women-Owned Small Business (WOSB) Program, each modeled on SBA's existing mentor-protégé program available to 8(a) Business Development (BD) program participants. *See* section 1347(b)(3) of the Jobs Act.

On January 2, 2013, the President signed into law the National Defense Authorization Act for Fiscal Year 2013 (NDAA), Public Law 112–239. Section 1641 of the NDAA authorized SBA to establish a mentor-protégé program for all small business concerns. This section further provides that a small business mentor-protégé program must be identical to the 8(a) BD mentor-protégé program, except that SBA may modify the program to the extent necessary, given the types of small business concerns to be included as protégés. Section 1641 also provides that a Federal department or agency could not carry out its own agency specific mentor-protégé program for small businesses unless the head of the department or agency submitted a plan for such a program to SBA and received the SBA Administrator's approval of the plan. Finally, section 1641 requires the head of each Federal department or agency carrying out an agency-specific mentor-protégé program to report annually to SBA the participants in its mentor-protégé program, the assistance provided to small businesses through the program, and the progress of protégé firms to compete for Federal prime contracts and subcontracts.

Instead of implementing four new separate small business mentor-protégé programs (*i.e.,* having a separate mentor-protégé program for SDVO SBCs, HUBZone SBCs, WOSB concerns, and all other small business concerns, in addition to the current mentor-protégé

program for 8(a) BD Participants), this rule proposes to implement one additional mentor-protégé program for all small businesses since the other three types of small businesses (SDVO, HUBZone and women-owned) would be necessarily included within any mentor-protégé program targeting all small business concerns. Approved mentor-protégé relationships would then be able to seek to perform joint ventures for any contracts for which the protégé firm qualifies as eligible (*e.g.,* women-owned set aside where the protégé firm qualifies as a WOSB concern). Although the NDAA language authorizing a mentor-protégé program for all small businesses could to be read as specifically authorizing a fifth separate mentor-protégé program for certain types of small businesses (*i.e.,* one for small businesses not already covered by SBA's current 8(a) BD mentor-protégé program and not previously contained in the Jobs Act provisions authorizing mentor-protégé programs for HUBZone, SDVO or women-owned small businesses), SBA believes that having five separate small business mentor-protégé programs could become confusing to the public and procuring agencies and hard to implement by SBA.

Currently, the mentor-protégé program available to firms participating in the 8(a) BD program is used as a business development tool in which mentors provide diverse types of business assistance to eligible 8(a) BD protégés. This assistance may include, among other things, technical and/or management assistance; financial assistance in the form of equity investments and/or loans; subcontracts; and/or assistance in performing Federal prime contracts through joint venture arrangements. The explicit purpose of the 8(a) BD mentor-protégé relationship is to enhance the capabilities of protégés and to improve their ability to successfully compete for both government and commercial contracts. Similarly, the proposed mentor-protégé program for all small business concerns is designed to require approved mentors to provide assistance to protégé firms in order to enhance the capabilities of protégés, to assist protégés with meeting their business goals, and to improve the ability of protégés to compete for contracts.

Instead of providing one mentor-protégé program for all small business concerns, SBA also considered authorizing separate mentor-protégé programs for each of the specific types of small businesses (*i.e.,* to have five separate mentor-protégé programs, including the current one for 8(a) BD program). SBA believes that it should not make a difference which way the regulations are written. In either approach, a mentor-protégé relationship will be able to perform any small business contract through a joint venture for which the protégé firm is qualified to perform. SBA proposed one program for all small businesses because SBA believed it would be easier for the small business and acquisition communities to use and understand. However, SBA specifically requests comments as to whether SBA should finalize one small business mentor-protégé program, as proposed, or, rather, five separate mentor-protégé programs for the various small business entities.

In addition, the rule would revise the joint venture provisions contained in § 125.15(b) (for SDVO SBCs, and which would now be contained in proposed § 125.18(b)), § 126.616 (for HUBZone SBCs), and § 127.506 (for WOSB and EDOSB concerns) to more fully align those requirements to the requirements of the 8(a) BD program. The proposed rule would also add a new § 125.8 to specify requirements for joint ventures between small business protégé firms and their mentors. The rule would also make several additional changes to current size, 8(a) BD and HUBZone regulations that are needed to clarify certain provisions or correct interpretations of the regulations that were inconsistent with SBA's intent. These changes are set forth more fully below.

II. Proposed Changes

Definition of Joint Venture (13 CFR 121.103(h)).

This rule proposes to amend § 121.103(h) regarding the definition of what constitutes a joint venture for all of SBA's programs. Currently, the rule recognizes that a joint venture may be an informal arrangement that exists between two (or more) parties through a written document, or may be a formal written arrangement existing as a separate legal entity. The current language has caused some confusion as to what an informal joint venture arrangement means. The proposed rule attempts to clarify SBA's intent. As with the current regulation, the proposed rule explicitly requires that any joint venture be in writing. SBA never meant that an informal joint venture arrangement could exist without a formal written document setting forth the responsibilities of all parties to the joint venture. SBA merely intended to recognize that a joint venture need not be established as a limited liability company or other formal separate legal entity. The proposed rule attempts to clarify that distinction. In all instances where two (or more) parties execute a written document setting forth their responsibilities as joint venture partners, it is SBA's view that the parties have formed a partnership. It may not be a formal partnership, but the responsibilities of the parties are as partners. The proposed rule specifies that a joint venture may be a formal or informal partnership or exist as a separate limited liability company or other separate legal entity. However, regardless of form, the joint venture must be reduced to a written agreement.

In addition, the proposed rule would specify that if a joint venture exists as a formal separate legal entity, it may not be populated with individuals intended to perform contracts awarded to the joint venture. This is a change from the current regulation which allows a separate legal entity joint venture to be unpopulated, to be populated with administrative personnel only, or to be populated with its own separate employees that are intended to perform contracts awarded to the joint venture. In the mentor-protégé joint venture context, if SBA continued to allow populated joint ventures, SBA is concerned that it will be difficult to definitively determine that a small protégé firm directly benefits from, and in fact controls, a joint venture with a large business mentor where that joint venture formed a limited liability company that hired its own employees to perform contracts for the joint venture. SBA believes that the benefits received by a protégé from a joint venture are more readily identifiable where the work done on behalf of the joint venture is performed by the protégé and the mentor separately. In such a case, it is much easier to determine that the protégé firm performed at least 40% of all work done by the joint venture, performed more than merely ministerial or administrative work, and otherwise gained experience that could be used to perform a future contract independently. Thus, the rule proposes to allow a separate legal entity joint venture to have its own separate employees to perform administrative functions, but not to have its own separate employees to perform contracts awarded to the joint venture.

SBA also requests comments regarding whether SBA should require all joint ventures formed under mentor-protégé agreements to be formed as separate legal entities. SBA believes that such a requirement would significantly enhance SBA's ability to monitor and

track awards to mentor-protégé joint ventures.

HUBZone Joint Ventures (13 CFR 126.616)

The HUBZone program is a community growth and development program in which businesses are incentivized to establish principal office locations in, and employ individuals from, areas of chronically high unemployment and/or low income in order to stimulate economic development. To further this purpose, the HUBZone program regulations currently permit a joint venture only between a HUBZone SBC and another HUBZone SBC. Joint ventures are not permitted with any non-HUBZone SBC. In authorizing a mentor-protégé relationship for HUBZone qualified SBCs, SBA considered whether this policy should be re-visited for joint ventures between HUBZone protégé firms and their SBA-approved mentors. SBA believes that if it continued to require that joint ventures in the HUBZone program could be between only two or more HUBZone qualified SBCs, then the business development assistance sought to be provided through the mentor-protégé program to HUBZone SBCs would be minimal. Large businesses and non-HUBZone small businesses would not be encouraged to participate in mentor-protégé relationships with HUBZone SBCs and HUBZone SBCs would not significantly benefit from such a program. For this reason, this rule proposes to allow joint ventures for HUBZone contracts between a HUBZone protégé firm and its mentor.

Under the proposed rule, the HUBZone program would be consistent with the other small business programs and would allow a joint venture between a qualified HUBZone SBC and one or more other SBCs. As with the other small business programs, the HUBZone SBC would be required to be the project manager and otherwise control the performance of a HUBZone joint venture contract. The joint venture would be required to perform the specified percentage of work of the contract, and the HUBZone firm would be required to perform at least 40% of the work done by the joint venture. SBA specifically requests comments as to whether allowing a joint venture between a HUBZone firm and a non-HUBZone firm (other than the HUBZone firm's mentor) makes sense in light of the purposes of the HUBZone program.

SBA requests comments on whether the purposes of the HUBZone program would be appropriately served by allowing non-HUBZone firms to act as mentors and joint venture with protégé HUBZone firms, and whether SBA should allow any joint ventures with non-HUBZone firms.

Joint Venture Certifications and Performance of Work Reports (13 CFR 125.8, 125.18, 126.616, 127.506)

The proposed rule would require all partners to a joint venture agreement that perform a SDVO, HUBZone, WOSB/EDWOSB, or small business set-aside contract to certify to the contracting officer and SBA prior to performing any such contract that it will perform the contract in compliance with the joint venture regulations and with the joint venture agreement. In addition, the parties to the joint venture are required to report to the contracting officer and to SBA how they are meeting or have met the applicable performance of work requirements for each SDVO/HUBZone/WOSB/EDWOSB or small business set-aside contract they perform as a joint venture. Specifically, the joint venture must annually submit a report to the relevant contracting officer and to SBA certifying compliance with the regulations and joint venture agreement, and explaining how the performance of work requirements are being met, and once the contract is completed, a report certifying compliance and explaining how the performance of work requirements were met for the contract (*see* proposed § 125.8(h) for joint ventures between small business protégés and their SBA-approved mentors, proposed § 125.18(b)(8) for SDVO SBCs, proposed § 126.616(i) for HUBZone SBCs, and proposed § 127.506(j) for WOSBs/EDWOSBs). For SDVO SBCs, HUBZone SBCs, and WOSBs/EDWOSBs, this requirement would apply to all joint ventures.

SBA believes that joint ventures permitted by SBA's regulations must benefit small businesses, and must not be used as vehicles to allow companies to fraudulently or improperly benefit from SBA contracting programs. The required certifications will help to ensure accountability within these programs, and assist the Government's ability to deter wrongdoing through criminal and civil fraud prosecutions as well as other administrative remedies such as suspension and debarment. In this regard, the proposed rule would specify that the Government may consider the failure to comply with the joint venture regulations or to submit the required certifications and reports to be a ground for suspension or debarment.

Tracking Joint Venture Awards

SBA also believes that it is important to be able to track awards to the joint ventures permitted by SBA's regulations, and is considering various methods of tracking awards. Possible approaches include: requiring all joint ventures permitted by these regulations to include in their names ''small business joint venture,'' and if a mentor-protégé joint venture to include in their names ''mentor-protégé small business joint venture;'' requiring contracting officers to identify awards as going to small business joint ventures or to mentor-protégé small business joint ventures; requiring SBCs to amend their System for Award Management (SAM) entries to specify that they have formed a joint venture; requiring each joint venture to get a separate DUNS number; or a combination of all of these actions. Ensuring that governmental agencies and members of the public can track joint venture awards will promote transparency and accountability, and thereby deter fraudulent or improper conduct, and promote compliance with SBA's regulations. SBA seeks comments from interested parties on how best to accomplish this and whether these alternatives should be implemented in a final rule.

Applications for SBA's Small Business Mentor-Protégé Program (13 CFR 125.9)

As noted above, SBA has proposed implementing one universal small business mentor-protégé program instead of a separate mentor-protégé program for each type of small business (*i.e.,* HUBZone, SDVO, WOSB, and small business). In addition, the proposed rule would continue to authorize SBA's separate mentor-protégé program for eligible 8(a) BD Program Participants. A small business seeking a mentor-protégé relationship would be required to submit information to SBA in accordance with this proposed rule. SBA's Director of Government Contracting (D/GC) would review and either approve or decline small business mentor-protégé agreements. SBA's Associate Administrator for BD (AA/BD) would continue to review and approve or decline mentor-protégé relationships in the 8(a) BD program. An eligible 8(a) BD Program Participant could choose to seek SBA's approval of a mentor-protégé relationship through the 8(a) BD program, or could seek a small business mentor-protégé relationship through SBA's D/GC. As noted above, SBA is considering having one office review and either approve or decline all mentor-protégé agreements to ensure

consistency in the process, and specifically seeks comments as to whether that approach should be implemented.

SBA is uncertain of the number of various small businesses that will seek a mentor-protégé relationship through SBA once these regulations are finalized. If the number of firms seeking SBA to approve their mentor-protégé relationships becomes unwieldy, SBA may institute certain ''open'' and ''closed'' periods for the receipt of further mentor-protégé applications. In such a case, SBA would then accept mentor-protégé applications only in ''open'' periods.

Mentors (13 CFR 124.520 and 125.9)

Under the proposed small business mentor-protégé program, any for-profit business concern that demonstrates a commitment and the ability to assist small business concerns may be approved to act as a mentor and receive the benefits of the mentor-protégé relationship. Pursuant to the authority contained in the NDAA, SBA is attempting to make the small business mentor-protégé program identical to the 8(a) mentor-protégé program. Specifically, section 45(a)(2) of the Small Business Act, 15 U.S.C. 657r(a)(2), which was added by section 1641 of the NDAA, requires the mentor-protégé program for small businesses to be ''identical to the [8(a)] mentor-protégé program . . . as in effect on the date of enactment of this section. . . '' Although the current rules for the 8(a) mentor-protégé program allow non-profit entities to act as mentors, this rule proposes to not allow non-profit mentors (*i.e.,* to require mentors to be for-profit business concerns) for the small business mentor-protégé program due to the definition of the term mentor contained in the NDAA. In this regard, section 1641 of the NDAA added section 45(d)(1) of the Small Business Act, 15 U.S.C. 657r(d)(1), which defines the term mentor to be ''a for-profit business concern of any size.'' These two provisions of the NDAA are in conflict. The small business mentor-protégé program cannot be ''identical'' to the current 8(a) mentor-protégé program while at the same time excluding non-profit entities from being mentors. Because the NDAA definition may be read to apply only to the small business mentor-protégé program, and not the 8(a) BD mentor-protégé program (or to mentor-protégé programs for SDVOs, HUBZone SBCs, or WOSBs if SBA had chosen to implement separate mentor-protégé programs under the Jobs Act authority), SBA could have prohibited non-profit mentors only in the small business mentor-protégé program. SBA has not done that in this proposed rule because SBA seeks to have as much consistency between the various programs as possible. As such, this rule proposes not to allow non-profit mentors in any mentor-protégé program, including the 8(a) mentor-protégé program. For the 8(a) mentor-protégé program, this definition requires, and this rule proposes, a change to the current 8(a) regulations. *See* proposed § 124.520(b)(2).

Generally, a mentor participating in any SBA-approved mentor-protégé program will have no more than one protégé at a time. However, SBA may authorize a concern to mentor more than one protégé at a time where it can demonstrate that the additional mentor-protégé relationship will not adversely affect the development of either protégé firm (*e.g.,* the second firm may not be a competitor of the first firm). Under no circumstances will a mentor be permitted to have more than three protégés in the aggregate at one time under either of the mentor-protégé programs authorized by § 124.520 or § 125.9. A mentor may choose to have: up to three protégés in the 8(a) BD program; or up to three protégés in the small business program; or one or more protégés in one program and one or more in another program, but no more than three protégés in the aggregate. In proposing this limitation, SBA did not believe it was good policy to allow one large business mentor to conceivably have up to three protégés in each of the two programs, or a total of possibly six protégé firms. If that were allowed, large businesses might benefit more from small business programs than the intended beneficiaries, the small business proteges. In reviewing a mentor-protégé agreement where a mentor has more than one protégé, SBA will determine whether the mentor has demonstrated that its protégés will not compete against each other.

In addition, consistent with the 8(a) mentor-protégé program, a protégé in the small business mentor-protégé program may not become a mentor and retain its protégé status. The protégé must terminate the mentor-protégé agreement with its mentor before it will be approved as a mentor to another small business concern. SBA requests comments regarding whether this policy makes sense in the small business mentor-protégé program, whether it continues to make sense in the 8(a) mentor-protégé program, or whether a firm should be permitted to be both a protégé and mentor in both programs in appropriate circumstances.

Protégés (13 CFR 124.520 and 125.9)

Currently, in order to qualify as a protégé for the 8(a) BD mentor-protégé program, an 8(a) Program Participant must: have a size that is less than half the size standard corresponding to its primary NAICS code; or be in the developmental stage of its 8(a) program participation; or not have received an 8(a) contract. There is no doubt that the second and third reasons permitting a firm to qualify as a protégé in the 8(a) BD mentor-protégé program (*i.e.,* the firm must be in the developmental stage of its 8(a) participation, or the firm has not received an 8(a) contract) do not apply to a separately authorized small business mentor-protégé program. As such, SBA immediately eliminated those bases from consideration as criteria to qualify a protégé for the small business mentor-protégé program. The question then becomes whether these criteria continue to make sense in the 8(a) BD program. The 8(a) BD mentor-protégé program was designed to be an additional tool to assist in the business development of 8(a) BD Program Participants. Although it is true that the three types of firms identified as eligible to qualify as a protégé in the 8(a) BD mentor-protégé program would be the firms in most need of business development assistance, SBA questions whether 8(a) BD Participants that do not meet one of those three criteria could also substantially benefit from participating as a protégé in a mentor-protégé program. A Participant may have a size that slightly exceeds one-half the size standard corresponding to its primary NAICS code, be in its first year of the transitional stage of program participation, and have received one small 8(a) contract. Currently, that firm would be ineligible to be a protégé in the 8(a) BD program, even though it could substantially benefit from the assistance provided by a mentor and might not otherwise be able to advance its business development beyond its current level. And, considering that an 8(a) BD Participant that was not in the developmental stage of program participation or had received an 8(a) contract could nevertheless qualify as a protégé under the small business mentor-protégé program, SBA believes that it makes sense to have consistent rules between the mentor-protégé programs and, therefore, is proposing to eliminate those restrictions on qualifying as a protégé for the 8(a) BD mentor-protégé program as well.

