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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0146; Directorate Identifier 2013–NM–243–AD; Amendment 39–18094; AD 2015–02–25]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This AD was prompted by fuel system reviews conducted by the manufacturer. This AD requires replacing a fitting that is part of the refuel control solenoid valve assembly. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

DATES: This AD becomes effective March 17, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0146;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. *FAA–2014–0146.*

FOR FURTHER INFORMATION CONTACT: Mazdak Hobbi, Aerospace Engineer, Propulsion and Services Branch, ANE–173, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228 7330; fax 516–794 5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc. Model DHC–8–400 series airplanes. The NPRM published in the **Federal Register** on March 28, 2014 (79 FR 17459). The NPRM was prompted by fuel system reviews conducted by the manufacturer. The NPRM proposed to require replacing a fitting that is part of the refuel control solenoid valve assembly. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2013–32, dated October 8, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition certain Bombardier, Inc. Model DHC–8–400 series airplanes. The MCAI states:

> During the incorporation of Modsum 4–126630, mandated by [Canadian] AD CF–2010–31 [*http://wwwapps3.tc.gc.ca/Saf-Sec-Sur/2/cawis-swimn/images/doc-acrobat16x16.gif;* corresponding FAA AD 2011–13–06, Amendment 39–16729 (76 FR 37258, June 27, 2011)], it has been reported that fitting part number (P/N) 82822074–951 has been installed through the rear spar instead of fitting P/N 82822074–005 or 82822074–007. Fitting P/N 82822074–951 does not comply with the fuel tank safety standards introduced in Chapter 525 of the Airworthiness Manual through [a certain] Notice of Proposed Amendment (NPA) * * *. Therefore, this fitting shall be replaced to mitigate unsafe conditions that could result in a potential ignition source within the fuel system.
>
> This [Canadian] AD mandates the replacement of the above-mentioned fittings with compliant fittings P/N 82822074–009.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0146-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (79 FR 17459, March 28, 2014) and the FAA's response to each comment.

Request To Mandate Only Certain Sections of the Service Information

Horizon Air requested that we revise the NPRM (79 FR 17459, March 28, 2014), to mandate only the section of the Accomplishment Instructions that corrects the unsafe condition (*i.e.,* paragraph 3.B., ''Procedure''). Horizon Air reasoned that paragraph (g) of the NPRM mandates the entire Accomplishment Instructions of Bombardier Service Bulletin 84–28–12, Revision A, dated June 20, 2013, and that the ''Job Set-Up'' and ''Close Out'' sections of the Accomplishment Instructions do not directly correct the unsafe condition. Horizon Air explained that requiring the ''Job Set-Up'' and ''Close Out'' sections restricts an operator's ability to perform other maintenance in conjunction with the incorporation of the service bulletin. As an example, Horizon Air suggested that an operator might need or want to have the gear pins out, but that would not be allowed because the NPRM mandates the installation of the gear pins through the work steps in the ''Job Set-Up'' section, and they cannot be removed until the ''Job Close Out'' section is accomplished.

For the reasons stated by Horizon Air, we agree to mandate only the section of the Accomplishment Instructions of Bombardier Service Bulletin 84–28–12,

Revision A, dated June 20, 2013, that corrects the unsafe condition in this AD. We have revised paragraph (g) of this AD accordingly.

''Contacting the Manufacturer'' Paragraph in This AD

Since late 2006, we have included a standard paragraph titled ''Airworthy Product'' in all MCAI ADs in which the FAA develops an AD based on a foreign authority's AD.

The MCAI or referenced service information in an FAA AD often directs the owner/operator to contact the manufacturer for corrective actions, such as a repair. Briefly, the Airworthy Product paragraph allowed owners/operators to use corrective actions provided by the manufacturer if those actions were FAA-approved. In addition, the paragraph stated that any actions approved by the State of Design Authority (or its delegated agent) are considered to be FAA-approved.

In the NPRM (79 FR 17459, March 28, 2014), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to this FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include a design approval holder (DAH) with State of Design Authority design organization approval (DOA), as applicable, to refer to a DAH authorized to approve required repairs for the proposed AD.