SBA then considered whether the final restriction to qualify as a protégé for the 8(a) BD mentor-protégé program (*i.e.,* the requirement that a firm be less

than half the size standard corresponding to its primary NAICS code) continues to make sense in the 8(a) BD program, whether it makes sense for the new small business mentor-protégé program, and if not, what, if any, restriction should be imposed in its place. SBA recognizes that many small businesses may need some specific form of business development assistance, and that a mentor-protégé program may be the best vehicle for the small business to obtain such assistance. In addition, many small businesses may lack the tools necessary to advance to the next level. As such, this rule proposes to allow any firm that qualifies as a small business for the size standard corresponding to its primary NAICS code to also qualify as a protégé in either the small business or 8(a) BD mentor-protégé program. In the 8(a) BD program, however, the firm would also have to demonstrate how the business development assistance to be received through its proposed mentor-protégé relationship would advance the goals and objectives set forth in its business plan.

Although SBA has proposed to eliminate the less than half the size standard requirement from the 8(a) BD mentor-protégé program and not apply it to the small business mentor-protégé program, SBA specifically requests comments as to whether the focus of a mentor-protégé program should be restricted to smaller firms or whether, as proposed, the benefits of a mentor-protégé program should be open to any firm that qualifies as small.

A protégé participating in either of the mentor-protégé programs generally will have no more than one mentor at a time. However, a protégé may have two mentors where the two relationships will not compete or otherwise conflict with each other and the protégé demonstrates that the second relationship pertains to an unrelated, secondary NAICS code, or the first mentor does not possess the specific expertise that is the subject of the mentor-protégé agreement with the second mentor. SBA asks for comments regarding whether there should be a maximum of two mentors per protégé or another maximum.

SBA wants to ensure that only firms that truly qualify as small businesses under their primary NAICS code participate as protégés in the small business mentor-protégé program. Unlike the 8(a) BD program (where firms apply and SBA affirmatively certifies firms as eligible to participate in the program), there is no formal process by which a firm is certified as a ''small'' business. Status as a small business is based on a firm's self-certification, and SBA understands that some firms may in good faith believe that they qualify as small but may not fully understand all of the affiliation issues required to be considered small. To ensure that only qualified firms participate as protégé firms, the proposed rule would require that SBA verify that a firm qualifies as a small business before approving that firm to act as a protégé in a small business mentor-protégé relationship. *See* proposed § 125.9(c)(1). Only those firms that are affirmatively determined to be small businesses and have not received a negative determination from SBA pursuant to a size protest may qualify as a protégé. SBA proposes that this affirmative determination may take place either as part of a firm's request for participation in the small business mentor-protégé program, or as part of a size protest determination prior to that time. Where SBA previously found a firm to qualify as small as part of a formal size determination or size appeal, the firm would be required to certify that there has been no change in its small business status since that determination. In addition, for the two self-certification programs (SDVO and WOSB), SBA may examine status eligibility as part of its protégé approval process.

Mentor-Protégé Programs of Other Departments and Agencies (13 CFR 125.10)

As noted above, section 1641 of the NDAA provided that a Federal department or agency cannot carry out its own agency specific mentor-protégé program for small businesses unless the head of the department or agency submitted a plan for such a program to SBA and received the SBA Administrator's approval of the plan. The NDAA specifically excluded the Department of Defense's mentor-protégé program, but included all other current mentor-protégé programs of other agencies. Under its provisions, a department or agency that is currently conducting a mentor-protégé program (except the Department of Defense) may continue to operate that program for one year but must then go through the SBA approval process in order for the program to continue after one year. Thus, in order to continue to operate any current mentor-protégé program beyond one year after SBA's mentor-protégé regulations are final, each department or agency would be required to obtain the SBA Administrator's approval. These statutory provisions are proposed to be implemented in new § 125.10 of SBA's regulations.

Finally, proposed § 125.10(d) would implement statutory reporting requirements imposed on each Federal department or agency that has its own mentor-protégé program. Specifically, the head of each Federal department or agency carrying out an agency-specific mentor-protégé program would be required to report annually to SBA the participants in its mentor-protégé program (broken out by various small business categories), the assistance provided to small businesses through the program, and the progress of protégé firms to compete for Federal prime contracts and subcontracts. These proposed changes may require corresponding revisions to agency contract reporting systems and the Government's contract reporting system, FPDS–NG.

Because the SBA's 8(a) BD and small business mentor-protégé programs will apply to all Government small business contracts, and thus to all Federal departments and agencies, conceivably other agency-specific mentor-protégé programs for small business would not be needed. For example, SBA notes that the Department of Veterans Affairs (VA) has separate Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business (SDVOSB) mentor-protégé programs. Although this proposed rule would establish a government-wide small business mentor-protégé program, it would not establish mentor-protégé programs specific to either VOSBs or SDVOSBs. The question becomes whether either of those separate mentor-protégé programs would be necessary after SBA's small business mentor-protégé program is established. A VOSB or SDVOSB could obtain a small business mentor-protégé relationship through SBA and then participate in programs specific to VA if VA determined that the firm did indeed qualify as a VOSB or an SDVOSB under VA's rules. SBA requests comments as to whether the VA's VOSB and SDVO mentor-protégé programs should continue after the one-year grace period expires.

SBA also specifically requests comments on whether there would be a continuing need for other small business mentor-protégé programs once SBA's various mentor-protégé programs are implemented. SBA understands that many of the agency-specific mentor-protégé programs incentivize mentors to utilize their protégés as subcontractors. For instance, some agencies provide additional evaluation points to a large business submitting an offer on an unrestricted procurement where the business has an active mentor-protégé

agreement, where the business has used the protégé firm as a subcontractor previously, or where the mentor and protégé are submitting an offer as a joint venture. In addition, some mentor-protégé programs give additional credit to a large business mentor toward its subcontracting plan goals when the mentor uses the protégé as a subcontractor on the mentor's prime contract(s) with the given agency. SBA's mentor-protégé programs assume more of a prime contractor role for protégés, but would also encourage subcontracts from mentors to protégés as part of the developmental assistance that protégés receive from their mentors. Because one or more mentor-protégé programs of other agencies ultimately may not be continued after SBA's various mentor-protégé programs are finalized, SBA requests comments as to whether the subcontracting incentives authorized by mentor-protégé programs of other agencies should specifically be incorporated into SBA's mentor-protégé programs.

Benefits of Mentor-Protégé Relationships (13 CFR 124.520 and 125.9)

As with the 8(a) BD program, under the proposed small business mentor-protégé program, a protégé may joint venture with its SBA-approved mentor and qualify as a small business for any Federal government contract or subcontract, provided the protégé qualifies as small for the size standard corresponding to the NAICS code assigned to the procurement. In revising its 8(a) regulations in 2011, SBA considered allowing the exclusion from affiliation between a protégé and its mentor to apply only to 8(a) contracts. Comments to SBA's proposed 8(a) rule argued that 8(a) protégé firms receive important developmental benefits in performing non-8(a) contracts and that many of these benefits would be missed if a protégé could not joint venture with a large business mentor. SBA agreed and decided to continue to allow the exclusion from affiliation for all contracts so that a joint venture between a protégé in the 8(a) BD program and its mentor equally qualifies as small for 8(a) and non-8(a) contracts so long as the protégé qualifies as small. That same rationale has been applied in this proposed rule to the small business mentor-protégé program. This means that a joint venture between a protégé and its approved mentor in the small business mentor-protégé program would be deemed to be a small business concern for any Federal contract or subcontract. It does not mean that such a joint venture affirmatively qualifies for any other small business program. For example, a joint venture between a small business protégé firm and its SBA-approved mentor would be deemed a small business concern for any Federal contract or subcontract for which the protégé qualified as small, but the joint venture would not qualify for a contract reserved or set-aside for eligible 8(a) BD, HUBZone SBCs, SDVO SBCs or WOSBs/EDWOSBs unless the protégé firm met those program-specific requirements as well.

Consistent with the 8(a) BD program, the proposed rule would permit a mentor to a small business to own an equity interest of up to 40% in the protégé firm in order to raise capital for the protégé firm. *See* proposed § 125.9(d)(2). SBA requests comments on whether this 40% ownership interest should be a temporary interest, being authorized only as long as the mentor-protégé relationship exists, or whether it should be able to survive the termination of the mentor-protégé relationship. Although the proposed rule allows the ownership interest to survive the termination of a mentor-protégé relationship, SBA is concerned that such a rule may allow far-reaching influence by large businesses that act as mentors and enable them to receive long-term benefits from programs designed to assist only small businesses.

Written Mentor-Protégé Agreement (13 CFR 124.520 and 125.9)

The proposed rule requires that all mentor-protégé agreements be in writing, identifying specifically the benefits intended to be derived by the projected protégé firms. Under the proposed rule, SBA must approve any mentor-protégé agreement prior to the firms receiving any benefits through the mentor-protégé program. SBA will not approve the agreement if SBA determines that the assistance to be provided is not sufficient to promote any real developmental gains to the protégé, or if SBA determines that the agreement is merely a vehicle to enable the mentor to receive small business contracts. The proposed rule would also require a firm seeking approval to be a protégé in either the 8(a) BD or small business mentor-protégé programs to identify any other mentor-protégé relationship it has through another federal agency or SBA and provide a copy of each such mentor-protégé agreement to SBA. The mentor-protégé agreement submitted to SBA for approval must identify how the assistance to be provided by the proposed mentor is different from assistance provided to the protégé through another mentor-protégé relationship, either with the same or a different mentor. For example, if a firm is a protégé in a mentor-protégé relationship approved by another agency and seeks to enter a mentor-protégé relationship with the same mentor firm through one of SBA's programs, it cannot merely duplicate the same mentor-protégé agreement. It must demonstrate that the assistance to be provided to the protégé firm is different and in addition to the assistance provided to the firm through the other mentor-protégé relationship.

SBA requests comments regarding whether SBA should consider limiting its review and approval of mentor-protégé agreements to a certain timeframe each year (*i.e.,* allow submissions of agreements only during certain specified months), or allow submissions of agreements at any time, but limit the number of mentor-protégé agreements it will review and/or approve each year.

The proposed rule also provides that SBA will review a mentor-protégé relationship annually to determine whether to approve its continuation for another year. SBA will evaluate the relationship and determine whether the mentor provided the agreed-upon business development assistance, and whether the assistance provided appears to be worthwhile. SBA proposes to limit the duration of a mentor-protégé agreement to three years. The proposed rule also permits a protégé to have one three-year mentor-protégé agreement with one entity and one three-year mentor-protégé agreement with another entity, or two three-year mentor-protégé agreements (successive or otherwise) with the same entity. SBA invites comments regarding whether three years is an appropriate length of time and whether SBA should allow a mentor and protégé to enter into an additional mentor-protégé agreement upon the expiration of the original agreement.

In addition, SBA proposes to add clarifying language not currently contained in the 8(a) mentor-protégé regulations authorizing the continuation of a mentor-protégé relationship where control or ownership of the mentor changes during the term of the mentor-protégé agreement. Specifically, the proposed rule would provide (for the 8(a) BD and small business mentor-protégé programs) that if control of the mentor changes (through a stock sale or otherwise), the previously approved mentor-protégé relationship may continue provided that, after the change in control, the mentor expresses in writing to SBA that it acknowledges the mentor-protégé agreement and that it continues its commitment to fulfill its obligations under the agreement. This is

current SBA policy for the 8(a) BD program, but SBA believes that setting it forth in the regulatory text would eliminate any confusion.

Size of 8(a) Joint Venture (13 CFR 124.513)

The proposed rule would amend § 124.513 to clarify that interested parties may protest the size of an SBA-approved 8(a) joint venture that is the apparent successful offeror for a competitive 8(a) contract. This change alters the rule expressed in *Size Appeal of Goel Services, Inc. and Grunley/Goel Joint Venture D LLC,* SBA No. SIZ–5320 (2012), which concluded that the size of an SBA-approved 8(a) joint venture could not be protested because SBA had, in effect, determined the joint venture to qualify as small when it approved the joint venture pursuant to § 124.513(e). Approval of a joint venture by its Office of Business Development should not immunize the awardee of an 8(a) competitive contract from a size protest. This revision would make clear that unsuccessful offerors on a competitive 8(a) set aside contract may challenge the size of an apparently successful joint venture offeror.

Establishing Social Disadvantage for the 8(a) BD Program (13 CFR 124.103)

The proposed rule would amend § 124.103(c) to clarify that an individual claiming social disadvantage must present a combination of facts and evidence which by itself establishes that the individual has suffered social disadvantage that has negatively impacted his or her entry into or advancement in the business world. This change would alter the rule expressed in several SBA OHA decisions that allowed an individual to establish social disadvantage despite the record lacking sufficient evidence supporting a discriminatory basis for the alleged misconduct. See *Matter of Tootle Construction, LLC,* SBA No. BDP–420 (2012), *StretegyGen Co.,* SBA No. BDPE–460 (2012). SBA believes that the burden of establishing eligibility for the 8(a) BD program is on the applicant. Absent any facts or statements as to the qualifications of the individual claiming social disadvantage or those of another individual offered as evidence of discrimination in a statement, it is no more likely that an action or inaction was based on discriminatory conduct than it was based on a legitimate alternative reason. The individual claiming social disadvantage bears the burden of making his or her claims of social disadvantage more likely than possible non-discriminatory reasons for the same outcomes by providing additional facts.

As such, the proposed rule clarifies that SBA may disregard a claim of social disadvantage where a legitimate alternative ground for an adverse action exists and the individual has not presented evidence that would render his/her claim any more likely than the alternative ground. It is the responsibility of the applicant to establish all aspects of eligibility. A statement that a male co-worker received higher compensation or was promoted over a woman does not amount to an incident of social disadvantage by itself.

In addition, when SBA asks for evidence corroborating an individual's claims of social disadvantage, what SBA is really requesting is for the individual to provide additional facts to make his or her claims of discriminatory conduct more likely than possible non-discriminatory reasons for the same outcomes. Because SBA usually has no way to verify the statements made by an individual claiming social disadvantage, and SBA recognizes that documentary evidence is often not available to support the statements, it is vitally important that the narrative contain sufficient detail (*i.e.,* names, dates, location or other specific details) in order to be credible. To constitute sufficient detail to establish social disadvantage, the description of the individual's claims of discriminatory conduct must generally include: (1) when and where the discrimination occurred; (2) who committed the discrimination; (3) how the discrimination took place; and (4) how the individual was adversely affected by such acts. *See Ace Technical,* SBA No. SDBA–178, at 4–5 (2008) (citing *Matter of Seacoast Asphalt Servs., Inc.,* SBA No. SDBA–151, at 8 (2001)).

In addition, SBA maintains that it needs the discretion to request corroborating evidence in certain circumstances. Such requests do not raise the evidentiary burden placed on an 8(a) applicant above the preponderance of the evidence standard. SBA is not seeking definitive proof, but rather additional facts to support the claim that a negative outcome (*e.g.,* failure to receive a promotion or needed training) was based on discriminatory conduct instead of one or more legitimate non-discriminatory reasons. SBA expects an individual claiming social disadvantage to provide the level of detail consistent with someone with first-hand knowledge of the discriminatory conduct claimed. The proposed rule would add language to the regulations to specifically recognize SBA's right to seek corroborating evidence where appropriate.

Finally, the proposed rule would clarify that each instance of alleged discriminatory conduct must be accompanied by a description of the negative impact of the conduct on the individual's entry into or advancement in the business world in order for it to constitute an instance of social disadvantage. This clarification would alter the rule expressed in *Matter of Bartkowski Life Safety Corp.,* SBA No. BDPE–516 (2014), in which OHA ruled that ''a petitioner's claims can each be offered as evidence of social disadvantage, negative impact, or both.'' SBA maintains that each claim of discriminatory conduct or bias experienced by an individual must also include negative impact on the individual's entry into or advancement in the business world in order for it to constitute an instance of social disadvantage within the meaning of SBA's regulations. This proposed change clarifies that point.

Substantial Unfair Competitive Advantage Within an Industry Category (13 CFR 124.109, 124.110, and 124.111)

Pursuant to section 7(j)(10)(J)(ii)(II) of the Small Business Act, 15 U.S.C. 636(j)(10)(J)(ii)(II), ''[i]n determining the size of a small business concern owned by a socially and economically disadvantaged Indian tribe (or a wholly owned business entity of such tribe) [for purposes of 8(a) BD program entry and 8(a) BD contract award], each firm's size shall be independently determined without regard to its affiliation with the tribe, any entity of the tribal government, or any other business enterprise owned by the tribe, unless the Administrator determines that one or more such tribally owned business concerns have obtained, or are likely to obtain, a substantial unfair competitive advantage within an industry category.'' For purposes of the 8(a) BD program, the term ''Indian tribe'' includes any Alaska Native village or regional or village corporation (within the meaning of the Alaska Native Claims Settlement Act). 15 U.S.C. 637(a)(13). SBA's regulations have extended this broad exclusion from affiliation to the other entity-owned firms authorized to participate in the 8(a) BD program (*i.e.,* firms owned by Native Hawaiian Organizations (NHOs) and Community Development Corporations (CDCs)). *See* §§ 124.109(a), 124.109(c)(2)(iii), 124.110(b), and 124.111(c). This proposed rule will provide guidance as to how SBA will determine whether a firm has obtained or is likely to obtain ''a substantial

unfair competitive advantage within an industry category.''

First, in determining how best to define the term ''industry category,'' SBA considered how it has defined other similar terms in its regulations. In this regard, § 124.3 defines ''primary industry classification'' to mean ''the six digit North American Industry Classification System (NAICS) code designation which best describes the primary business activity of the 8(a) BD applicant or Participant.'' Further, § 124.109(c)(3)(ii) defines the ''same primary NAICS code'' to mean the six digit NAICS code having the same corresponding size standard. SBA believes that it makes sense to apply this same limitation when defining an industry category. Thus, the proposed rule would provide that an entity-owned business concern is not subject to the broad exemption to affiliation set forth in 13 CFR part 124 where one or more entity-owned firms are found to have obtained, or are likely to obtain, a substantial unfair competitive advantage in a particular NAICS code with a particular size standard.