No comments were provided to the NPRM (79 FR 17459, March 28, 2014) about these proposed changes. However, a comment was provided for an NPRM having Directorate Identifier 2012–NM–101 AD (78 FR 78285, December 26, 2013). The commenter stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

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

To address this misunderstanding and misinterpretation of the Airworthy Product paragraph, we have changed the paragraph and retitled it ''Contacting the Manufacturer.'' This paragraph now clarifies that for any requirement in this AD to obtain corrective actions from a manufacturer, the actions must be accomplished using a method approved by the FAA, the TCCA, or Bombardier, Inc.'s TCCA Design Approval Organization (DAO).

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

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

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

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

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

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 17459, March 28, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 17459, March 28, 2014).

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

Related Service Information Under 1 CFR Part 51

Bombardier has issued Bombardier Service Bulletin 84–28–12, Revision A, dated June 20, 2013. The service information describes procedures for replacing a fitting that is part of the refuel control solenoid valve assembly. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 55 airplanes of U.S. registry.

We also estimate that it will take about 9 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts costs are negligible. Based on these figures, we estimate the cost of this AD on U.S. operators to be $42,075, or $765 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0146*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–02–25 Bombardier, Inc.: Amendment 39–18094. Docket No. FAA–2014–0146; Directorate Identifier 2013–NM–243–AD.

(a) Effective Date

This AD becomes effective March 17, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4063 through 4118 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by fuel system reviews conducted by the manufacturer. We are issuing this AD to prevent the potential of ignition sources inside fuel tanks, which, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

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

(g) Replacement

Within 6,000 flight hours or 36 months after the effective date of this AD, whichever occurs first: Replace fitting part number (P/N) 82822074–951 with new P/N 82822074–009, in accordance with paragraph 3.B., ''Procedure,'' of the Accomplishment Instructions of Bombardier Service Bulletin 84–28–12, Revision A, dated June 20, 2013.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 84–28–12, dated July 23, 2012, which is not incorporated by reference in this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2013–32, dated October 8, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-00146-0002*.

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

(k) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 84–28–12, Revision A, dated June 20, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539;

email *thd.qseries@aero.bombardier.com*; Internet *http://www.bombardier.com.*

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

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

Issued in Renton, Washington, on January 21, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–01663 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0133; Directorate Identifier 2014–SW–066–AD; Amendment 39–18088; AD 2014–22–51]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Formerly Eurocopter France)

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

ACTION: Final rule; request for comments.

SUMMARY: We are publishing a new airworthiness directive (AD) for Airbus Helicopters (formerly Eurocopter France) Model EC130T2 helicopters, which was sent previously to all known U.S. owners and operators of these helicopters. This AD requires repetitively inspecting the attachment points where the fan attaches to the main gearbox (MGB) oil cooler hopper (hopper) and replacing any cracked hopper with an airworthy hopper. This AD is prompted by several cases of a cracked hopper. The cracks were found on the hopper at the fan attachment points. These actions are intended to detect a crack in the hopper at a fan attachment point to prevent failure of the fan attachment, interference of the fan with the control rod of the front servo-control or with the flight control bellcrank, and subsequent loss of control of the helicopter.

DATES: This AD becomes effective February 25, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD (EAD) 2014–22–51, issued on October 29, 2014, which contained the requirements of this AD.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of February 25, 2015.

We must receive comments on this AD by April 13, 2015.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated by reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0133.

FOR FURTHER INFORMATION CONTACT: Eric Haight, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *eric.haight@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

On October 29, 2014, we issued EAD 2014–22–51, which requires, before further flight and thereafter at intervals not to exceed 10 hours time-in-service (TIS), visually inspecting the hopper for a crack at the four attachment points. If there is a crack, EAD 2014–22–51 requires replacing the hopper with an airworthy hopper, which is not terminating action for the repetitive visual inspections. EAD 2014–22–51 was sent previously to all known U.S. owners and operators of these helicopters and resulted from several cases of a cracked MGB oil cooler hopper.

EAD 2014–22–51 was prompted by EAD No. 2014–0229–E, dated October 20, 2014, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for the Airbus Helicopters Model EC130T2 helicopters. EASA advises of several cases of cracked MGB oil cooler fan attachments to the hopper. EASA EAD No. 2014–0229–E requires repetitive visual inspections of the MGB oil cooler fan attachment to the hopper and, depending on findings, replacement of cracked parts.

FAA's Determination

This helicopter has been approved by the aviation authority of France and is

approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA EAD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design.

Related Service Information Under 1 CFR Part 51

Airbus Helicopters issued Emergency Alert Service Bulletin No. 05A020 Revision 0, dated October 20, 2014 (EASB), specifying periodic visual checks for cracks in the engine MGB oil fan hopper. The EASB states that a crack could lead to the total failure of the fan attachment and that this condition, if not detected and corrected, could lead to interference of the fan with the control rod of the front servo-control or with the flight control bellcrank, possibly resulting in reduced control of the helicopter. Also, the EASB states that pending modification, the periodic visual check of the hopper is necessary. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

AD Requirements

This AD requires, before further flight and thereafter at intervals not to exceed 10 hours TIS, visually inspecting the hopper for a crack at the four fan attachment points. If there is a crack in the hopper, this AD requires replacing the hopper with an airworthy hopper. Replacing the hopper does not constitute terminating action for the repetitive visual inspections required by this AD.

Differences Between This AD and the EASA AD

We do not use the compliance time option of every 7 days.

Interim Action

We consider this AD to be an interim action. The design approval holder is currently developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this AD will affect 60 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per hour. We estimate 0.2 work hour to inspect the hopper at an estimated $17 per helicopter and a total cost of $1,020 for the fleet. If a hopper is replaced, we estimate 6 hours to replace it and $1,000 for required parts for a total of $1,510.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we found and continue to find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the previously described unsafe condition can adversely affect the controllability of the helicopter and the required corrective actions must be accomplished before further flight and in 10-hour intervals.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment before issuing this AD were impracticable and contrary to the public interest and good cause existed to make the AD effective immediately by EAD 2014–22–51, issued on October 9, 2014, to all known U.S. owners and operators of these helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify that this AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2014–22–51 Airbus Helicopters (Formerly Eurocopter France): Amendment 39–18088; Docket No. FAA–2015–0133; Directorate Identifier 2014–SW–066–AD.

(a) Applicability

This AD applies to Model EC130T2 helicopters, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in the main gearbox oil cooler fan hopper. This condition could result in failure of the fan attachment, interference of the fan with the control rod of the front servo-control or with the flight control bellcrank, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective February 25, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2014–22–51, issued on October 29, 2014, which contains the requirements of this AD.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

Before further flight and thereafter at intervals not to exceed 10 hours time-in-service, using a light and a mirror, visually inspect the hopper for a crack at the four fan attachment points. The hopper is depicted as item ''a'' and the fan as item ''b'' in Figure 1 of Airbus Helicopters Emergency Alert Service Bulletin No. 05A020, Revision 0, dated October 20, 2014 (EASB). If there is a crack in the hopper, replace the hopper with an airworthy hopper. Examples of a crack are shown in Figure 2 of the EASB. Replacing the hopper does not constitute terminating action for the repetitive visual inspections required by this AD.

(f) Special Flight Permits

Special flight permits may be issued provided that the fan is removed.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this EAD. Send your proposal to: Eric Haight, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *eric.haight@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this EAD through an AMOC.

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) Emergency AD No. 2014–0229–E, dated October 20, 2014. You may view the EASA AD on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–0133.

(i) Subject

Joint Aircraft Service Component (JASC) Tracking Code: 6322 Main Rotor Drive Rotorcraft Cooling Fan System.

(j) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Emergency Alert Service Bulletin No. 05A020, Revision 0, dated October 20, 2014.

(ii) Reserved.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on January 16, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–01803 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0142; Directorate Identifier 2012–NM–161–AD; Amendment 39–18093; AD 2015–02–24]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2007–03–18, AD 2008–17–02, AD 2012–08–03, and AD 2012–15–14, for certain Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. AD 2007–03–18, AD 2008–17–02, AD 2012–08–03, and AD 2012–15–14 required repetitive inspections of the forward lugs of the aft bearing at rib 5 of the main landing gear (MLG) on the left-hand (LH) and right-hand (RH) wings, and repair if necessary; and installation of new bushes with increased interference fit in the forward lug of the aft bearing at rib 5 of the MLG on the LH and RH wings. This new AD adds airplanes to the applicability; and adds, for certain airplanes, repetitive inspections of the MLG rib 5 aft bearing forward lugs, and repair if necessary. This AD was prompted by reports of cracking in the forward lug of the MLG rib 5 aft bearing attachment. We are issuing this AD to detect and correct cracking of the forward lugs of the aft bearing at rib 5 of the MLG on the LH and RH wings, which could affect the structural integrity of the MLG attachment, resulting in possible MLG collapse during landing or rollout.