In addition, SBA believes that entity-owned concerns may be found affiliated only if they have obtained, or are likely to obtain, a substantial unfair competitive advantage within a particular industry category on a national scale. Because NAICS codes and their associated size standards are established on a national basis, it is reasonable to conclude that Congress intended SBA to look at ''an industry category'' nationally to determine whether a particular firm has obtained or is likely to obtain a substantial unfair competitive advantage. In making this assessment, SBA will consider a firm's percentage share of the national market and other relevant factors to determine whether a firm is dominant in a specific six-digit NAICS code with a particular size standard. SBA anticipates that it will review Federal Procurement Data System data to compare the firm's share of the industry as compared to overall small business participation in that industry to determine whether there is a an unfair competitive advantage. The proposed rule does not contemplate a finding of affiliation where an entity-owned concern appears to have obtained an unfair competitive advantage in a local market, but remains competitive, but not dominant, on a national basis.

Management of Tribally-Owned 8(a) Program Participants (13 CFR 124.109)

The proposed rule would add language to § 124.109(c)(4) specifying that the individuals responsible for the management and daily operations of a tribally-owned concern cannot manage more than two Program Participants at the same time. This language is taken directly from section 7(j)(11)(B)(iii)(II) of the Small Business Act (15 U.S.C. 636(j)(11)(B)(iii)(II)), but did not also appear in SBA's 8(a) BD regulations. SBA believes it is necessary to incorporate this provision into the regulations to more fully apprise tribally-owned 8(a) applicants and Participants of the control requirements applicable to them.

Native Hawaiian Organizations (NHOs) (13 CFR 124.110)

The proposed rule would add language to § 124.110(d) to clarify the control requirements applicable to NHO-owned firms for 8(a) BD program participation. Specifically, the rule would clarify that the members or directors of an NHO need not have the technical expertise or possess a required license to be found to control an applicant or Participant owned by the NHO. Rather, the NHO, through its members and directors, must merely have managerial experience of the extent and complexity needed to run the concern. As with individually owned 8(a) applicants and Participants, individual NHO members may be required to demonstrate more specific industry-related experience in appropriate circumstances to ensure that the NHO in fact controls the day-to-day operations of the firm. This would be particularly true where a non-disadvantaged owner (or former owner) who has experience related to the industry is actively involved in the day-to-day management of the firm.

Proposed § 124.110(g) would clarify that an NHO-owned firm's eligibility for 8(a) BD participation is separate and distinct from the eligibility of individual members, directors or managers. As such, an individual Hawaiian Native who previously qualified his or her own business for 8(a) BD participation could be counted as a Native Hawaiian for NHO eligibility and could use his or her individual economic disadvantage to help qualify the NHO as economically disadvantage even if he or she previously used his or her disadvantaged status to qualify an individually-owned 8(a) applicant or Participant.

Finally, although the rule does not propose to change the way in which SBA determines whether an NHO is economically disadvantaged, SBA specifically requests comments regarding whether an alternative approach is more suitable. Section 8(a)(4)(A) of the Small Business Act, 15 U.S.C. 637(a)(4)(A), requires that an NHO be economically disadvantaged in order to establish 8(a) eligibility for a concern owned by the NHO. Neither the statute nor its legislative history provide any guidance on how to determine whether an NHO is economically disadvantaged. Currently, § 124.110(c)(1) provides that in determining whether an NHO is economically disadvantaged, SBA will look at the individual economic status of the NHO's members. The NHO must establish that a majority of its members qualify as economically disadvantaged under the rules that apply to individuals as set forth in § 124.104. SBA has received several inquiries from NHOs asking if this is the most sensible approach to establishing economic disadvantage. They have recommended that NHOs establish economic disadvantage in the same way that tribes currently do so for the 8(a) BD program: that is, by providing information relating to members, including the tribal unemployment rate, the per capita income of tribal members, and the percentage of tribal members below the poverty level. SBA asks for specific comments as to whether SBA should adopt for NHOs the same criteria used for determining whether a tribe is economically disadvantaged. One of the concerns SBA has in adopting such an approach is how to define the community for an NHO that would correspond to the tribal population for a specific tribe. Would the same Native Hawaiian community be used to establish the economic disadvantage of each NHO? If so, would that diminish the entire economic disadvantage requirement for NHOs? After reviewing comments received in response to this issue, SBA will determine how best to proceed in a final rule.

Change in Primary Industry Classification (13 CFR 124.112)

On February 11, 2011, SBA published a final rule in the **Federal Register** implementing comprehensive revisions to its 8(a) BD program. 76 FR 8221. Included within these revisions was an amendment to the definition of the term ''primary industry classification'' and provisions authorizing an 8(a) Participant to change its primary industry classification where it can demonstrate to SBA that the majority of its total revenues during a three-year period have evolved from one NAICS code to another. The supplementary information to that final rule stated that it was not SBA's intent that SBA would be able to change a firm's primary NAICS code on its own. 76 FR 8221. At that time, SBA did not recognize a need

to require a Participant to change the primary industry classification contained in its business plan. SBA's views have changed. In the context of an entity-owned Participant, SBA believes that it needs to have to ability to change the Participant's primary industry classification in appropriate circumstances. An entity-owned applicant to the 8(a) BD program (*i.e.,* one owned by an Indian tribe, Alaska Native Corporation (ANC), Native Hawaiian Organization (NHO), or Community Development Corporation (CDC)) cannot own more than 49% of another firm which, either at the time of application or within the previous two years, has been participating in the 8(a) BD program under the same primary NAICS code as the applicant. As such, an entity-owned applicant must select a primary business classification (as represented by a six digit NAICS code) that is different from the primary business classification of any other Participant owned by that same entity. After being certified to participate in the 8(a) BD program, however, there is no current requirement that the newly admitted Participant actually perform most, or any, work in the six digit NAICS code selected as its primary business classification in its application. SBA believes that this inconsistency could permit a firm to circumvent the intent of SBA's regulations by selecting a primary business classification that is different from the primary business classification of any other Participant owned by that same entity merely to get admitted to the 8(a) BD program, and then performing the majority, or even all, of its work in the identical primary NAICS code as another Participant owned by the entity. In order to make the regulations more consistent, this rule proposes to allow SBA to change the primary industry classification contained in a Participant's business plan where the greatest portion of the Participant's total revenues during a three-year period have evolved from one NAICS code to another. *See* proposed § 124.112(e). The proposed language is not intended to imply that revenues from its primary NAICS code must account for at least 50% of the firm's total revenues, but rather that revenues from its primary NAICS code must exceed revenues generated from any other NAICS code. The proposed language also provides discretion to SBA in deciding whether to change a Participant's primary industry classification because SBA recognizes that whether the greatest portion of a firm's revenues is derived from one NAICS code, as opposed to one or more other NAICS codes, is a snapshot in time that is ever changing. The proposed rule would require SBA to notify the Participant of its intent to change the Participant's primary industry classification and afford the Participant the opportunity to submit information explaining why such a change would be inappropriate. Where the Participant provides information demonstrating that it has received one or more additional contracts in its primary NAICS code since the end of its most recently completed fiscal year, and such revenue would cause the revenue from its primary NAICS code to exceed the revenue generated from any other NAICS code, SBA would not change the Participant's primary industry classification. Where the revenue generated under its primary NAICS code is close to but less than the revenue generated under another NAICS code, the Participant can demonstrate that it has made good faith efforts to obtain contracts in its primary NAICS code. For example, where a Participant details contract opportunities under its primary NAICS code that it submitted offers for in the last year, but was not successful in winning, and its concrete plans to continue to seek additional opportunities in that NAICS code, SBA may not change the Participant's primary industry classification. SBA requests comments on whether a change in primary industry should instead be automatic, based on FPDS data.

8(a) BD Program Suspensions (13 CFR 124.305)

SBA is also proposing to add two additional bases for allowing a Participant to elect to be suspended from 8(a) BD program participation: where the Participant's principal office is located in an area declared a major disaster area or where there is a lapse in Federal appropriations.

President Obama signed an Executive Order on December 7, 2012 creating the Hurricane Sandy Rebuilding Task Force. The President charged the Task Force with identifying and working to remove obstacles to rebuilding while taking into account existing and future risks and promoting the long-term sustainability of communities. The Final Task Force Implementation Plan made 69 recommendations to implement an effective Rebuilding Strategy, including several relating to small business. In particular, the Task Force recommended authorizing 8(a) BD program suspensions for Participants located in major disaster areas. The Task Force specifically recommended that, upon the request of a certified 8(a) firm in a major declared disaster area, SBA will suspend the eligibility of the firm for up to a one year period while they recover from the disaster to ensure they are able to take full advantage of the 8(a) BD program, rather than being impacted by lack of capacity or contracting opportunities due to disaster-induced disruptions. During such a suspension, a Participant would not be eligible for 8(a) BD Program benefits, including set-asides, however, but would not ''lose time'' in its program term due to the extenuating circumstances wrought by a disaster. This rule proposes to implement that recommendation into SBA's 8(a) BD regulations.

In addition, SBA proposes to allow a firm-initiated suspension where there is a lapse in Federal appropriations that could adversely affect a Participant's ability to be awarded one or more 8(a) contracts. The need for such a suspension was brought to light during the Government shutdown at the beginning of fiscal year 2014. During the lapse of federal appropriations at the end of fiscal year 2013, several Program Participants' term of participation in the 8(a) program ended, and they were unable to finalize 8(a) contracts because there was no funding during the shutdown and they were no longer in the 8(a) BD program (because their term of program participation had ended) by the time the shutdown ended and appropriations were available. Therefore, this rule proposes to allow a Participant to elect to suspend its participation in the 8(a) BD program where: Federal appropriations for one or more federal departments or agencies have expired without being extended via continuing resolution or other means and no new appropriations have been enacted (*i.e.,* during a lapse in appropriations); SBA has previously accepted an offer for a sole source 8(a) award on behalf of the Participant; and award of the 8(a) sole source contract is pending. A Participant could not elect a partial suspension of 8(a) BD program benefits; if it elects to be suspended during a lapse in Federal appropriations, the Participant would be ineligible to receive any new 8(a) BD program benefits during the suspension. For example, if Department X was funded during a partial Government shutdown but Agency Y was not, a Participant could not elect to be suspended for purposes of executing 8(a) contracts with Agency Y, but not be suspended for purposes of executing 8(a) contracts with Department X. The suspension would start immediately upon the date requested by a Participant and would last the length of the lapse in Federal appropriations. However,

once the Government is fully funded and the suspension is lifted, the contracts from both Department X and Agency Y could be finalized.

Benefits Reporting Requirement (13 CFR 124.602)

The proposed rule amends the time frame for the reporting of benefits for entity-owned Participants in the 8(a) BD program. SBA's current regulations require an entity-owned Participant to report benefits as part of its annual review submission. *See* § 124.604. SBA believes it is more appropriate that this information be submitted as part of a Participant's submission of its annual financial statements pursuant to § 124.602. SBA wants to make clear that benefits reporting should not be tied to continued eligibility, as may be assumed where such reporting is part of SBA's annual review analysis. In response to comments to the proposed rule which initially placed benefits reporting in the continued eligibility section of SBA's regulations (§ 124.112), *see* 74 FR 55694 (Oct. 28, 2009), SBA moved the benefits reporting requirement to a new section (§ 124.604) under miscellaneous reporting requirements contained in SBA's 8(a) BD regulations to evidence SBA's intent that benefits reporting not be considered a part of continued eligibility. 76 FR 8221 (Feb. 11, 2011). Although SBA changed the place in the regulations where the benefits reporting requirement appeared, it still collected that information with other information relating to a firm's annual review and believed that a perception could still exist that benefits reporting was, nevertheless, somehow tied to continued 8(a) BD eligibility. In order to further clarify SBA's intent and eliminate any doubt that benefits reporting is not in any way tied to continued 8(a) BD eligibility for any entity-owned Program Participant, this proposed rule changes the timing of benefits reporting from the time of a Participant's annual review submission to the time of a Participant's annual financial statement submission. In addition, SBA believes that the data collected by certain Participants in preparing their financial statements submissions may help them report some of the benefits that flow to the native or other community. The regulatory change will continue to require the submission of the data on an annual basis but within 120 days after the close of the concern's fiscal year instead of as part of the annual submission.

Reverse Auctions (13 CFR 125.2 and 125.5)

SBA is also proposing to amend §§ 125.2(a) and 125.5(a)(1) to address reverse auctions. Specifically, SBA is proposing to reinforce the principle that all of SBA's regulations, including those relating to set-asides and referrals for a Certificate of Competency, apply to reverse auctions. With a reverse auction, the Government is buying a product or service, but the businesses are bidding against each other, which tends to drive the price down (hence the name reverse auction). In a reverse auction, the bidders actually get to see all of the other bidders' prices and can ''outbid'' them by offering a lower price. Although SBA believes that the small business rules apply to reverse auctions, the proposed rule is intended to make it clear to contracting officials that there are no exceptions to SBA's small business regulations for reverse auctions. Thus, the ''rule of two,'' which directs whether a small business set-aside is appropriate, applies equally to reverse auctions as it does to regular procurement actions.

Processing Applications for HUBZone Certification (13 CFR 126.306)

SBA is proposing to amend § 126.306, which addresses how SBA processes HUBZone applications. SBA is clarifying that the burden to prove eligibility is on the small business applying for certification into the program. Finally, SBA is proposing to amend the regulation to state that SBA will process the application within 90 days, if practicable, to more accurately reflect the amount of time it takes to process a HUBZone application along with all of the documents needed to verify eligibility and to make that process consistent with the 8(a) BD application process.

Reconsideration of Decisions of SBA's OHA (13 CFR 134.227)

The proposed rule would add clarifying language to § 134.227(c) to permit SBA to file a request for reconsideration in an OHA proceeding in which it has not previously participated. This provision alters the rule expressed in *Size Appeal of Goel Services, Inc. and Grunley/Goel JVD LLC,* SBA No. SIZ–5356 (2012), which held SBA could not request reconsideration where SBA did not appear as a party in the original appeal.

Administrative Record in 8(a) Appeals (13 CFR 134.406)

The proposed rule incorporates language from a line of OHA cases regarding SBA 8(a) decisions and the administrative record. In reviewing 8(a) cases on appeal, SBA's regulations require the Administrative Law Judge to review SBA's decision to determine whether the Agency's determination is arbitrary, capricious, or contrary to law. As long as the Agency's determination is reasonable, the Administrative Law Judge must uphold it on appeal. OHA cases have stated that so long as SBA's path of reasoning may reasonably be discerned, OHA will uphold a decision of less than ideal clarity. *See, e.g., Matter of Alloy Specialties, Inc.,* No. SDBA–108 at 6 (1999). The proposed rule would include this language in the regulatory text of § 134.406 in order to more fully apprise the public how OHA must review an 8(a) case on appeal.

Compliance With Executive Orders 12866, 13563, 12988, and 13132, the Paperwork Reduction Act (44 U.S.C. Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this proposed rule is a significant regulatory action for purposes of Executive Order 12866. Accordingly, the next section contains SBA's Regulatory Impact Analysis. This is not a major rule, however, under the Congressional Review Act.

Regulatory Impact Analysis

1. Is there a need for the regulatory action?

The proposed regulations implement section 1347(b)(3) of the Small Business Jobs Act of 2010, Public Law 111–240, 124 Stat. 2504, which authorizes the Agency to establish mentor-protégé programs for SDVO SBCs, HUBZone SBCs, and WOSB concerns, modeled on the Agency's mentor-protégé program for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)). In addition, the proposed rule implements section 1641 of the NDAA, Public Law 112–239, which authorized SBA to establish a mentor-protégé program for all small business concerns. SBA is also updating its rules to clarify areas where small business concerns may have been confused or where OHA's interpretations of SBA rules do not conform to SBA's interpretation or intent.

2. What are the alternatives to this rule?

As noted above in the supplementary information, this rule proposes to implement the Jobs Act and NDAA authorities by creating one new mentor-protégé program for which any small

business could participate instead of implementing four new separate small business mentor-protégé programs (*i.e.,* having a separate mentor-protégé program for SDVO SBCs, HUBZone SBCs, WOSB concerns, and all other small business concerns, in addition to the current mentor-protégé program for 8(a) BD Participants). SBA proposed one program for all small businesses because SBA believed it would be easier for the small business and acquisition communities to use and understand. The statutory authority for this rule specifically mandates that the new mentor-protégé programs be modeled on the existing mentor-protégé program for small business concerns participating in the 8(a) BD program. Thus, to the extent practicable, SBA attempted to adopt the regulations governing the 8(a) mentor-protégé program in establishing the mentor-protégé program for SBCs.

3. What are the potential benefits and costs of this regulatory action?

The proposed regulatory action would enhance the ability of small business concerns to obtain larger prime contracts that would be normally out of the reach of these businesses. The proposed small business mentor-protégé program would allow all small businesses to tap into the expertise and capital of larger firms, which in turn would help small business concerns become more knowledgeable, stable, and competitive in the Federal procurement arena.

SBA estimates that under the proposed rule, approximately 2,000 SBCs, could become active in the proposed mentor-protégé program, and protégé firms may obtain Federal contracts totaling possibly $2 billion per year. SBA notes that these estimates represent an extrapolation from data on the percentage of 8(a) BD program participants with signed mentor-protégé agreements and joint venture agreements, and are based on the dollars awarded to SBCs in FY 2012 according to data retrieved from the Federal Procurement Data System—Next Generation (FPDS–NG). With SBCs able to compete for larger contracts and thus a greater number of contracts in general, Federal agencies may choose to set aside more contracts for competition among small businesses, SDVO SBCs, HUBZone SBCs, and WOSB concerns, rather than using full and open competition. The movement from unrestricted to set-aside contracting might result in competition among fewer total bidders, although there will be more small businesses eligible to submit offers. The added competition for many of these procurements could result in lower prices to the Government for procurements reserved for SBCs, HUBZone SBCs, WOSB concerns, and SDVO SBCs, although SBA cannot quantify this benefit. To the extent that more than two thousand SBCs could become active in the proposed mentor-protégé program, this might entail some additional administrative costs to the Federal Government associated with additional bidders for Federal small business procurement opportunities.