DATES: This AD becomes effective March 17, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 17, 2015.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of September 11, 2012 (77 FR 46937, August 7, 2012).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of May 29, 2012 (77 FR 24367, April 24, 2012).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of September 17, 2008 (73 FR 47032, August 13, 2008).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of February 6, 2007 (72 FR 2612, January 22, 2007).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0142;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0142.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116,

Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008); AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012); and AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012). AD 2008–17–02, AD 2012–08–03, and AD 2012–15–14, applied to certain Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The NPRM published in the **Federal Register** on March 12, 2014 (79 FR 13938).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2012–0176, dated September 7, 2012, corrected September 20, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Several cases of corrosion of the Main Landing Gear (MLG) Rib 5 aft fitting forward lug have been reported on A310 family aeroplanes. In some instances, corrosion pits caused the cracking of the forward lug.
>
> This condition, if not detected and corrected, may lead to the complete failure of the fitting and thus could affect the structural integrity of the MLG installation.
>
> EASA ADs 2006–0372R1 (*http://ad.easa.europa.eu/blob/easa_ad_2006_0372_R1_superseeded.pdf/AD_2006-0372R1_1*), 2007–0195 (*http://ad.easa.europa.eu/blob/easa_ad_2007_0195_superseded.pdf/AD_2007-0195_1*) [which corresponds with FAA AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008)], 2010–0250 (*http://ad.easa.europa.eu/blob/easa_ad_2010_0250_superseded.pdf/AD_2010-0250_1*) [which corresponds with FAA AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)] and 2010–0251 (*http://ad.easa.europa.eu/blob/easa_ad_2010_0251_superseded.pdf/AD_2010-0251_1*) [which corresponds with FAA AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012)] were issued to address this condition and required a repetitive inspection programme of the MLG Rib 5 fitting forward lugs and, as terminating action, the embodiment of mandatory design change (bushes with increased interference fit).
>
> MLG Rib 5 forward lug on A320 family aeroplanes is a similar design to the A300/A300–600/A310 family. Since those [EASA] ADs were issued, on two A321 aeroplanes, post modification (bushes with increased interference fit) MLG Rib 5 forward lugs were reportedly found ruptured. One other case was due to a sealant discrepancy that led to water ingress and consequently corrosion initiation, leading to cracking. Subsequent investigation results have shown that a remaining defect, not removed during the repair, had propagated, resulting in rupture of the lug.
>
> For the reasons stated above, this new [EASA] AD retains the requirements of EASA ADs 2006–0372R1, 2007–0195, 2010–0250 and 2010–0251, which are superseded, expands the applicability to all models and series of A300, A310, A300–600 and A300–600ST aeroplanes, and requires:
>
> —For aeroplanes not yet modified or repaired, implementation of Modification Service Bulletin (SB) A300–57–0249, A310–57–2090, A300–57–6106, or A300–57–9019, all at Revision 3, and
>
> —for aeroplanes which already embody that modifications, at original issue or revision 01 or 02 of the applicable SB, or have MLG Ribs already repaired in accordance with Airbus repair instruction R57240221 or R57249121, implementation of an additional inspection programme [repetitive detailed inspection for cracking or ultrasonic inspections for any crack indication] and associated corrective action(s) [detailed inspection for cracking if any crack indication found, and repair].
>
> The unsafe condition is cracking of the forward lugs of the aft bearing at rib 5 of the MLG on the LH and RH wings, which could affect the structural integrity of the MLG attachment, resulting in possible MLG collapse during landing or rollout.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0142-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 13938, March 12, 2014) and the FAA's response to each comment.

Request To Withdraw the NPRM (79 FR 13938, March 12, 2014)

United Parcel Service (UPS) requested that we withdraw the NPRM (79 FR 13938, March 12, 2014) and focus on airplanes that have been serviced at the facilities where the two airplanes specified in the Discussion section of the NPRM had been reworked. UPS stated that both events are the result of an operator not following procedures.

We disagree with the commenter's request to withdraw the NPRM (79 FR 13938, March 12, 2014). This issue concerns more than one operator and airplane model. We have no data indicating that these events are definitively limited to just one repair station or operator. Therefore, the unsafe condition may exist on other airplanes of a similar type design. Consequently, the actions required by this final rule must be done for airplanes identified in paragraph (c) of this AD. We have not changed this AD in this regard.

Request To Revise Post-Modification Repetitive Inspection

UPS requested that we revise the post-modification repetitive inspections to a one-time inspection. UPS stated that it does not believe that the root cause of the reported events is addressed in the NPRM (79 FR 13938, March 12, 2014). UPS explained that the primary focus of Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012, and the incident investigation is on sealing and protection in the bushing head area. UPS stated that the only difference between the sealing process of Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012, and prior service bulletin revision levels, is the application of a single coat of polyurethane paint applied over the fillet seal around the bushing flange. UPS explained that, based on a process review of Airbus Service Bulletin A300–57–6106 and the failure analysis results from the two post-modification reported events, it concurs that a post-modification check of the modification integrity is valid; however, the post-modification repetitive inspection should be a one-time inspection to verify proper accomplishment of the rework process.

We disagree with the commenter's request to revise the post-modification repetitive inspections to a one-time inspection. The corresponding MCAI specifies that the inspection be repeated; FAA ADs match the MCAI requirements if the MCAI provides an adequate level of safety and does not conflict with FAA policies. The sealing process could be compromised over time. Thus a repetitive inspection is considered necessary to ensure that corrosion will not occur and to ensure the structural integrity of the MLG rib 5. However, under the provisions of paragraph (aa) of this AD, we might approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Supersede AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007)

UPS requested that we revise the wording in paragraph (o) of the NPRM (79 FR 13938, March 12, 2014) to terminate the inspections required by AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007); and to add AD 2007–03–18 to the list of superseded ADs in paragraph (b)(1) of the NPRM. UPS stated that it believes the intent of paragraph (g) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), was to terminate the AD 2007–03–18 inspection requirements upon initiation of inspections as described in Airbus Mandatory Service Bulletin A300–57–6107, including Appendix 01, dated August 8, 2007.

We agree with the commenter's request to add AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007), to the list of superseded ADs in this final rule. We have revised paragraph (b) of this AD by removing paragraph (b)(2) of the NPRM (79 FR 13938, March 12, 2014); re-designating paragraph (b)(1) of the NPRM as paragraph (b) of this AD; adding new paragraph (b)(1) to this AD, which adds AD 2007–03–18 to the list of superseded ADs in this AD; and re-designating paragraphs (b)(1)(i) through (b)(1)(iii) of the NPRM as paragraphs (b)(2) through (b)(4) of this AD, respectively.

Request To Remove Repair Approval Requirement

UPS requested that we remove the statement ''For a repair method to be approved, the repair approval must specifically refer to this AD'' in paragraph (x) of the NPRM (79 FR 13938, March 12, 2014). UPS acknowledged that the rules governing the AD repair and deviation approval process for foreign-manufactured aircraft differ from domestic-built airplanes. UPS recommended that the FAA meet with U.S. operators of foreign-built airplanes to discuss concerns about repair instructions being used that might not fully address the unsafe condition and to review options to alleviate those concerns.

We concur with the commenter's request to remove from this final rule the requirement that repair approvals must specifically refer to this AD. Our responses to specific aspects of this request are presented as follows.

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

In the NPRM (79 FR 13938, March 12, 2014), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to this FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include ''the Design Approval Holder (DAH) with State of Design Authority's design organization approval'' to refer to a DAH authorized to approve required repairs for the proposed AD.

UPS also commented on an NPRM having Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013). UPS stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

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

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

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

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

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

Based on these comments, we removed the requirement that the DAH-provided repair specifically refer to this

AD. Before adopting such a requirement, the FAA will coordinate with affected DAHs and verify they are prepared to implement means to ensure that their repair approvals consider the unsafe condition addressed in the AD. Any such requirements will be adopted through the normal AD rulemaking process, including notice-and-comment procedures, when appropriate.

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

Change to Paragraph (h)(3) of This AD

We removed a requirement to use the latest revision of certain service information, which appeared as the last sentence at the end of paragraph (h)(3) of the NPRM (79 FR 13938, March 12, 2014). That requirement already appears in paragraph (h)(2) of this AD.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 13938, March 12, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 13938, March 12, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed the following service bulletins.

Airbus Service Bulletin A300–57–0255, including Inspection Reporting Form, dated January 13, 2012. The service information describes procedures for inspections of the forward lugs of the aft bearing at rib 5 of the MLG on the LH and RH wings.