The proposed mentor-protégé program may have some distributional effects among large and small businesses. Although SBA cannot estimate with certainty the actual outcome of the gains and losses among small and large businesses, it can identify several probable impacts. There may be a transfer of some Federal contracts from large businesses to SBC protégés. Large businesses may have fewer Federal prime contract opportunities as Federal agencies decide to set aside more Federal contracts for SBCs, SDVO SBCs, HUBZone SBCs, and WOSB concerns. In addition, some Federal contracts may be awarded to HUBZone protégés instead of large businesses since these firms may be eligible for an evaluation adjustment for contracts when they compete on a full and open basis. This transfer may be offset by a greater number of contracts being set aside for small businesses, SDVO SBCs, HUBZone SBCs, and WOSB concerns. SBA cannot estimate the potential distributional impacts of these transfers with any degree of precision.

The proposed mentor-protégé program is consistent with SBA's statutory mandate to assist small businesses, and this regulatory action promotes the Administration's objectives. One of SBA's goals in support of the Administration's objectives is to help individual small businesses, including SDVO SBCs, HUBZone SBCs, and WOSB concerns, succeed through fair and equitable access to capital and credit, Federal contracts, and management and technical assistance.

Executive Order 13563

A description of the need for this regulatory action and the benefits and costs associated with this action, including possible distributional impacts that relate to Executive Order 13563, is included above in the Regulatory Impact Analysis under

Executive Order 12866

In an effort to engage interested parties in this action, SBA met with representatives from various agencies to obtain their feedback on SBA's proposed mentor-protégé program. For example, SBA participated in a government-wide meeting involving Office of Small and Disadvantaged Business Utilization (OSDBU) representatives responsible for mentor-protégé programs in their respective agencies. It was generally agreed upon that SBA's proposed mentor-protégé program would complement the already existing Federal programs due in part to the differing incentives offered to the mentors under the various programs. SBA also presented proposed small business mentor-protégé programs to businesses in thirteen cities in the U.S. and sought their input as part of the Jobs Act tours. In developing this proposed rule, SBA considered all input, suggestions, recommendations, and relevant information obtained from industry groups, individual businesses, and Federal agencies.

Executive Order 12988

For purposes of Executive Order 12988, SBA has drafted this proposed rule, to the extent practicable, in accordance with the standards set forth in sections 3(a) and 3(b)(2) of that Executive Order, to minimize litigation, eliminate ambiguity, and reduce burden. This rule has no preemptive or retroactive effect.

Executive Order 13132

For the purpose of Executive Order 13132, SBA has determined that this proposed rule 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. Therefore, SBA has determined that this proposed rule has no federalism implications warranting preparation of a federalism assessment.

Paperwork Reduction Act

For purposes of the Paperwork Reduction Act, 44 U.S.C. Chapter 35, SBA has determined that this proposed rule would impose new reporting requirements. These proposed collections of information include the following: (1) Information necessary for SBA to evaluate the success of a mentor-protégé relationship; (2) information necessary for SBA to determine whether a prospective mentor possesses a good financial condition (*i.e.,* whether the mentor is capable of carrying out its responsibilities to assist the protégé firm under the proposed mentor-protégé agreement); (3) information necessary for SBA to evaluate compliance with

performance of work requirements; and (4) information detailing the proposed relationship between the mentor and protégé.

Finally, the proposed rule also amends an existing information collection (SBA Form 1450, 8(a) Annual Update—OMB Control Number 3245–0205) by making a minor change to the benefits reporting schedule from the time of an 8(a) Participant's annual review submission to when the Participant submits its financial statement as required by § 124.602; specifically, within 120 days after the close of the Participant's fiscal year. There are no substantive changes to the information to be submitted.

The title, summary of each information collection, description of respondents, and an estimate of the reporting burden are discussed below. Included in the estimate is the time for reviewing instructions, searching existing data needed, and completing and reviewing each collection of information.

1. *Title and Description:* Mentor-protégé annual report [Form number to be determined]. Protégés participating in the proposed small business mentor-protégé program would be required to submit to SBA annual reports on their mentor-protégé relationships. The information to be included in these annual reports is the same type of information that is currently required of protégés participating in SBA's 8(a) Business Development program, and as such would be modeled on the mentor-protégé annual reporting requirements in Attachment B of SBA Form 1450 (OMB Control Number 3245–0205). Such information includes identification of the technical, management and/or financial assistance provided by mentors to protégés; and a description of how that assistance has impacted the development of the protégés.

Need and Purpose: This information collection is necessary for SBA to, among other things, evaluate whether and to what extent the protégés are benefiting from the relationship and determine whether to approve the continuation of the mentor-protégé agreement or take other actions as necessary to protect against fraud, waste, or abuse in SBA's mentor-protégé programs.

OMB Control Number: New Collection.

Description of and Estimated Number of Respondents: This information will be collected from small business protégés pursuant to proposed § 125.9(g). SBA estimates this number to be 2,000.

Estimated Response Time: 2 hours.

Total Estimated Annual Hour Burden: 4,000.

2. *Title and Description:* Mentor financial information [Form number to be determined]. The proposed rule requires concerns seeking to benefit from the proposed small business mentor-protégé program as mentors to submit to SBA information to demonstrate that they possess a good financial condition, including either copies of Federal tax returns or audited financial statements, or, if applicable, filings required by the Securities and Exchange Commission.

Need and Purpose: The information requested is necessary for SBA to determine whether prospective mentors are in good financial condition and capable of providing assistance to protégés and enhance their ability to successfully compete for Federal contracts. SBA believes that any additional burden imposed by this requirement would be minimal since the firms would maintain the information in their general course of business.

OMB Control Number: New Collection.

Description of and Estimated Number of Respondents: Pursuant to proposed § 125.9(b)(2), this information will be collected from concerns seeking to benefit as mentors from SBA's mentor-protégé programs under proposed § 125.9. SBA estimates this number to be 600.

Estimated Response Time: 1 hour.

Total Estimated Annual Hour Burden: 600.

3. *Title and Description:* Joint venture performance of work report [Form number to be determined]. The proposed rule imposes a requirement on SBC joint venture partners to submit to SBA annually performance of work reports demonstrating their compliance with performance of work requirements. SBA requests comments addressing possible formats with which the information should be transmitted to SBA.

Need and Purpose: This requirement will greatly enhance SBA's ability to monitor compliance with performance of work requirements in its effort to reduce fraud, waste, and abuse. SBA believes that any additional burden imposed by this recordkeeping requirement would be minimal because firms are already required to track their compliance with the performance of work requirements.

OMB Control Number: New Collection.

Description and Estimated Number of Respondents: This information will be collected from SBC, SDVO SBC, HUBZone SBC, and WOSB joint venture partners under proposed § 125.8(h), § 125.18(b), proposed § 126.616(i), and proposed § 127.506(j). SBA estimates this number to be 2,000.

Estimated Response Time: 1 hour.

Total Estimated Annual Hour Burden: 2,000.

4. *Title and Description:* Mentor-protégé agreement [no SBA form number]. As proposed, the agreement between a mentor and protégé would include an assessment of the protégé's needs and goals; a description of the how the mentor intends to assist protégé in meeting its goals; and the timeline for delivery of such assistance.

Need and Purpose: The agreement must be submitted to SBA for review and approval, to help the Agency to determine whether the proposed assistance would enhance the development of the protégé and not merely further the interest of the mentor. The information would also be beneficial to SBA's efforts to reduce fraud, waste, and abuse in federal contracting programs.

OMB Control Number: New Collection.

Description and Estimated Number of Respondents: This information will be collected from small business protégés pursuant to proposed § 125.9(e). SBA estimates this number to be 2,000.

Estimated Response Time: 1 hour.

Total Estimated Annual Hour Burden: 2,000.

SBA requests comments on how these requirements could best be implemented without imposing an undue burden on firms that wish to participate in SBA's small business mentor-protégé program. In addition, SBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of SBA's functions, including whether the information will have a practical utility; (2) the accuracy of SBA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Regulatory Flexibility Act 5 U.S.C., 601–612

Under the Regulatory Flexibility Act (RFA), this proposed rule may have a significant impact on a substantial

number of small businesses. Immediately below, SBA sets forth an initial regulatory flexibility analysis (IRFA) addressing the impact of the proposed rule in accordance with section 603, Title 5, of the United States Code. The IRFA examines the objectives and legal basis for this proposed rule; the kind and number of small entities that may be affected; the projected recordkeeping, reporting, and other requirements; whether there are any Federal rules that may duplicate, overlap, or conflict with this proposed rule; and whether there are any significant alternatives to this proposed rule.

1. What are the need for and objective of the rule?

This proposed regulatory action would implement section 1347(b)(3) of the Small Business Jobs Act of 2010, Public Law 111–240, and section 1641 of the National Defense Authorization Act for Fiscal Year 2013 (NDAA), Public Law 112–239. As discussed above, the Small Business Jobs Act tasked the Agency with establishing mentor-protégé programs for SDVO SBCs, HUBZone SBCs, and WOSB concerns, modeled on the Agency's mentor-protégé program for small business concerns participating in programs under section 8(a) of the Small Business Act (13 U.S.C. 637(a)), commonly known as the 8(a) Business Development program. Similarly, section 1641 of NDAA authorized SBA to establish a mentor-protégé program for all small business concerns that is identical to the 8(a) BD mentor-protégé program, except that SBA may modify the program to the extent necessary given the types of small business concerns included as protégés.

2. What are SBA's description and estimate of the number of small entities to which the rule will apply?

If the proposed rule is adopted in its present form, the rule would be applicable to all small business concerns participating in the Federal procurement market that seek to form mentor/protégé relationships. SBA estimates this number to be between twenty and thirty thousand, which represents between five and nine percent of total firms in the small business community, based on the number of small business concerns listed in the Dynamic Small Business Search database.

3. What are the projected reporting, recordkeeping, and other compliance requirements of the rule and an estimate of the classes of small entities which will be subject to the requirements?

The proposed rule imposes the following reporting and recordkeeping requirements: (1) Information necessary for SBA to evaluate the success of a mentor-protégé relationship; (2) information necessary for SBA to determine whether a prospective mentor possesses a good financial condition; and (3) information necessary for SBA to evaluate compliance with performance of work requirements. SDVO SBC, HUBZone SBC, and WOSB joint venture partners would be required to submit to SBA performance of work reports demonstrating their compliance with performance of work requirements. SBA estimates this number to be approximately 2,000.

The Paperwork Reduction Act requirements are addressed further above. SBA welcomes any comments on the requirements described.

4. What are the relevant Federal rules which may duplicate, overlap or conflict with the rule?

Thirteen Federal agencies, including SBA, currently offer mentor-protégé programs aimed at assisting small businesses to gain the technical and business skills necessary to successfully compete in the Federal procurement market. While the mentor-protégé programs offered by other agencies share SBA's goal of increasing the participation of small businesses in Government contracts, the other Federal mentor-protégé programs are structured differently than SBA's proposed mentor-protégé programs, particularly in terms of the incentives offered to mentors. For example, some agencies offer additional points to a bidder who has a signed mentor-protégé agreement in place, while other agencies offer the benefit of reimbursing mentors for certain costs associated with protégés' business development. SBA, as the agency authorized to determine small business size status, is uniquely qualified to offer mentor-protégé program participants the distinctive benefit of an exclusion from affiliation. Thus, SBA believes that the small business mentor-protégé program proposed by this rule would complement rather than duplicate, overlap or conflict with the existing Federal mentor-protégé programs by offering to small businesses an additional and unique avenue through which to enhance their Federal procurement capabilities.

5. What alternatives will allow the Agency to accomplish its regulatory objectives while minimizing the impact on small entities?

Section 1347(b)(3) of the Jobs Act authorizes SBA to establish mentor-protégé programs for SDVO SBCs, HUBZone SBCs, and WOSB concerns, modeled on the Agency's mentor-protégé program for small business concerns participating in the 8(a) BD program. Section 1641 of the NDAA authorized SBA to establish a mentor-protégé program for all small business concerns. An alternative to implementing one small business mentor-protégé program would be to implement the various mentor-protégé programs separately in each of the specific substantive area regulations (*i.e.,* SDVO, HUBZone, WOSB, 8(a), and small business).

List of Subjects

13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Individuals with disabilities, Loan programs—business, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 124

Administrative practice and procedures, Government procurement, Hawaiian natives, Indians—business and finance, Minority businesses, Reporting and recordkeeping requirements, Tribally-owned concerns, Technical assistance.

13 CFR Part 125

Government contracts, Government procurement, Reporting and recordkeeping requirements, Small businesses, Technical assistance.

13 CFR Part 126

Administrative practice and procedure, Government procurement, Penalties, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 127

Government procurement, Reporting and recordkeeping requirements, Small businesses.

13 CFR Part 134

Administrative practice and procedure, Organization and functions (Government agencies).

For the reasons set forth in the preamble, SBA proposes to amend 13 CFR parts 121, 124, 125, 126, 127, and 134 as follows:

PART 121—SMALL BUSINESS SIZE REGULATIONS

■ 1. The authority citation for 13 CFR part 121 continues to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 636(b), 662, and 694a(9).

■ 2. Amend § 121.103 by revising paragraphs (b)(2)(ii), (b)(6), the last two sentences of the introductory text of paragraph (h), and paragraph (h)(3)(ii) to read as follows.

§ 121.103 How does SBA determine affiliation?

* * * * *

(b) * * *

(2) * * *

(ii) Business concerns owned and controlled by Indian Tribes, ANCs, NHOs, CDCs, or wholly-owned entities of Indian Tribes, ANCs, NHOs, or CDCs are not considered to be affiliated with other concerns owned by these entities because of their common ownership or common management. In addition, affiliation will not be found based upon the performance of common administrative services so long as adequate payment is provided for those services. Affiliation may be found for other reasons.

(A) Common administrative services which are subject to the exception to affiliation include, bookkeeping, payroll, recruiting, other human resource support, cleaning services, and other duties which are otherwise unrelated to contract performance or management and can be reasonably pooled or otherwise performed by a holding company or parent entity without interfering with the control of the subject firm.

(B) Contract administration services include both services that could be considered ''common administrative services'' under the exception to affiliation and those that could not.

(1) Contract administration services that encompass actual and direct day-to-day oversight and control of the performance of a contract/project are not shared common administrative services, and would include tasks or functions such as negotiating directly with the government agency regarding proposal terms, contract terms, scope and modifications, project scheduling, hiring and firing of employees, and overall responsibility for the day-to-day and overall project and contract completion.

(2) Contract administration services that are administrative in nature may constitute administrative services that can be shared, and would fall within the exception to affiliation. These administrative services include tasks such as record retention not related to a specific contract (*e.g.,* employee time and attendance records), maintenance of databases for awarded contracts, monitoring for regulatory compliance, template development, and assisting accounting with invoice preparation as needed.

(C) Business development may include both services that could be considered ''common administrative services'' under the exception to affiliation and those that could not. Efforts at the holding company or parent level to identify possible procurement opportunities for specific subsidiary companies may properly be considered ''common administrative services'' under the exception to affiliation. However, at some point the opportunity identified by the holding company's or parent entity's business development efforts becomes concrete enough to assign to a subsidiary and at that point the subsidiary must be involved in the business development efforts for such opportunity. At the proposal or bid preparation stage of business development, the appropriate subsidiary company for the opportunity has been identified and a representative of that company must be involved in preparing an appropriate offer. This does not mean to imply that one or more representatives of a holding company or parent entity cannot also be involved in preparing an offer. They may be involved in assisting with preparing the generic part of an offer, but the specific subsidiary that intends to ultimately perform the contract must control the technical and contract specific portions of preparing an offer. In addition, once award is made, employee assignments and the logistics for contract performance must be controlled by the specific subsidiary company and should not be performed at a holding company or parent entity level.

* * * * *

(6) A firm that has an SBA-approved mentor-protégé agreement authorized under § 124.520 or § 125.9 of this chapter is not affiliated with its mentor firm solely because the protégé firm receives assistance from the mentor under the agreement. Similarly, a protégé firm is not affiliated with its mentor solely because the protégé firm receives assistance from the mentor under a federal mentor-protégé program where an exception to affiliation is specifically authorized by statute or by SBA under the procedures set forth in § 121.903. Affiliation may be found in either case for other reasons as set forth in this section.

* * * * *

(h) * * * For purposes of this provision and in order to facilitate tracking of the number of contract awards made to a joint venture, a joint venture: must be in writing and must do business under its own name; may be in the form of a formal or informal partnership or exist as a separate limited liability company or other separate legal entity; and, if it exists as a formal separate legal entity, may not be populated with individuals intended to perform contracts awarded to the joint venture (*i.e.,* the joint venture may have its own separate employees to perform administrative functions, but may not have its own separate employees to perform contracts awarded to the joint venture). SBA may also determine that the relationship between a prime contractor and its subcontractor is a joint venture, and that affiliation between the two exists, pursuant to paragraph (h)(5) of this section.

* * * * *

(3) * * *

(ii) Two firms approved by SBA to be a mentor and protégé under § 125.9 of this chapter may joint venture as a small business for any Federal government prime contract or subcontract, provided the protégé qualifies as small for the size standard corresponding to the NAICS code assigned to the procurement, and the joint venture meets the requirements of § 125.18(b)(2) and (3), § 126.616(c) and (d), or § 127.506(c) and (d) of this chapter, as appropriate.

* * * * *

§ 121.406 [Amended]

■ 3. Amend § 121.406(b)(5) introductory text by removing the phrase ''paragraph (b)(1)(iii)'' and adding in its place the phrase ''paragraph (b)(1)(iv).''

■ 4. Amend § 121.1001 by redesignating paragraph (b)(10) as paragraph (b)(11) and by adding a new paragraph (b)(10) to read as follows:

§ 121.1001 Who may initiate a size protest or request a formal size determination?

* * * * *

(b) * * *

(10) A firm seeking to establish a mentor-protégé relationship pursuant to § 125.9 of this chapter (based on its status as a small business for its primary NAICS code) may request a formal size determination in order to verify its eligibility as a protégé firm.

* * * * *

PART 124—8(a) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS

■ 5. The authority citation for part 124 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(j), 637(a), and 637(d); Pub. L. 99–661; Pub. L. 100–656, sec. 1207; Pub. L. 101–37; Pub. L. 101–574, section 8021; Pub. L. 108–87; and 42 U.S.C. 9815.

■ 6. Amend § 124.103 as follows:
■ a. Add a sentence at the end of paragraph (c)(1);
■ b. Revise paragraph (c)(2)(ii);
■ c. Redesignate paragraph (c)(2)(iii) as (c)(2)(iv);
■ d. Add a new paragraph (c)(2)(iii);
■ e. Revise the introductory text of newly redesignated paragraph (c)(2)(iv); and
■ d. Add paragraphs (c)(3) through (6).

The additions and revisions read as follows:

§ 124.103 Who is socially disadvantaged?

* * * * *

(c) * * * (1) * * * Such individual should present corroborating evidence to support his or her claim(s) of social disadvantage where readily available.

(2) * * *

(ii) The individual's social disadvantage must be rooted in treatment which he or she has experienced in American society, not in other countries;

(iii) The individual's social disadvantage must be chronic and substantial, not fleeting or insignificant; and

(iv) The individual's social disadvantage must have negatively impacted on his or her entry into or advancement in the business world. SBA will consider any relevant evidence in assessing this element, including experiences relating to education, employment and business history (including experiences relating to both the applicant firm and any other previous firm owned and/or controlled by the individual), where applicable.

* * * * *

(3) An individual claiming social disadvantage must present facts and evidence that by themselves establish that the individual has suffered social disadvantage that has negatively impacted his or her entry into or advancement in the business world.

(i) Each instance of alleged discriminatory conduct must be accompanied by a negative impact on the individual's entry into or advancement in the business world in order for it to constitute an instance of social disadvantage.

(ii) SBA may disregard a claim of social disadvantage where a legitimate alternative ground for an adverse employment action or other perceived adverse action exists and the individual has not presented evidence that would render his/her claim any more likely than the alternative ground.

Example 1 to paragraph (c)(3)(ii). A woman who is not a member of a designated group attempts to establish her individual social disadvantage based on gender. She certifies that while working for company X, she received less compensation than her male counterpart. Without additional facts, that claim is insufficient to establish an incident of gender bias that could lead to a finding of social disadvantage. Without additional facts, it is no more likely that the individual claiming disadvantage was paid less than her male counterpart because he had superior qualifications or because he had greater responsibilities in his employment position. She must identify her qualifications (education, experience, years of employment, supervisory functions) as being equal or superior to that of her male counterpart in order for SBA to consider that particular incident may be the result of discriminatory conduct.

Example 2 to paragraph (c)(3)(ii). A woman who is not a member of a designated group attempts to establish her individual social disadvantage based on gender. She certifies that while working for company Y, she was not permitted to attend a professional development conference, even though male employees were allowed to attend similar conferences in the past. Without additional facts, that claim is insufficient to establish an incident of gender bias that could lead to a finding of social disadvantage. It is no more likely that she was not permitted to attend the conference based on gender bias than based on non-discriminatory reasons. She must identify that she was in the same professional position and level as the male employees who were permitted to attend similar conferences in the past, and she must identify that funding for training or professional development was available at the time she requested to attend the conference.

(iii) SBA may disregard a claim of social disadvantage where an individual presents evidence of discriminatory conduct, but fails to connect the discriminatory conduct to consequences that negatively impact his or her entry into or advancement in the business world.

Example to paragraph (c)(3)(iii). A woman who is not a member of a designated group attempts to establish her individual social disadvantage based on gender. She provides instances where one or more male business clients utter derogatory statements about her because she is a woman. After each instance, however, she acknowledges that the clients gave her contracts or otherwise continued to do business with her. Despite suffering discriminatory conduct, this individual has not established social disadvantage because the discriminatory conduct did not have an adverse effect on her business.

(4) SBA may request an applicant to provide additional facts to support his or her claim of social disadvantage to substantiate that a negative outcome was based on discriminatory conduct instead of one or more legitimate non-discriminatory reasons.

(5) SBA will discount or disbelieve statements made by an individual seeking to establish his or her individual social disadvantage where such statements are inconsistent with other evidence contained in the record.

(6) In determining whether an individual claiming social disadvantage meets the requirements set forth in paragraph (c) of this section, SBA will determine whether:

(i) Each specific claim establishes an incident of bias or discriminatory conduct;

(ii) Each incident of bias or discriminatory conduct negatively impacted the individual's entry into or advancement in the business world; and

(iii) In the totality, the incidents of bias or discriminatory conduct that negatively impacted the individual's entry into or advancement in the business world establish chronic and substantial social disadvantage.

* * * * *

■ 7. Amend § 124.105 by revising the introductory text of paragraph (h)(2) to read as follows:

§ 124.105 What does it mean to be unconditionally owned by one or more disadvantaged individuals?

* * * * *

(h) * * *

(2) A non-Participant concern in the same or similar line of business or a principal of such concern may not own more than a 10 percent interest in a Participant that is in the developmental stage or more than a 20 percent interest in a Participant in the transitional stage of the program, except that a former Participant in the same or similar line of business or a principal of such a former Participant (except those that have been terminated from 8(a) BD program participation pursuant to §§ 124.303 and 124.304) may have an equity ownership interest of up to 20 percent in a current Participant in the developmental stage of the program or up to 30 percent in a transitional stage Participant.

* * * * *

§ 124.108 [Amended]

■ 8. Amend § 124.108 by removing ''10 percent'' in paragraph (a)(4) and adding in its place ''20 percent.''

■ 9. Amend § 124.109 by adding paragraphs (c)(2)(iv) and (c)(4)(iii) to read as follows:

§ 124.109 Do Indian tribes and Alaska Native Corporations have any special rules for applying to the 8(a) BD program?

* * * * *

(c) * * *

(2) * * *

(iv) In determining whether a tribally-owned concern has obtained, or is likely to obtain, a substantial unfair competitive advantage within an industry category, SBA will examine the firm's participation in the relevant six digit NAICS code nationally as compared to the overall small business share of that industry.

(A) SBA will consider the firm's percentage share of the national market and other relevant factors to determine whether the firm is dominant in a specific six-digit NAICS code with a particular size standard.

(B) SBA does not contemplate a finding of affiliation where a tribally-owned concern appears to have obtained an unfair competitive advantage in a local market, but remains competitive, but not dominant, on a national basis.

* * * * *

(4) * * *

(iii) The individuals responsible for the management and daily operations of a tribally-owned concern cannot manage more than two Program Participants at the same time.

(A) An individual's officer position, membership on the board of directors or position as a tribal leader does not necessarily imply that the individual is responsible for the management and daily operations of a given concern. SBA looks beyond these corporate formalities and examines the totality of the information submitted by the applicant to determine which individual(s) manage the actual day-to-day operations of the applicant concern.

(B) Officers, board members, and/or tribal leaders may control a holding company overseeing several tribally-owned or ANC-owned companies, provided they do not actually control the day-to-day management of more than two current 8(a) BD Program Participant firms.

* * * * *

■ 10. Amend § 124.110 as follows:

■ a. Add a sentence to the end of the introductory text of paragraph (b);

■ b. Add paragraphs (b)(1) and (2);

■ c. Revise paragraph (d);

■ d. Redesignate paragraph (g) as paragraph (h); and

■ e. Add a new paragraph (g).

The additions and revisions read as follows:

§ 124.110 Do Native Hawaiian Organizations have any special rules for applying to the 8(a) BD program?

* * * * *

(b) * * * In determining whether an NHO-owned concern has obtained, or is likely to obtain, a substantial unfair competitive advantage within an industry category, SBA will examine the firm's participation in the relevant six digit NAICS code nationally.

(1) SBA will consider the firm's percentage share of the national market and other relevant factors to determine whether the firm is dominant in a specific six-digit NAICS code with a particular size standard.

(2) SBA does not contemplate a finding of affiliation where an NHO-owned concern appears to have obtained an unfair competitive advantage in a local market, but remains competitive, but not dominant, on a national basis.

* * * * *

(d) An NHO must control the applicant or Participant firm. To establish that it is controlled by an NHO, an applicant or Participant must demonstrate that the NHO controls its board of directors, managing members, managers or managing partners.

(1) The NHO need not possess the technical expertise necessary to run the NHO-owned applicant or Participant firm. The NHO must have managerial experience of the extent and complexity needed to run the concern. Management experience need not be related to the same or similar industry as the primary industry classification of the applicant or Participant.

(2) An individual responsible for the day-to-day management of an NHO-owned firm need not establish personal social and economic disadvantage.

* * * * *

(g) An NHO-owned firm's eligibility for 8(a) BD participation is separate and distinct from the individual eligibility of the NHO's members, directors, or managers.

(1) The eligibility of an NHO-owned concern is not affected by the former 8(a) BD participation of one or more of the NHO's individual members.

(2) In determining whether an NHO is economically disadvantaged, SBA may consider the individual economic status of an NHO member or director even if the member or director previously used his or her disadvantaged status to qualify an individually owned 8(a) applicant or Participant.

* * * * *

■ 11. Amend § 124.111 by adding a sentence to the end of the introductory text of paragraph (c), and by adding paragraphs (c)(1) and (2) to read as follows:

§ 124.111 Do Community Development Corporations (CDCs) have any special rules for applying to the 8(a) BD program?

* * * * *

(c) * * * In determining whether a CDC-owned concern has obtained, or is likely to obtain, a substantial unfair competitive advantage within an industry category, SBA will examine the firm's participation in the relevant six digit NAICS code nationally.

(1) SBA will consider the firm's percentage share of the national market and other relevant factors to determine whether the firm is dominant in a specific six-digit NAICS code with a particular size standard.

(2) SBA does not contemplate a finding of affiliation where a CDC-owned concern appears to have obtained an unfair competitive advantage in a local market, but remains competitive, but not dominant, on a national basis.

* * * * *

■ 12. Amend § 124.112 by designating the text of paragraph (e) as paragraph (e)(1), and adding paragraph (e)(2) to read as follows:

§ 124.112 What criteria must a business meet to remain eligible to participate in the 8(a) BD program?

* * * * *

(e) *Change in primary industry classification.* (1) * * *

(2) SBA may change the primary industry classification contained in a Participant's business plan where the greatest portion of the Participant's total revenues during a three-year period have evolved from one NAICS code to another. As part of its annual review, SBA will consider whether the primary NAICS code contained in a Participant's business plan continues to be appropriate.

(i) Where SBA believes that the primary industry classification contained in a Participant's business plan does not match the Participant's actual revenues over the Participant's most recently completed three fiscal years, SBA may notify the Participant of its intent to change the Participant's primary industry classification.

(ii) A Participant may challenge SBA's intent to change its primary industry classification by demonstrating why it believes the primary industry classification contained in its business plan continues to be appropriate, despite an increase in revenues in a secondary NAICS code beyond those

received in its designated primary industry classification.

* * * * *

■ 13. Amend § 124.305 by removing the ''.'' at the end of paragraph (h)(1)(ii) and adding in its place ''; or'', adding paragraphs (h)(1)(iii) and (h)(1)(iv), designating paragraph (h)(5) as (h)(6) and adding a new paragraph (h)(5) to read as follows:

§ 124.305 What is suspension and how is a Participant suspended from the 8(a) BD program?

* * * * *

(h)(1) * * *

(iii) A Participant has a principal place of business located in a Federally declared disaster area and elects to suspend its participation in the 8(a) BD program for a period of up to one-year from the date of the disaster declaration to allow the firm to recover from the disaster and take full advantage of the program. A Participant that elects to be suspended may request that the suspension be lifted prior to the end date of the original request; or

(iv) Federal appropriations for one or more federal departments or agencies have lapsed, SBA has previously accepted an offer for a sole source 8(a) award on behalf of the Participant, award is pending, and the Participant elects to suspend its participation in the 8(a) BD program during the lapse in federal appropriations.

* * * * *

(5) Where a Participant is suspended pursuant to (h)(1)(iv) of this section, the Participant must notify SBA when the lapse in appropriation ends so that SBA can immediately lift the suspension. When the suspension is lift, the length of the suspension will be added to the concern's program term.

* * * * *

■ 14. Amend § 124.501 by revising the first sentence of paragraph (a) and by adding two sentences to the end of paragraph (b) to read as follows:

§ 124.501 What general provisions apply to the award of 8(a) contracts?

(a) Pursuant to section 8(a) of the Small Business Act, SBA is authorized to enter into all types of contracts with other Federal agencies regardless of the place of performance, including contracts to furnish equipment, supplies, services, leased real property, or materials to them or to perform construction work for them, and to contract the performance of these contracts to qualified Participants.

* * *

(b) * * * In addition, for multiple award contracts not set-aside for the 8(a) BD program, a procuring agency may set-aside specific orders to be competed only among eligible 8(a) Participants, regardless of the place of performance. Such an order may be awarded as an 8(a) award where the order was offered to and accepted by SBA as an 8(a) award and the order specifies that the performance of work and/or non-manufacturer rule requirements apply as appropriate.

* * * * *

■ 15. Amend § 124.513 as follows:

■ a. Add paragraph (b)(4);

■ b. Revise paragraphs (c)(2), (d) and (e)(1);

■ c. Add paragraphs (e)(2)(iii) and (e)(3);

■ d. Redesignate paragraphs (f), (g), (h) and (i) as paragraphs (g), (h), (i) and (k), respectively;

■ e. Add new paragraph (f);

■ f. Revise newly redesignated paragraphs (g) and (i); and

■ g. Add paragraph (j) and (l).

The additions and revisions read as follows:

§ 124.513 Under what circumstances can a joint venture be awarded an 8(a) contract?

* * * * *

(b) * * *

(4) SBA approval of a joint venture agreement pursuant to paragraph (e) of this section does not equate to a formal size determination. As such, despite SBA's approval of a joint venture, the size status of a joint venture that is the apparent successful offeror for a competitive 8(a) contract may be protested pursuant to § 121.1001(a)(2) of this chapter. *See* § 124.517(b).

(c) * * *

(2) Designating an 8(a) Participant as the managing venturer of the joint venture and an employee of an 8(a) Participant as the project manager responsible for performance of the contract.

* * * * *

(d) *Performance of work.* (1) For any 8(a) contract, including those between a protégé and a mentor authorized by § 124.520, the joint venture must perform the applicable percentage of work required by § 124.510 of this chapter.

(2) The 8(a) partner(s) to the joint venture must perform at least 40% of the work performed by the joint venture.

(i) The work performed by the 8(a) partner(s) to a joint venture must be more than administrative or ministerial functions so that the 8(a) partners gain substantive experience.

(ii) The amount of work done by the partners will be aggregated and the work done by the 8(a) partner(s) must be at least 40% of the total done by all partners. In determining the amount of work done by a non-8(a) partner, all work done by the non-8(a) partner and any of its affiliates at any subcontracting tier will be counted.

(e) * * * (1) SBA must approve a joint venture agreement prior to the award of an 8(a) contract on behalf of the joint venture. A Participant may submit a joint venture agreement to SBA for approval at any time, whether or not in connection with a specific 8(a) procurement.

(2) * * *

(iii) If a second or third contract to be awarded a joint venture is not an 8(a) contract, the Participant would not have to submit an addendum setting forth contract performance for the non-8(a) contract(s) to SBA for approval.

(3) Where a joint venture has been established and approved by SBA without a corresponding specific 8(a) contract award (including where a joint venture is established in connection with a blanket purchase agreement (BPA), basic agreement (BA), or basic ordering agreement (BOA)), the Participant must submit an addendum to the joint venture agreement, setting forth the performance requirements, to SBA for approval for each of the three 8(a) contracts authorized to be awarded to the joint venture. In the case of a BPA, BA or BOA, each order issued under the agreement would count as a separate contract award, and SBA would need to approve the addendum for each order prior to award of the order to the joint venture.

(f) *Past performance.* When evaluating the past performance of an entity submitting an offer for an 8(a) contract as a joint venture approved by SBA pursuant to this section, a procuring activity must consider work done individually by each partner to the joint venture as well as any work done by the joint venture itself previously.

(g) *Contract execution.* Where SBA has approved a joint venture, the procuring activity will execute an 8(a) contract in the name of the joint venture entity or the 8(a) Participant, but in either case will identify the award as one to an 8(a) joint venture or an 8(a) mentor-protégé joint venture, as appropriate.

* * * * *

(i) *Inspection of records.* The joint venture partners must allow SBA's authorized representatives, including representatives authorized by the SBA Inspector General, during normal business hours, access to its files to inspect and copy all records and documents.

(j) *Certification of compliance.* Prior to the performance of any 8(a) contract by a joint venture, the 8(a) BD

Participant to the joint venture must submit a written certification to the contracting officer and SBA, signed by an authorized official of each partner to the joint venture, stating as follows:

(i) The parties have entered into a joint venture agreement that fully complies with paragraph (c) of this section;

(ii) The parties will perform the contract in compliance with the joint venture agreement and with the performance of work requirements set forth in paragraph (d) of this section.

(iii) The parties have obtained SBA's approval of the joint venture agreement and any addendum to that agreement and that there have been no modifications to the agreement that SBA has not approved.

* * * * *

(l) *Basis for suspension or debarment.* The Government may consider the following as a ground for suspension or debarment as a willful violation of a regulatory provision or requirement applicable to a public agreement or transaction:

(1) Failure to enter a joint venture agreement that complies with paragraph (c) of this section;

(2) Failure to perform a contract in accordance with the joint venture agreement or performance of work requirements in paragraph (d) of this section; or

(3) Failure to submit the certification required by paragraph (e) of this section or comply with paragraph (i) of this section.

■ 16. Amend § 124.520 as follows:

■ a. Remove the words ''or non-profit entity'' from the first sentence of the introductory text of paragraph (b) and from the second sentence of paragraph (b)(2);

■ b. Revise the last sentence of paragraph (b)(2);

■ c. Revise paragraph (c)(1);

■ d. Revise paragraph (d)(1)(iii);

■ e. Redesignate paragraphs (e)(2) through(e)(5) as paragraphs (e)(3) through (e)(6), respectively; and

■ f. Add a new paragraph (e)(2) and add paragraphs (e)(7), and (e)(8).

The revisions and additions read as follows:

§ 124.520 What are the rules governing SBA's 8(a) mentor-protégé program?

* * * * *

(b) * * *

(2) * * * Under no circumstances will a mentor be permitted to have more than three protégés at one time in the aggregate under the mentor-protégé programs authorized by §§ 124.520 and 125.9 of this chapter.

* * * * *

* * * * *

(c) * * * (1) In order to initially qualify as a protégé firm, a concern must:

(i) Qualify as small for the size standard corresponding to its primary NAICS code; and

(ii) Demonstrate how the business development assistance to be received through its proposed mentor-protégé relationship would advance the goals and objectives set forth in its business plan.