Airbus Service Bulletin A300–57–6112, including Inspection Reporting Form, dated January 13, 2012. The service information describes procedures for inspections of the forward lugs of the aft bearing at rib 5 of the MLG on the LH and RH wings.

Airbus Service Bulletin A310–57–2090, Revision 02, dated June 18, 2010. The service information describes procedures for installation of new bushes with increased interference fit in the forward lug of the aft bearing at rib 5 of the MLG on the LH and RH wings.

Airbus Service Bulletin A310–57–2101, including Inspection Reporting Form, dated January 13, 2012. The service information describes procedures for inspections of the forward lugs of the aft bearing at rib 5 of the MLG on the LH and RH wings.

This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 194 airplanes of U.S. registry.

The actions that are required by AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), and retained in this AD take about 5 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2008–17–02 is $425 per product.

The actions that are required by AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and retained in this AD take about 38 work-hours per product, at an average labor rate of $85 per work-hour. Required parts cost about $4,590 per product. Based on these figures, the estimated cost of the actions that were required by AD 2012–08–03 is $7,820 per product.

The actions that are required by AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and retained in this AD take about 3 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2012–15–14 is $255 per product.

We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $49,470, or $255 per product.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD. We have no way of determining the number of products that may need these actions.

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave., SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0142;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007); AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008); AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012); and AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012); and adding the following new AD:

2015–02–24 Airbus: Amendment 39–18093. Docket No. FAA–2014–0142; Directorate Identifier 2012–NM–161–AD.

(a) Effective Date

This AD becomes effective March 17, 2015.

(b) Affected ADs

This AD replaces the ADs specified in paragraphs (b)(1) through (b)(4) of this AD.

(1) AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007).

(2) AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008).

(3) AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012).

(4) AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012).

(c) Applicability

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

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes; Model A300 B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes; and Model A300 C4–605R Variant F airplanes.

(2) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracking in the forward lug of the main landing gear (MLG) rib 5 aft bearing attachment. We are issuing this AD to detect and correct cracking of the forward lugs of the aft bearing at rib 5 of the MLG on the left-hand (LH) and right-hand (RH) wings, which could affect the structural integrity of the MLG attachment, resulting in possible MLG collapse during landing or rollout.

(f) Compliance

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

(g) Retained Repetitive Detailed Inspection and Corrective Actions

This paragraph restates the requirements of paragraph (f) of AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008). For Model A310 airplanes, except for those where LH and RH wing MLG rib 5 forward lugs have been repaired by installation of oversized interference fit bushes as per Airbus A310 Repair Instruction R572–49121, or which have had Airbus Service Bulletin A310–57–2090 (Airbus Modification 13329) embodied in service: Do the actions specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57A2088, dated November 6, 2006.

(1) Before the accumulation of 12,000 total flight cycles, or within 14 days after February 6, 2007 (the effective date of AD 2007–02–09, Amendment 39–14896 (72 FR 2612, January 22, 2007)), whichever occurs later: Perform a detailed visual inspection of the LH and RH wing MLG rib 5 aft bearing forward lugs.

(2) If any crack is detected at LH and/or RH aft bearing forward lug, contact Airbus and proceed with the replacement before next flight.

(3) Repeat the inspection at intervals not exceeding 100 flight cycles.

(h) Retained Actions and Compliance

This paragraph restates the requirements of paragraph (g) of AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), with new service information for paragraphs (h)(2), (h)(3), and (h)(4)(ii) of this AD, and specific delegation approval language in paragraphs (h)(3) and (h)(4)(ii) of this AD. For Model A310 airplanes, except for those where LH and RH wing MLG rib 5 forward lugs have been repaired by installation of oversized interference fit bushes as per Airbus A310 Repair Instruction R572–49121, or which have had Airbus Service Bulletin A310–57–2090 (Airbus Modification 13329) embodied in service: Before the accumulation of 12,000 total flight cycles or before the accumulation of 12,000 flight cycles on MLG rib 5, or within 14 days after September 17, 2008 (the effective date of AD 2008–17–02), whichever occurs latest, perform either a detailed visual inspection (DVI) or an ultrasonic inspection of the LH and RH MLG rib 5 aft bearing forward lug for cracks, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57–2091, excluding Appendix 01, dated May 22, 2007. If a MLG rib 5 has been replaced on one side only, then the LH and RH must be considered separately. Doing this inspection ends the requirements of paragraph (g) of this AD for that MLG rib 5 only.