* * * * *

(d) * * *

(1) * * *

(iii) Once a protégé firm graduates or otherwise leaves the 8(a) BD program or grows to be other than small for its primary NAICS code, it will not be eligible for any further 8(a) contracting benefits from its 8(a) BD mentor-protégé relationship. Leaving the 8(a) BD program, growing to be other than small for its primary NAICS code, or terminating the mentor-protégé relationship while a protégé is still in the program, does not, however, generally affect contracts previously awarded to a joint venture between the protégé and its mentor. A protégé firm that graduates or otherwise leaves the 8(a) BD program but continues to qualify as a small business may transfer its 8(a) mentor-protégé relationship to a small business mentor-protégé relationship.

(A) A joint venture between a protégé firm that continues to qualify as small and its mentor may certify its status as small for any Government contract or subcontract so long as the protégé (and/or the joint venture) has not been determined to be other than small for the size standard corresponding to the procurement at issue (or any lessor size standard).

(B) Where the protégé firm no longer qualifies as small, the receipts and/or employees of the protégé and mentor would generally be aggregated in determining the size of any joint venture between the mentor and protégé after that date.

(C) Except for contracts with durations of more than five years (including options), a contract awarded to a joint venture between a protégé and a mentor as a small business continues to qualify as an award to small business for the life of that contract and the joint venture remains obligated to continue performance on that contract.

(D) For contracts with durations of more than five years (including options), where size re-certification is required no more than 120 days prior to the end of the fifth year of the contract and no more than 120 days prior to exercising any option thereafter, once the protégé firm no longer qualifies as small for its primary NAICS code, the joint venture must aggregate the receipts/employees of the partners to the joint venture in determining whether it continues to qualify as and can re-certify itself to be a small business under the size standard corresponding to the NAICS code assigned to that contract. The rules set forth in § 121.404(g)(3) of this chapter apply in such circumstances.

* * * * *

(e) * * *

(2) A firm seeking SBA's approval to be a protégé must identify any other mentor-protégé relationship it has through another federal agency or SBA and provide a copy of each such mentor-protégé agreement to SBA. The 8(a) BD mentor-protégé agreement must identify how the assistance to be provided by the proposed mentor is different from assistance provided to the protégé through another mentor-protégé relationship, either with the same or a different mentor.

* * * * *

(7) If control of the mentor changes (through a stock sale or otherwise), the previously approved mentor-protégé relationship may continue provided that, after the change in control, the mentor expresses in writing to SBA that it acknowledges the mentor-protégé agreement and certifies that it will continue to abide by its terms.

(8) SBA may terminate the mentor-protégé agreement at any time if it determines that the protégé is not benefiting from the relationship or that the parties are not complying with any term or condition of the mentor protégé agreement. In the event SBA terminates the relationship, the mentor-protégé joint venture is obligated to complete any previously awarded contracts unless the procuring agency issues a stop work order.

* * * * *

§ 124.604 [Amended]

■ 17. Amend § 124.604 by removing the phrase ''annual review submission'' and adding in its place the phrase ''annual financial statement submission (*see* § 124.602)'' in the first sentence.

§ 124.520 [Amended]

■ 18. Amend § 124.1002 by removing paragraph (b)(4).

PART 125—GOVERNMENT CONTRACTING PROGRAMS

■ 19. The authority citation for part 125 is revised to read as follows:

Authority: 15 U.S.C. 632(p), (q); 634(b)(6); 637; 644; 657f; 657r; Pub. L. 111–240, 124 Stat. 2504.

■ 20. Amend § 125.2 by revising the third sentence of the introductory text to paragraph (a) to read as follows:

§ 125.2 What are SBA's and the procuring agency's responsibilities when providing contracting assistance to small businesses?

(a) *General.* * * * Small business concerns must receive any award (including orders, and orders placed against Multiple Award Contracts) or contract, part of any such award or contract, any contract for the sale of Government property, or any contract resulting from a reverse auction, regardless of the place of performance, which SBA and the procuring or disposal agency determine to be in the interest of: * * *

* * * * *

■ 21. Amend § 125.5 by revising the second and third sentences of paragraph (a)(1) to read as follows:

§ 125.5 What is the Certificate of Competency Program?

(a) *General.* (1) * * * A COC is a written instrument issued by SBA to a Government contracting officer, certifying that one or more named small business concerns possess the responsibility to perform a specific Government procurement (or sale) contract, including any contract deriving from a reverse auction. The COC Program is applicable to all Government procurement actions, including Multiple Award Contracts and orders placed against Multiple Award Contracts, where the contracting officer has used any issues of capacity or credit (responsibility) to determine suitability for an award. * * *

* * * * *

§ 125.6 [Amended]

■ 22. Amend § 125.6 by removing ''§ 125.15'' from the introductory text of paragraph (b) and adding in its place ''§ 125.18'', and by removing ''§ 125.15(b)(3)'' from paragraph (b)(5) and adding in its place ''§ 125.18(b)(3)''.

§§ 125.8 through 125.30 [Redesignated as §§ 125.11 through 125.33]

■ 23. Amend part 125 by redesignating §§ 125.8 through 125.30 as §§ 125.11 through 125.33, respectively.

■ 24. Add new §§ 125.8, 125.9 and 125.10 to the undesignated sections preceding Subpart A to read as follows:

§ 125.8 What requirements must a joint venture satisfy to submit an offer for a procurement or sale set aside or reserved for small business?

(a) *General.* A joint venture may qualify as a small business as long as the partners to the joint venture in the aggregate meet the applicable size standard or qualify as small under one of the exceptions to affiliation set forth in § 121.103(h)(3) of this chapter.

(b) *Contents of joint venture agreement.* (1) A joint venture agreement between two or more entities that individually qualify as small need not be in any specific form or contain any specific conditions in order for the joint venture to qualify as a small business.

(2) Any joint venture agreement to perform a contract set aside or reserved for small business between a protégé small business and a mentor authorized by § 125.9 or § 124.520 of this chapter must contain a provision:

(i) Setting forth the purpose of the joint venture;

(ii) Designating a small business as the managing venturer of the joint venture, and an employee of the small business managing venturer as the project manager responsible for performance of the contract;

(iii) Stating that with respect to a separate legal entity joint venture, the small business must own at least 51% of the joint venture entity;

(iv) Stating that the small business must receive profits from the joint venture commensurate with the work performed by the small business, or in the case of a separate legal entity joint venture, commensurate with their ownership interests in the joint venture;

(v) Providing for the establishment and administration of a special bank account in the name of the joint venture. This account must require the signature of all parties to the joint venture or designees for withdrawal purposes. All payments due the joint venture for performance on a contract set aside or reserved for small business will be deposited in the special account; all expenses incurred under the contract will be paid from the account as well;

(vi) Itemizing all major equipment, facilities, and other resources to be furnished by each party to the joint venture, with a detailed schedule of cost or value of each;

(vii) Specifying the responsibilities of the parties with regard to negotiation of the contract, source of labor, and contract performance, including ways that the parties to the joint venture will ensure that the joint venture and the small business partner to the joint venture will meet the performance of work requirements set forth in paragraph (c) of this section;

(viii) Obligating all parties to the joint venture to ensure performance of a contract set aside or reserved for small business and to complete performance despite the withdrawal of any member;

(ix) Designating that accounting and other administrative records relating to the joint venture be kept in the office of the small business managing venturer, unless approval to keep them elsewhere is granted by the District Director or his/her designee upon written request;

(x) Requiring that the final original records be retained by the small business managing venturer upon completion of any contract set aside or reserved for small business that was performed by the joint venture;

(xi) Stating that quarterly financial statements showing cumulative contract receipts and expenditures (including salaries of the joint venture's principals) must be submitted to SBA not later than 45 days after each operating quarter of the joint venture; and

(xii) Stating that a project-end profit and loss statement, including a statement of final profit distribution, must be submitted to SBA no later than 90 days after completion of the contract.

(c) *Performance of work.* (1) For any contract set aside or reserved for small business that is to be performed by a joint venture between a small business protégé and its SBA-approved mentor authorized by § 125.9, the joint venture must perform the applicable percentage of work required by § 125.6, and the small business partner to the joint venture must perform at least 40% of the work performed by the joint venture.

(2) The work performed by the small business partner to a joint venture must be more than administrative or ministerial functions so that it gains substantive experience.

(3) The amount of work done by the partners will be aggregated and the work done by the small business protégé partner must be at least 40% of the total done by the partners. In determining the amount of work done by a mentor participating in a joint venture with a small business protégé, all work done by the mentor and any of its affiliates at any subcontracting tier will be counted.

(d) *Certification of compliance.* Prior to the performance of any contract set aside or reserved for small business by a joint venture between a protégé small business and a mentor authorized by § 125.9, the small business partner to the joint venture must submit a written certification to the contracting officer and SBA, signed by an authorized official of each partner to the joint venture, stating as follows:

(i) The parties have entered into a joint venture agreement that fully complies with paragraph (b) of this section;

(ii) The parties will perform the contract in compliance with the joint venture agreement and with the performance of work requirements set forth in paragraph (c) of this section.

(e) *Past performance.* When evaluating the past performance of an entity submitting an offer for a contract set aside or reserved for small business as a joint venture established pursuant to this section, a procuring activity must consider work done individually by each partner to the joint venture as well as any work done by the joint venture itself previously.

(f) *Contract execution.* The procuring activity will execute a contract set aside or reserved for small business in the name of the joint venture entity or a small business partner to the joint venture, but in either case will identify the award as one to a small business joint venture or a small business mentor-protégé joint venture, as appropriate.

(g) *Inspection of records.* The joint venture partners must allow SBA's authorized representatives, including representatives authorized by the SBA Inspector General, during normal business hours, access to its files to inspect and copy all records and documents.

(h) *Performance of work reports.* In connection with any contract set aside or reserved for small business that is awarded to a joint venture between a protégé small business and a mentor authorized by § 125.9, the small business partner must describe how it is meeting or has met the applicable performance of work requirements for each contract set aside or reserved for small business that it performs as a joint venture.

(1) The small business partner to the joint venture must annually submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how the performance of work requirements are being met for each contract set aside or reserved for small business that is performed during the year.

(2) At the completion of every contract set aside or reserved for small business that is awarded to a joint venture between a protégé small business and a mentor authorized by § 125.9, the small business partner to the joint venture must submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how and certifying that the performance of work requirements were met for the contract, and further certifying that the contract was performed in accordance with the provisions of the joint venture agreement that are required under paragraph (b) of this section.

(i) *Basis for suspension or debarment.* For any joint venture between a protégé small business and a mentor authorized by § 125.9, the Government may consider the following as a ground for suspension or debarment as a willful violation of a regulatory provision or requirement applicable to a public agreement or transaction:

(1) Failure to enter a joint venture agreement that complies with paragraph (b) of this section;

(2) Failure to perform a contract in accordance with the joint venture agreement or performance of work requirements in paragraph (c) of this section; or

(3) Failure to submit the certification required by paragraph (d) of this section or comply with paragraph (g) of this section.

(j) Any person with information concerning a joint venture's compliance with the performance of work requirements may report that information to SBA and/or the SBA Office of Inspector General.

§ 125.9 What are the rules governing SBA's small business mentor-protégé program?

(a) *General.* The small business mentor-protégé program is designed to enhance the capabilities of protégé firms by requiring approved mentors to provide business development assistance to protégé firms and to improve the protégé firms' ability to successfully compete for federal contracts. This assistance may include technical and/or management assistance; financial assistance in the form of equity investments and/or loans; subcontracts; and/or assistance in performing prime contracts with the Government through joint venture arrangements. Mentors are encouraged to provide assistance relating to the performance of contracts set-aside or reserved for small business so that protégé firms may more fully develop their capabilities.

(b) *Mentors.* Any concern that demonstrates a commitment and the ability to assist small business concerns may act as a mentor and receive benefits as set forth in this section. This includes other than small businesses.

(1) In order to qualify as a mentor, a concern must demonstrate that it:

(i) Possesses a good financial condition;

(ii) Possesses good character;

(iii) Does not appear on the federal list of debarred or suspended contractors; and

(iv) Can impart value to a protégé firm due to lessons learned and practical experience gained or through its knowledge of general business operations and government contracting.

(2) In order to demonstrate that it possesses a good financial condition, a firm seeking to be a mentor must submit to the SBA copies of the federal tax returns it submitted to the IRS, or audited financial statements, including any notes, or in the case of publicly traded concerns, the filings required by the Securities and Exchange Commission (SEC), for the past three years.

(3) Once approved, a mentor must annually certify that it continues to possess good character and a favorable financial position.

(4) Generally, a mentor will have no more than one protégé at a time. However, the Director of Government Contracting (D/GC), or designee, may authorize a concern to mentor more than one protégé at a time where it can demonstrate that the additional mentor-protégé relationship will not adversely affect the development of either protégé firm (*e.g.,* the second firm may not be a competitor of the first firm). Under no circumstances will a mentor be permitted to have more than three protégés at one time in the aggregate under the mentor-protégé programs authorized by §§ 124.520 and 125.9 of this chapter.

(c) *Protégés.* (1) In order to initially qualify as a protégé firm, a concern must qualify as small for the size standard corresponding to its primary NAICS code. SBA will verify that a firm qualifies as a small business under its primary NAICS code before approving that firm to act as a protégé. This verification may take place either as part of a firm's request for participation in the small business mentor-protégé program, or as part of a size protest determination relating to the size standard corresponding to the NAICS code for its primary NAICS code prior to that time.

(i) Where SBA has previously found the firm to qualify as small pursuant to a size protest relating to the size standard corresponding to the NAICS code for its primary NAICS code (or with respect to a size standard that is smaller than that associated with its primary NAICS code), the firm must certify that there has been no change in its size status since that determination.

(ii) Where SBA has not previously found the firm to qualify as small pursuant to a size protest relating to the size standard corresponding to the NAICS code for its primary NAICS code (or with respect to a size standard that is smaller than that associated with its primary NAICS code), the firm must request a formal size determination pursuant to § 121.1001(b)(10) of this chapter.

(2) A protégé firm may generally have only one mentor at a time. The D/GC, or designee, may approve a second mentor for a particular protégé firm where the second relationship will not compete or otherwise conflict with the assistance set forth in the first mentor-protégé relationship and:

(i) The second relationship pertains to an unrelated NAICS code; or

(ii) The protégé firm is seeking to acquire a specific expertise that the first mentor does not possess.

(3) A protégé may not become a mentor and retain its protégé status. The protégé must terminate the mentor-protégé agreement with its mentor before it will be approved as a mentor to another small business concern.

(4) SBA may examine the Service Disabled Veteran Owned status or Women Owned Small Business status of an applicant concern that claims such status in any Federal procurement database.

(d) *Benefits.* (1) A protégé and mentor may joint venture as a small business for any government prime contract or subcontract, provided the protégé qualifies as small for the procurement. Such a joint venture may seek any type of small business contract (*i.e.,* small business set-aside, 8(a), HUBZone, SDVO, or WOSB/EDWOSB) for which the protégé firm qualifies.

(i) SBA must approve the mentor-protégé agreement before the two firms may submit an offer as a joint venture on a particular government prime contract or subcontract in order for the joint venture to receive the exclusion from affiliation.

(ii) In order to receive the exclusion from affiliation, the joint venture must meet the requirements set forth in § 125.8(b)(2), (c) and (d).

(iii) Once a protégé firm no longer qualifies as a small business for the size standard corresponding to its primary NAICS code, it will not be eligible for any further contracting benefits from its mentor-protégé relationship. However, a change in the protégé's size status does not generally affect contracts previously awarded to a joint venture between the protégé and its mentor.

(A) Except for contracts with durations of more than five years (including options), a contract awarded to a joint venture between a protégé and a mentor as a small business continues to qualify as an award to small business for the life of that contract and the joint venture remains obligated to continue performance on that contract.

(B) For contracts with durations of more than five years (including options), where size re-certification is required under § 121.404(g)(3) of this chapter no more than 120 days prior to the end of the fifth year of the contract and no more than 120 days prior to exercising any option thereafter, once the protégé no longer qualifies as small for the size standard corresponding to its primary NAICS code, the joint venture must aggregate the receipts/employees of the partners to the joint venture in determining whether it continues to qualify as and can re-certify itself to be a small business under the size standard corresponding to the NAICS code assigned to that contract. The rules set forth in § 121.404(g)(3) of this chapter apply in such circumstances.

(2) In order to raise capital, the protégé firm may agree to sell or otherwise convey to the mentor an equity interest of up to 40% in the protégé firm.

(3) Notwithstanding the mentor-protégé relationship, a protégé firm may qualify for other assistance as a small business, including SBA financial assistance.

(4) No determination of affiliation or control may be found between a protégé firm and its mentor based solely on the mentor-protégé agreement or any assistance provided pursuant to the agreement. However, affiliation may be found for other reasons set forth in § 121.103 of this chapter.

(e) *Written agreement.* (1) The mentor and protégé firms must enter a written agreement setting forth an assessment of the protégé's needs and providing a detailed description and timeline for the delivery of the assistance the mentor commits to provide to address those needs (*e.g.,* management and/or technical assistance, loans and/or equity investments, cooperation on joint venture projects, or subcontracts under prime contracts being performed by the mentor). The mentor-protégé agreement must:

(i) Address how the assistance to be provided through the agreement will help the protégé firm meet its goals as defined in its business plan;

(ii) Establish a single point of contact in the mentor concern who is responsible for managing and implementing the mentor-protégé agreement; and

(iii) Provide that the mentor will provide such assistance to the protégé firm for at least one year.

(2) A firm seeking SBA's approval to be a protégé must identify any other mentor-protégé relationship it has through another federal agency or SBA and provide a copy of each such mentor-protégé agreement to SBA. The small business mentor-protégé agreement must identify how the assistance to be provided by the proposed mentor is different from assistance provided to the protégé through another mentor-protégé relationship, either with the same or a different mentor.

(3) The written agreement must be approved by the D/GC or designee. The agreement will not be approved if SBA determines that the assistance to be provided is not sufficient to promote any real developmental gains to the protégé, or if SBA determines that the agreement is merely a vehicle to enable the mentor to receive small business contracts.