(1) If no crack is detected during any inspection required by paragraph (h) of this AD: Repeat the applicable inspection at the time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD.

(i) Repeat the DVI thereafter at intervals not to exceed 100 flight cycles.

(ii) Repeat the ultrasonic inspection thereafter at intervals not to exceed 825 flight cycles.

(2) Replacement of the MLG rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG rib 5, in accordance with the Accomplishment Instructions of a service bulletin specified in paragraph (h)(2)(i), (h)(2)(ii), or (h)(2)(iii) of this AD, ends the repetitive inspections required by paragraph (h)(1) of this AD for that MLG rib 5 only. As of the effective date of this AD, use only Airbus Mandatory Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012, for the actions specified in this paragraph.

(i) Airbus Service Bulletin A310–57–2090, Revision 01, dated December 19, 2007.

(ii) Airbus Mandatory Service Bulletin A310–57–2090, Revision 02, dated June 18, 2010.

(iii) Airbus Mandatory Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012.

(3) If any crack is detected during the DVI required by paragraph (h) of this AD: Before further flight, contact Airbus for replacement instructions and replace the MLG rib 5 bushes before further flight. As of the effective date of this AD: Before further flight, replace using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). Repeat the applicable inspection in paragraph (h) of this AD at the time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD. Accomplishing the replacement of the MLG rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG rib 5, in accordance with the Accomplishment

Instructions of a service bulletin specified in paragraph (h)(2)(i), (h)(2)(ii), or (h)(2)(iii) of this AD, ends the repetitive inspections required by paragraph (h)(1) of this AD for that MLG rib 5 only.

(4) If any crack is detected during the ultrasonic inspection required by paragraph (h) of this AD, before further flight, accomplish the actions specified in paragraph (h)(4)(i) or (h)(4)(ii) of this AD, as applicable.

(i) If any crack is not visible on MLG rib 5: Before further flight, repair MLG rib 5 using Airbus A310 Repair Instruction R572–49121, Issue C, dated May 2007. After embodiment of the repair instruction, no further actions are necessary as required by paragraphs (g) and (h) of this AD and specified in Airbus Service Bulletin A310–57–2091, excluding Appendix 01, dated May 22, 2007, for that MLG rib 5 only.

(ii) If any crack is visible on MLG rib 5: Before further flight, contact Airbus for rib replacement instructions, and replace before further flight. As of the effective date of this AD: Before further flight, replace using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. Repeat the applicable inspection in paragraph (h) of this AD at the time specified in paragraph (h)(1)(i) or (h)(1)(ii) of this AD. Accomplishing the replacement of the MLG rib 5 bushes with new bushes with high interference fit in the aft bearing forward lugs of MLG rib 5, in accordance with the Accomplishment Instructions of a service bulletin specified in paragraph (h)(2)(i), (h)(2)(ii), or (h)(2)(iii) of this AD, ends the repetitive inspections required by paragraph (h) of this AD for that MLG rib 5 only.

Note 1 to paragraph (h) of this AD: The ultrasonic inspection will detect any crack at an early stage and will limit the risk of extensive repairs. This earlier crack detection is not possible with the DVI.

(i) Retained Installation

This paragraph restates the requirements of paragraph (g) of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and applies to the airplanes identified in paragraph (j) of this AD. Within 30 months after May 29, 2012 (the effective date of AD 2012–08–03), install new bushes with increased interference fit in the gear rib 5 aft bearing forward lug on the LH and RH wings, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD; except as specified in paragraph (k) of this AD.

(1) Airbus Mandatory Service Bulletin A300–57–0249, Revision 03, dated January 18, 2012 (for Model A300 B4–2C, B4–103, and B4–203 airplanes).

(2) Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes).

(3) Airbus Mandatory Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012 (for Model A310 series airplanes).

(j) Affected Airplanes for the Actions Required by Paragraph (i) of This AD

For airplanes identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD: Do the actions required by paragraph (i) of this AD.

(1) Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; all serial numbers; except airplanes on which the MLG rib 5 forward lugs of the LH and RH wings have been repaired by installation of oversized interference fit bushes specified in Airbus Repair Instruction R57240221, or those on which the LH and RH wings have had Airbus Service Bulletin A300–57–0249 embodied in service.