(4) The agreement must provide that either the protégé or the mentor may terminate the agreement with 30 days advance notice to the other party to the mentor-protégé relationship and to SBA.

(5) SBA will review the mentor-protégé relationship annually to determine whether to approve its continuation for another year. The term of a mentor-protégé agreement may not exceed three years. A protégé may have one three-year mentor-protégé agreement with one entity and one three-year mentor-protégé agreement with another entity, or two three-year mentor-protégé agreements (successive or otherwise) with the same entity.

(6) SBA must approve all changes to a mentor-protégé agreement in advance, and any changes made to the agreement must be provided in writing. If the parties to the mentor-protégé relationship change the mentor-protégé agreement without prior approval by SBA, SBA shall terminate the mentor-protégé relationship and may also propose suspension or debarment of one or both of the firms pursuant to paragraph (h) of this section where appropriate.

(7) If control of the mentor changes (through a stock sale or otherwise), the previously approved mentor-protégé relationship may continue provided that, after the change in control, the mentor expresses in writing to SBA that it acknowledges the mentor-protégé agreement and certifies that it will continue to abide by its terms.

(8) SBA may terminate the mentor-protégé agreement at any time if it determines that the protégé is not

benefiting from the relationship or that the parties are not complying with any term or condition of the mentor protégé agreement. In the event SBA terminates the relationship, the mentor-protégé joint venture is obligated to complete any previously awarded contracts unless the procuring agency issues a stop work order.

(f) *Decision to decline mentor-protégé relationship.* (1) Where SBA declines to approve a specific mentor-protégé agreement, the protégé may request the D/GC to reconsider the Agency's initial decline decision by filing a request for reconsideration within 45 calendar days of receiving notice that its mentor-protégé agreement was declined. The protégé may revise the proposed mentor-protégé agreement and provide any additional information and documentation pertinent to overcoming the reason(s) for the initial decline.

(2) The D/GC, or designee, will issue a written decision within 45 calendar days of receipt of the protégé's request. The D/GC may approve the mentor-protégé agreement, deny it on the same grounds as the original decision, or deny it on other grounds.

(3) If the D/GC declines the mentor-protégé agreement solely on issues not raised in the initial decline, the protégé can ask for reconsideration as if it were an initial decline.

(4) If SBA's final decision is to decline a specific mentor-protégé agreement, the small business concern seeking to be a protégé cannot attempt to enter into another mentor-protégé relationship with the same mentor for a period of 60 calendar days from the date of the final decision. The small business concern may, however, submit another proposed mentor-protégé agreement with a different proposed mentor at any time after the SBA's final decline decision.

(g) *Evaluating the mentor-protégé relationship.* (1) Within 30 days of the anniversary of SBA's approval of the mentor-protégé agreement, the protégé must report to SBA for the preceding year:

(i) All technical and/or management assistance provided by the mentor to the protégé;

(ii) All loans to and/or equity investments made by the mentor in the protégé;

(iii) All subcontracts awarded to the protégé by the mentor, and the value of each subcontract;

(iv) All federal contracts awarded to the mentor-protégé relationship as a joint venture (designating each as a small business set-aside, small business reserve, or unrestricted procurement), the value of each contract, and the percentage of the contract performed and the percentage of revenue accruing to each party to the joint venture; and

(v) A narrative describing the success such assistance has had in addressing the developmental needs of the protégé and addressing any problems encountered.

(2) The protégé must report the mentoring services it receives by category and hours.

(3) The protégé must annually certify to SBA whether there has been any change in the terms of the agreement.

(4) SBA will review the protégé's report on the mentor-protégé relationship, and may decide not to approve continuation of the agreement if it finds that the mentor has not provided the assistance set forth in the mentor-protégé agreement or that the assistance has not resulted in any material benefits or developmental gains to the protégé.

(h) *Consequences of not providing assistance set forth in the mentor-protégé agreement.* (1) Where SBA determines that a mentor has not provided to the protégé firm the business development assistance set forth in its mentor-protégé agreement, SBA will notify the mentor of such determination and afford the mentor an opportunity to respond. The mentor must respond within 30 days of the notification, explaining why it has not provided the agreed upon assistance and setting forth a definitive plan as to when it will provide such assistance. If the mentor fails to respond, does not supply adequate reasons for its failure to provide the agreed upon assistance, or does not set forth a definite plan to provide the assistance:

(i) SBA will terminate the mentor-protégé agreement;

(ii) The firm will be ineligible to again act as a mentor for a period of two years from the date SBA terminates the mentor-protégé agreement; and

(iii) SBA may recommend to the relevant procuring agency to issue a stop work order for each federal contract for which the mentor and protégé are performing as a small business joint venture in order to encourage the mentor to comply with its mentor-protégé agreement. Where a protégé firm is able to independently complete performance of any such contract, SBA may recommend to the procuring agency to authorize a substitution of the protégé firm for the joint venture.

(2) SBA may consider a mentor's failure to comply with the terms and conditions of an SBA-approved mentor-protégé agreement as a basis for debarment on the grounds, including but not limited to, that the mentor has not complied with the terms of a public agreement under 2 CFR 180.800(b).

§ 125.10 Mentor-Protégé programs of other agencies.

(a) Except as provided in paragraph (c) of this section, a Federal department or agency may not carry out a mentor-protégé program for small business unless the head of the department or agency submits a plan to the SBA Administrator for the program and the SBA Administrator approves the plan. Before starting a new mentor protégé program, the head of a department or agency must submit a plan to the SBA Administrator. Within one year of the effective date of this section, the head of a department or agency must submit a plan to the SBA for any previously existing mentor-protégé program that the department or agency seeks to continue.

(b) The SBA Administrator will approve or disapprove a plan submitted under paragraph (a) of this section based on whether the proposed program:

(1) Will assist protégés to compete for Federal prime contracts and subcontracts; and

(2) Complies with the provisions set forth in §§ 125.9 and 124.520 of this chapter, as applicable.

(c) Paragraph (a) of this section does not apply to:

(1) Any mentor-protégé program of the Department of Defense;

(2) Any mentoring assistance provided under a Small Business Innovation Research Program or a Small Business Technology Transfer Program; and

(3) A mentor-protégé program operated by a Department or agency on January 2, 2013, for a period of one year after the effective date of this section.

(d) The head of each Federal department or agency carrying out an agency-specific mentor-protégé program must report annually to SBA:

(1) The participants (both protégé firms and their approved mentors) in its mentor-protégé program. This includes identifying the number of participants that are:

(i) Small business concerns;

(ii) Small business concerns owned and controlled by service-disabled veterans;

(iii) Small business concerns owned and controlled by socially and economically disadvantaged individuals;

(iv) Small business concerns owned and controlled by Indian tribes, Alaska Native Corporations, native Hawaiian Organizations, and Community Development Corporations; and

(v) Small business concerns owned and controlled by women;

(2) The assistance provided to small businesses through the program; and

(3) The progress of protégé firms under the program to compete for Federal prime contracts and subcontracts.

■ 25. Amend newly redesignated § 125.18 by adding paragraph (b)(1)(iii), revising paragraphs (b)(2) through (6), and adding paragraphs (b)(7) through (10) to read as follows:

§ 125.18 What requirements must an SDVO SBC meet to submit an offer on a contract?

* * * * *

(b) * * *

(1) * * *

(iii) A joint venture between a protégé firm that qualifies as an SDVO SBC and its SBA-approved mentor (*see* §§ 125.9 and 124.520 of this chapter) will be deemed small provided the protégé qualifies as small for the size standard corresponding to the NAICS code assigned to the SDVO procurement.

(2) *Contents of joint venture agreement.* Every joint venture agreement to perform an SDVO contract, including those between a protégé firm that qualifies as an SDVO SBC and its SBA-approved mentor (*see* §§ 125.9 and 124.520 of this chapter) must contain a provision:

(i) Setting forth the purpose of the joint venture;

(ii) Designating an SDVO SBC as the managing venturer of the joint venture, and an employee of the SDVO SBC managing venturer as the project manager responsible for performance of the contract;

(iii) Stating that with respect to a separate legal entity joint venture, the SDVO SBC must own at least 51% of the joint venture entity;

(iv) Stating that the SDVO SBC must receive profits from the joint venture commensurate with the work performed by the SDVO SBC, or in the case of a separate legal entity joint venture, commensurate with their ownership interests in the joint venture;

(v) Providing for the establishment and administration of a special bank account in the name of the joint venture. This account must require the signature of all parties to the joint venture or designees for withdrawal purposes. All payments due the joint venture for performance on an SDVO contract will be deposited in the special account; all expenses incurred under the contract will be paid from the account as well;

(vi) Itemizing all major equipment, facilities, and other resources to be furnished by each party to the joint venture, with a detailed schedule of cost or value of each;

(vii) Specifying the responsibilities of the parties with regard to negotiation of the contract, source of labor, and contract performance, including ways that the parties to the joint venture will ensure that the joint venture and the SDVO SBC partner to the joint venture will meet the performance of work requirements set forth in paragraph (b)(3) of this section;

(viii) Obligating all parties to the joint venture to ensure performance of the SDVO contract and to complete performance despite the withdrawal of any member;

(ix) Designating that accounting and other administrative records relating to the joint venture be kept in the office of the SDVO SBC managing venturer, unless approval to keep them elsewhere is granted by the District Director or his/her designee upon written request;

(x) Requiring that the final original records be retained by the SDVO SBC managing venturer upon completion of the SDVO contract performed by the joint venture;

(xi) Stating that quarterly financial statements showing cumulative contract receipts and expenditures (including salaries of the joint venture's principals) must be submitted to SBA not later than 45 days after each operating quarter of the joint venture; and

(xii) Stating that a project-end profit and loss statement, including a statement of final profit distribution, must be submitted to SBA no later than 90 days after completion of the contract.

(3) *Performance of work.* (i) For any SDVO contract, including those between a protégé and a mentor authorized by § 125.9 or § 124.520 of this chapter, the joint venture must perform the applicable percentage of work required by § 125.6.

(ii) The SDVO SBC partner(s) to the joint venture must perform at least 40% of the work performed by the joint venture.

(A) The work performed by the SDVO SBC partner(s) to a joint venture must be more than administrative or ministerial functions so that they gain substantive experience.

(B) The amount of work done by the partners will be aggregated and the work done by the SDVO SBC partner(s) must be at least 40% of the total done by all partners. In determining the amount of work done by a non-SDVO SBC partner, all work done by the non-SDVO SBC partner and any of its affiliates at any subcontracting tier will be counted.

(4) *Certification of Compliance.* Prior to the performance of any SDVO contract as a joint venture, the SDVO SBC partner to the joint venture must submit a written certification to the contracting officer and SBA, signed by an authorized official of each partner to the joint venture, stating as follows:

(i) The parties have entered into a joint venture agreement that fully complies with paragraph (b)(2) of this section;

(ii) The parties will perform the contract in compliance with the joint venture agreement and with the performance of work requirements set forth in paragraph (b)(3) of this section.

(5) *Past performance.* When evaluating the past performance of an entity submitting an offer for an SDVO contract as a joint venture established pursuant to this section, a procuring activity must consider work done individually by each partner to the joint venture as well as any work done by the joint venture itself previously.

(6) *Contract execution.* The procuring activity will execute an SDVO contract in the name of the joint venture entity or the SDVO SBC, but in either case will identify the award as one to an SDVO joint venture or an SDVO mentor-protégé joint venture, as appropriate.

(7) *Inspection of records.* The joint venture partners must allow SBA's authorized representatives, including representatives authorized by the SBA Inspector General, during normal business hours, access to its files to inspect and copy all records and documents.

(8) *Performance of work reports.* An SDVO SBC partner to a joint venture must describe how it is meeting or has met the applicable performance of work requirements for each SDVO contract it performs as a joint venture.

(i) The SDVO SBC partner to the joint venture must annually submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how and certifying that the performance of work requirements are being met.

(ii) At the completion of every SDVO contract awarded to a joint venture, the SDVO SBC partner to the joint venture must submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how and certifying that the performance of work requirements were met for the contract, and further certifying that the contract was performed in accordance with the provisions of the joint venture agreement that are required under paragraph (b)(2) of this section.

(9) *Basis for suspension or debarment.* The Government may consider the following as a ground for suspension or debarment as a willful violation of a regulatory provision or requirement

applicable to a public agreement or transaction:

(i) Failure to enter a joint venture agreement that complies with paragraph (b)(2) of this section;

(ii) Failure to perform a contract in accordance with the joint venture agreement or performance of work requirements in paragraph (b)(3) of this section; or

(iii) Failure to submit the certification required by paragraph (b)(4) of this section or comply with paragraph (b)(7) of this section.

(10) Any person with information concerning a joint venture's compliance with the performance of work requirements may report that information to SBA and/or the SBA Office of Inspector General.

§ 125.22 [Amended]

■ 26. Amend newly redesignated § 125.22 by adding the phrase '', regardless of the place of performance,'' in the first sentence of paragraphs (b)(1) and (b)(2)(i) after the words ''for small business concerns'' and before the words ''when there is a reasonable expectation''.

PART 126—HUBZONE PROGRAM

■ 27. The authority citation for part 126 is revised to read as follows:

Authority: 15 U.S.C. 632(a), 632(j), 632(p), and 657a; Pub. L. 111–240, 24 Stat. 2504.

■ 28. Amend § 126.306 as follows:

■ a. Revise paragraphs (a) and (b);

■ b. Redesignate paragraphs (c) and (d) as paragraphs (f) and (g), respectively; and

■ c. Add new paragraphs (c) and (d) and add paragraph (e).

The revisions and additions read as follows:

§ 126.306 How will SBA process the certification?

(a) The D/HUB or designee is authorized to approve or decline applications for certification. SBA will receive and review all applications and request supporting documents. SBA must receive all required information, supporting documents, and completed HUBZone representation before it will begin processing a concern's application. SBA will not process incomplete packages. SBA will make its determination within ninety (90) calendar days after receipt of a complete package whenever practicable. The decision of the D/HUB or designee is the final agency decision.

(b) SBA may request additional information or clarification of information contained in an application or document submission at any time.

(c) The burden of proof to demonstrate eligibility is on the applicant concern. If a concern does not provide requested information within the allotted time provided by SBA, or if it submits incomplete information, SBA may presume that disclosure of the missing information would adversely affect the business concern or demonstrate a lack of eligibility in the area or areas to which the information relates.

(d) The applicant must be eligible as of the date it submitted its application and up until and at the time the D/HUB issues a decision. The decision will be based on the facts set forth in the application, any information received in response to SBA's request for clarification, and any changed circumstances since the date of application.

(e) Any changed circumstance occurring after it has submitted an application will be considered and may constitute grounds for decline. After submitting the application and signed representation, an applicant must notify SBA of any changes that could affect its eligibility. The D/HUB may propose for decertification any HUBZone SBC that failed to inform SBA of any changed circumstances that affected its eligibility for the program during the processing of the application.

■ 29. Amend § 126.600 by revising the introductory text to read as follows:

§ 126.600 What are HUBZone contracts?

HUBZone contracts are contracts awarded to a qualified HUBZone SBC, regardless of the place of performance, through any of the following procurement methods:

* * * * *

■ 30. Revise § 126.615 to read as follows:

§ 126.615 May a large business participate on a HUBZone contract?

Except as provided in § 126.618(d), a large business may not participate as a prime contractor on a HUBZone award, but may participate as a subcontractor to an otherwise qualified HUBZone SBC, subject to the contract performance requirements set forth in § 126.700.

■ 31. Revise § 126.616 to read as follows:

§ 126.616 What requirements must a joint venture satisfy to submit an offer on a HUBZone contract?

(a) *General.* A qualified HUBZone SBC may enter into a joint venture agreement with one or more other SBCs, or with an approved mentor authorized by § 125.9 of this chapter (or, if also an 8(a) BD Participant, with an approved mentor authorized by § 124.520 of this chapter), for the purpose of submitting an offer for a HUBZone contract. The joint venture itself need not be certified as a qualified HUBZone SBC.

(b) *Size.* (1) A joint venture of at least one qualified HUBZone SBC and one or more other business concerns may submit an offer as a small business for a HUBZone contract so long as the firms in the aggregate are small under the size standard corresponding to the NAICS code assigned to the contract, unless the contract qualifies under the exception in § 121.103(h)(3) of this chapter. If the contract qualifies under the exception in § 121.103(h)(3) of this chapter, each firm must be small under the size standard corresponding to the NAICS code assigned to the contract.

(2) A joint venture between a protégé firm and its SBA-approved mentor (*see* § 125.9 of this chapter) will be deemed small provided the protégé qualifies as small for the size standard corresponding to the NAICS code assigned to the HUBZone contract.

(c) *Contents of joint venture agreement.* Any joint venture agreement to perform a HUBZone contract between a protégé and a mentor authorized by § 125.9 of this chapter must contain a provision:

(1) Setting forth the purpose of the joint venture;

(2) Designating a HUBZone SBC as the managing venturer of the joint venture, and an employee of the HUBZone SBC managing venturer as the project manager responsible for performance of the contract;

(3) Stating that with respect to a separate legal entity joint venture, the HUBZone SBC must own at least 51% of the joint venture entity;

(4) Stating that the HUBZone SBC must receive profits from the joint venture commensurate with the work performed by the HUBZone SBC, or in the case of a separate legal entity joint venture, commensurate with their ownership interests in the joint venture;

(5) Providing for the establishment and administration of a special bank account in the name of the joint venture. This account must require the signature of all parties to the joint venture or designees for withdrawal purposes. All payments due the joint venture for performance on a HUBZone contract will be deposited in the special account; all expenses incurred under the contract will be paid from the account as well;

(6) Itemizing all major equipment, facilities, and other resources to be furnished by each party to the joint venture, with a detailed schedule of cost or value of each;

(7) Specifying the responsibilities of the parties with regard to negotiation of the contract, source of labor, and contract performance, including ways that the parties to the joint venture will ensure that the joint venture and the HUBZone SBC partner to the joint venture will meet the performance of work requirements set forth in paragraph (d) of this section;

(8) Obligating all parties to the joint venture to ensure performance of the HUBZone contract and to complete performance despite the withdrawal of any member;

(9) Designating that accounting and other administrative records relating to the joint venture be kept in the office of the HUBZone SBC managing venturer, unless approval to keep them elsewhere is granted by the District Director or his/her designee upon written request;

(10) Requiring that the final original records be retained by the HUBZone SBC managing venturer upon completion of the HUBZone contract performed by the joint venture;

(11) Stating that quarterly financial statements showing cumulative contract receipts and expenditures (including salaries of the joint venture's principals) must be submitted to SBA not later than 45 days after each operating quarter of the joint venture; and

(12) Stating that a project-end profit and loss statement, including a statement of final profit distribution, must be submitted to SBA no later than 90 days after completion of the contract.

(d) *Performance of work.* (1) For any HUBZone contract to be performed by a joint venture between a qualified HUBZone SBC and another qualified HUBZone SBC, the aggregate of the qualified HUBZone SBCs to the joint venture, not each concern separately, must perform the applicable percentage of work required by § 125.6 of this chapter.

(2) For any HUBZone contract to be performed by a joint venture between a qualified HUBZone protégé and its SBA-approved mentor authorized by § 125.9 or § 124.520 of this chapter, the joint venture must perform the applicable percentage of work required by § 125.6 of this chapter, and the HUBZone SBC partner to the joint venture must perform at least 40% of the work performed by the joint venture.

(i) The work performed by the HUBZone SBC partner to a joint venture must be more than administrative or ministerial functions so that it gains substantive experience.

(ii) The amount of work done by the partners will be aggregated and the work done by the HUBZone protégé partner must be at least 40% of the total done by the partners. In determining the amount of work done by a mentor participating in a joint venture with a HUBZone qualified protégé, all work done by the mentor and any of its affiliates at any subcontracting tier will be counted.

(e) *Certification of compliance.* Prior to the performance of any HUBZone contract as a joint venture, the HUBZone SBC partner to the joint venture must submit a written certification to the contracting officer and SBA, signed by an authorized official of each partner to the joint venture, stating as follows:

(i) The parties have entered into a joint venture agreement that fully complies with paragraph (c) of this section;

(ii) The parties will perform the contract in compliance with the joint venture agreement and with the performance of work requirements set forth in paragraph (d) of this section.

(f) *Past performance.* When evaluating the past performance of an entity submitting an offer for a HUBZone contract as a joint venture established pursuant to this section, a procuring activity must consider work done individually by each partner to the joint venture as well as any work done by the joint venture itself previously.

(g) *Contract execution.* The procuring activity will execute a HUBZone contract in the name of the joint venture entity or the HUBZone SBC, but in either case will identify the award as one to a HUBZone joint venture or a HUBZone mentor-protégé joint venture, as appropriate.

(h) *Inspection of records.* The joint venture partners must allow SBA's authorized representatives, including representatives authorized by the SBA Inspector General, during normal business hours, access to its files to inspect and copy all records and documents.

(i) *Performance of work reports.* The HUBZone SBC partner to a joint venture must describe how it is meeting or has met the applicable performance of work requirements for each HUBZone contract it performs as a joint venture.

(1) The HUBZone SBC partner to the joint venture must annually submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how the performance of work requirements are being met for each HUBZone contract performed during the year.

(2) At the completion of every HUBZone contract awarded to a joint venture, the HUBZone SBC partner to the joint venture must submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how and certifying that the performance of work requirements were met for the contract, and further certifying that the contract was performed in accordance with the provisions of the joint venture agreement that are required under paragraph (c) of this section.

(j) *Basis for suspension or debarment.* The Government may consider the following as a ground for suspension or debarment as a willful violation of a regulatory provision or requirement applicable to a public agreement or transaction:

(1) Failure to enter a joint venture agreement that complies with paragraph (c) of this section;

(2) Failure to perform a contract in accordance with the joint venture agreement or performance of work requirements in paragraph (d) of this section; or

(3) Failure to submit the certification required by paragraph (e) of this section or comply with paragraph (h) of this section.

(k) Any person with information concerning a joint venture's compliance with the performance of work requirements may report that information to SBA and/or the SBA Office of Inspector General.

■ 32. Revise § 126.618 to read as follows:

§ 126.618 How does a HUBZone SBC's participation in a Mentor-Protégé relationship affect its participation in the HUBZone Program?

(a) A qualified HUBZone SBC may enter into a mentor-protégé relationship under § 125.9 of this chapter (or, if also an 8(a) BD Participant, under § 124.520 of this chapter) or in connection with a mentor-protégé program of another agency, provided that such relationships do not conflict with the underlying HUBZone requirements.

(b) For purposes of determining whether an applicant to the HUBZone Program or a HUBZone SBC qualifies as small under part 121 of this chapter, SBA will not find affiliation between the applicant or qualified HUBZone SBC and the firm that is its mentor in an SBA or other Federally-approved mentor-protégé relationship (including a mentor that is other than small) on the basis of the mentor-protégé agreement or the assistance provided to the protégé firm under the agreement. As such, SBA will not consider the employees of the mentor in determining whether the applicant or qualified HUBZone SBC meets (or continues to meet) the 35%

HUBZone residency requirement, or in determining the size of the applicant or qualified HUBZone SBC for any employee-based size standard.

(c) A qualified HUBZone SBC that is a prime contractor on a HUBZone contract may subcontract work to its mentor.

(1) The HUBZone SBC must meet the applicable performance of work requirements set forth in § 125.6(c) of this chapter.

(2) SBA may find affiliation between a prime HUBZone contractor and its mentor subcontractor where the mentor will perform primary and vital requirements of the contract. *See* § 121.103(h)(4) of this chapter.

(d) A qualified HUBZone SBC that has an SBA-approved mentor-protégé relationship pursuant to § 125.9 or § 124.520 of this chapter may joint venture with its mentor (whether or not the mentor is small) on a HUBZone contract.

(1) A joint venture between a qualified HUBZone SBC and its SBA-approved mentor will qualify as a small business provided the protégé individually qualifies as small for the size standard corresponding to the NAICS code assigned to the procurement, and the joint venture meets the requirements of § 126.616(c) and (d).

(2) A qualified HUBZone SBC may not joint venture with any mentor that has not been approved by SBA pursuant to § 125.9 or § 124.520 of this chapter unless the mentor is also a qualified HUBZone SBC.

PART 127—WOMEN-OWNED SMALL BUSINESS FEDERAL CONTRACT PROGRAM

■ 33. The authority citation for part 127 is revised to read as follows:

Authority: 15 U.S.C. 632, 634(b)(6), 637(m), and 644; Pub. L. 111–240, 24 Stat. 2504.

§ 127.500 [Amended]

■ 34. Amend § 127.500 by adding the words '', regardless of the place of performance'' to the end of the sentence.

■ 35. Amend § 127.506 as follows:

■ a. Revise the section introductory text and paragraphs (a), add an italic subject head to paragraph (c), and revise paragraphs (c)(2) and (3);

■ b. Redesignate paragraph (c)(4) as (c)(7) and paragraph (c)(5) as (c)(10) respectively;

■ c. Add new paragraphs (c)(4) and (c)(5) and add paragraph (c)(6);

■ d. Revise newly redesignated paragraph (c)(7);

■ e. Add paragraphs (c)(8), (c)(9), (c)(11), and (c)(12);

■ f. Revise paragraphs (d), (e) and (f); and

■ g. Add paragraphs (g), (h), (i), (j), (k) and (l).

The revisions and additions read as follows:

§ 127.506 May a joint venture submit an offer on an EDWOSB or WOSB requirement?

A joint venture, including those between a protégé and a mentor under § 125.9 of this chapter (or, if also an 8(a) BD Participant, under § 124.520 of this chapter), may submit an offer on an EDWOSB or WOSB contract if the joint venture meets all of the following requirements:

(a)(1) A joint venture of at least one EDWOSB or WOSB and one or more other business concerns may submit an offer as a small business for a EDWOSB or WOSB contract so long as the firms in the aggregate are small under the size standard corresponding to the NAICS code assigned to the contract, unless the contract qualifies under the exception in 121.103(h)(3). If the contract qualifies under the exception in 121.103(h)(3), each firm must be small under the size standard corresponding to the NAICS code assigned to the contract.

(2) A joint venture between a protégé firm and its SBA-approved mentor (*see* § 125.9 and § 124.520 of this chapter) will be deemed small provided the protégé qualifies as small for the size standard corresponding to the NAICS code assigned to the EDWOSB or WOSB procurement.

* * * * *

(c) *Contents of joint venture agreement.* * * *

(1) * * *

(2) Designating a WOSB as the managing venturer of the joint venture, and an employee of the WOSB managing venturer as the project manager responsible for performance of the contract;

(3) Stating that with respect to a separate legal entity joint venture, the WOSB must own at least 51% of the joint venture entity;

(4) Stating that the WOSB must receive profits from the joint venture commensurate with the work performed by the WOSB, or in the case of a separate legal entity joint venture, commensurate with their ownership interests in the joint venture;

(5) Providing for the establishment and administration of a special bank account in the name of the joint venture. This account must require the signature of all parties to the joint venture or designees for withdrawal purposes. All payments due the joint venture for performance on a WOSB or EDWOSB contract will be deposited in the special account; all expenses incurred under the contract will be paid from the account as well;

(6) Itemizing all major equipment, facilities, and other resources to be furnished by each party to the joint venture, with a detailed schedule of cost or value of each;

(7) Specifying the responsibilities of the parties with regard to negotiation of the contract, source of labor, and contract performance, including ways that the parties to the joint venture will ensure that the joint venture and the WOSB partner to the joint venture will meet the performance of work requirements set forth in paragraph (d) of this section;

(8) Obligating all parties to the joint venture to ensure performance of the WOSB contract and to complete performance despite the withdrawal of any member;

(9) Designating that accounting and other administrative records relating to the joint venture be kept in the office of the WOSB managing venturer, unless approval to keep them elsewhere is granted by the District Director or his/her designee upon written request;

(10) Requiring that the final original records be retained by the WOSB managing venturer upon completion of the EDWOSB or WOSB contract performed by the joint venture;

(11) Stating that quarterly financial statements showing cumulative contract receipts and expenditures (including salaries of the joint venture's principals) must be submitted to SBA not later than 45 days after each operating quarter of the joint venture; and

(12) Stating that a project-end profit and loss statement, including a statement of final profit distribution, must be submitted to SBA no later than 90 days after completion of the contract.

(d) *Performance of work.* (1) For any EDWOSB or WOSB contract, the joint venture (including one between a protégé and a mentor authorized by § 125.9 or § 124.520 of this chapter) must perform the applicable percentage of work required by § 125.6 of this chapter.

(2) The WOSB partner(s) to the joint venture must perform at least 40% of the work performed by the joint venture.

(i) The work performed by the WOSB partner(s) to a joint venture must be more than administrative or ministerial functions so that they gain substantive experience.

(ii) The amount of work done by the partners will be aggregated and the work done by the WOSB partner(s) must be at least 40% of the total done by all partners. In determining the amount of

work done by the non-WOSB partner, all work done by the non-WOSB partner and any of its affiliates at any subcontracting tier will be counted.

(e) *Certification of compliance.* Prior to the performance of any WOSB or EDWOSB contract as a joint venture, the WOSB or EDWOSB SBC partner to the joint venture must submit a written certification to the contracting officer and SBA, signed by an authorized official of each partner to the joint venture, stating as follows:

(i) The parties have entered into a joint venture agreement that fully complies with paragraph (c) of this section;

(ii) The parties will perform the contract in compliance with the joint venture agreement and with the performance of work requirements set forth in paragraph (d) of this section.

(f) *Past performance.* When evaluating the past performance of an entity submitting an offer for a WOSB or EDWOSB contract as a joint venture established pursuant to this section, a procuring activity must consider work done individually by each partner to the joint venture as well as any work done by the joint venture itself previously.

(g) *Contract execution.* The procuring activity will execute a WOSB or EDWOSB contract in the name of the joint venture entity or the WOSB or EDWOSB SBC, but in either case will identify the award as one to a WOSB or ESWOSB joint venture or a WOSB or EDWOSB mentor-protégé joint venture, as appropriate.

(h) *Submission of joint venture agreement.* The WOSB or EDWOSB must provide a copy of the joint venture agreement to the contracting officer.

(i) *Inspection of records.* The joint venture partners must allow SBA's authorized representatives, including representatives authorized by the SBA Inspector General, during normal business hours, access to its files to inspect and copy all records and documents.

(j) *Performance of work reports.* The WOSB or EDWOSB SBC partner to a joint venture must describe how it is meeting or has met the applicable performance of work requirements for each WOSB or EDWOSB contract it performs as a joint venture.

(1) The WOSB or EDWOSB SBC partner to the joint venture must annually submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how the performance of work requirements are being met for each WOSB or EDWOSB contract performed during the year.

(2) At the completion of every WOSB or EDWOSB contract awarded to a joint venture, the WOSB or EDWOSB SBC partner to the joint venture must submit a report to the relevant contracting officer and to the SBA, signed by an authorized official of each partner to the joint venture, explaining how and certifying that the performance of work requirements were met for the contract, and further certifying that the contract was performed in accordance with the provisions of the joint venture agreement that are required under paragraph (c) of this section.

(k) *Basis for suspension or debarment.* The Government may consider the following as a ground for suspension or debarment as a willful violation of a regulatory provision or requirement applicable to a public agreement or transaction:

(1) Failure to enter a joint venture agreement that complies with paragraph (c) of this section;

(2) Failure to perform a contract in accordance with the joint venture agreement or performance of work requirements in paragraph (d) of this section; or

(3) Failure to submit the certification required by paragraph (e) or comply with paragraph (i) of this section.

(l) Any person with information concerning a joint venture's compliance with the performance of work requirements may report that information to SBA and/or the SBA Office of Inspector General.

PART 134—RULES OF PROCEDURE GOVERNING CASES BEFORE THE OFFICE OF HEARINGS AND APPEALS

■ 36. The authority citation for part 134 continues to read as follows:

Authority: 5 U.S.C. 504; 15 U.S.C. 632, 634(b)(6), 637(a), 648(l), 656(i), and 687(c); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189.

■ 37. Amend § 134.227 by revising paragraph (c) to read as follows:

§ 134.227 Finality of decisions.

* * * * *

(c) *Reconsideration.* Except as otherwise provided by statute, the applicable program regulations in this chapter, or this part 134, an initial or final decision of the Judge may be reconsidered. Any party in interest, including SBA where SBA did not appear as a party during the proceeding that led to the issuance of the Judge's decision, may request reconsideration by filing with the Judge and serving a petition for reconsideration within 20 days after service of the written decision, upon a clear showing of an error of fact or law material to the decision. The Judge also may reconsider a decision on his or her own initiative.

■ 38. Amend § 134.406 by revising paragraph (b) to read as follows:

§ 134.406 Review of the administrative record.

* * * * *

(b) Except in suspension appeals, the Administrative Law Judge's review is limited to determining whether the Agency's determination is arbitrary, capricious, or contrary to law. As long as the Agency's determination is not arbitrary, capricious or contrary to law, the Administrative Law Judge must uphold it on appeal.

(1) The Administrative Law Judge must consider whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.

(2) If the SBA's path of reasoning may reasonably be discerned, the Administrative Law Judge will uphold a decision of less than ideal clarity.

* * * * *

§ 134.501 [Amended]

■ 39. Amend § 134.501 by removing ''§ 125.26'' from paragraph (a), and by adding ''§ 125.29'' in its place.

§ 134.515 [Amended]

■ 40. Amend § 134.515 by removing ''13 CFR 125.28'' from paragraph (a), and by adding ''§ 125.31 of this chapter'' in its place.

Dated: December 19, 2014.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–01548 Filed 2–4–15; 8:45 am]

BILLING CODE 8025–01–P

Reader Aids

Federal Register

Vol. 80, No. 24

Thursday, February 5, 2015

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

5451–5664 2
5665–5894 3
5895–6428 4
6429–6644 5

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9229 6419
9230 6421
9231 6423
Executive Orders:
13690 6425

5 CFR

532 5451
Proposed Rules:
532 5487
Ch. XLII 5715

7 CFR

205 6429
3434 5895

9 CFR

78 5665
97 5665
201 6430

10 CFR

72 6430
430 5896
Proposed Rules:
72 6466
429 5994
430 5994
431 ..... 6016, 6182

12 CFR

217 5666
Proposed Rules:
217 5694
225 5694
238 5694
1005 6468
1026 6468

13 CFR

Proposed Rules:
121 6618
124 6618
125 6618
126 6618
127 6618
134 6618

14 CFR

25 6435
39 ..... 5452, 5454, 5670, 5900, 5902, 5905, 5906, 5909, 5911, 5915
91 5918
Proposed Rules:
39 ..... 5489, 6017

15 CFR

Proposed Rules:
922 5699

16 CFR

Proposed Rules:
Ch. I 5713
500 5491
502 5491
1120 5701

20 CFR

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

21 CFR

870 5674
Proposed Rules:
73 6468

24 CFR

Proposed Rules:
570 ..... 6469, 6470

29 CFR

2520 5626
Proposed Rules:
Subtitle A 5715
Ch. II 5715
Ch. IV 5715
Ch. V 5715
Ch. XVII 5715
Ch. XXV 5715

30 CFR

700 6435
875 6435
877 6435
879 6435
884 6435
885 6435
Proposed Rules:
Ch. I 5715

33 CFR

117 5457
151 5922
155 5922
156 5922
157 5922
165 6448

34 CFR

369 6452
371 6452

37 CFR

Proposed Rules:
1 6475

39 CFR

20 ..... 5683, 5688

111 5691
Proposed Rules:
111 6574

40 CFR

9 5457
52 ....5471, 6455
60 5475
61 5475
62 5483
63 ....5475, 5938
180 ....5941, 5946, 5952
300 ....5957, 6458
721 5457
Proposed Rules:
51 6481
52 ....5497, 6109, 6485, 6491
60 5498
61 5498
63 ....5498, 6035
81 6019
98 6495
300 ....6036, 6496

41 CFR

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

45 CFR

1611 5485
Proposed Rules:
1640 5716

47 CFR

54 5961
Proposed Rules:
20 6496

48 CFR

Proposed Rules:
Ch. 29 5715
511 6037
552 6037

50 CFR

622 6464
635 5991
679 ....5692, 5992
Proposed Rules:
17 5719
300 5719
226 5499
680 5499

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 15, 2015

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.