(2) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes; Airbus Model A300 B4–605R and B4–622R airplanes; Airbus Model A300 F4–605R and F4–622R airplanes; and Airbus Model A300 C4–605R Variant F airplanes; all serial numbers; except airplanes on which the MLG rib 5 forward lugs of the LH and RH wings have been repaired by installation of oversized interference fit bushes specified in Airbus Repair Instruction R57240221, or those on which the LH and RH wings have had Airbus Service Bulletin A300–57–6106 embodied in service.

(3) Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes; all serial numbers; except airplanes on which the MLG rib 5 forward lugs of the LH and RH wings have been repaired by installation of oversized interference fit bushes specified in Airbus Repair Instruction R57249121, or those on which the LH and RH wings have had Airbus Service Bulletin A310–57–2090 embodied in service.

(k) Retained Exception for Airplanes Identified in Paragraphs (j)(1), (j)(2), and (j)(3) of This AD

This paragraph restates the requirements of paragraph (h) of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and applies to the airplanes identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD. If one wing had rib 5 forward lugs of the MLG repaired by installing oversized interference fit bushes, as specified in Airbus Repair Instruction R57240221 or Airbus Repair Instruction R572–49121, as applicable to the airplane model, then installing new bushes with increased interference fit in the aft bearing forward lug of the gear rib, as specified in paragraph (i) of this AD, is required for the opposite wing only.

(l) Retained Terminating Action for Certain Inspections

This paragraph restates the requirements of paragraph (i) of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), and applies to the airplanes identified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD. Installation of new bushes, as specified in paragraph (i) of this AD, is terminating action for the repetitive inspections required by AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007); and by paragraphs (g) and (h) of this AD.

(m) Retained Repetitive Inspections

This paragraph restates the requirements of paragraph (g) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Except as provided by paragraph (o) of this AD: Before the accumulation of 12,000 total flight cycles since new, or within 12,000 flight cycles since the most recent MLG rib 5 replacement, if applicable, or within 10 days after September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)), whichever occurs latest, do a detailed inspection or an ultrasonic inspection for cracking of the LH and RH MLG rib 5 aft bearing forward lugs, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0251, including Appendix 01, dated August 8, 2007 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6107, including Appendix 01, dated August 8, 2007 (for Model A300–600 series airplanes). Repeat the applicable inspections thereafter at the applicable interval specified in paragraph (m)(1) or (m)(2) of this AD, until the modification specified in paragraph (q) of this AD is accomplished.

(1) Repeat the detailed inspections at intervals not to exceed 100 flight cycles.

(2) Repeat the ultrasonic inspections at intervals not to exceed 675 flight cycles.

(n) Affected Airplanes for the Actions Required by Paragraph (m) of This AD

For Airbus Model A300 B4–2C, B4–103, and B4–203 airplanes; Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes; and Model A300 C4–605R Variant F airplanes; all serial numbers; except for airplanes identified in paragraphs (n)(1), (n)(2), and (n)(3) of this AD: Do the actions required by paragraph (m) of this AD, except as provided by paragraph (o) of this AD.

(1) Airplanes on which LH and RH wing MLG rib 5 forward lugs have oversized interference fit bushings installed per Airbus Repair Instruction R57240221.

(2) Model A300 B4–103, B4–203, and B4–2C airplanes on which Airbus Service Bulletin A300–57–0249 has been done in service on the LH and RH wings.

(3) Model A300–600 series airplanes on which Airbus Service Bulletin A300–57–6106 has been done in service on the LH and RH wings.

(o) Retained Exception for Certain Airplanes Identified in Paragraph (n) of This AD

This paragraph restates the requirements of paragraph (h) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD on which an inspection required by AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007), has been done as of September 11, 2012 (the effective date of AD 2012–15–14): Within 100 flight cycles after doing the most recent inspection required by AD 2007–03–18, or within 10 days after September 11, 2012, whichever occurs later, do a detailed or ultrasonic inspection as specified in paragraph (m) of this AD. Repeat the applicable inspection thereafter at the times specified in paragraph (m) of this AD.

(p) Retained Repair

This paragraph restates the requirements of paragraph (i) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), with specific delegation approval language. If any cracking is detected during any detailed or ultrasonic inspection of the LH and RH MLG rib 5 aft bearing forward lugs required by paragraph (m) of this AD, before further flight, repair using a method approved by Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA.

(q) Retained Optional Terminating Modification

This paragraph restates the optional terminating modification of paragraph (j) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Performing the applicable actions specified in paragraphs (q)(1), (q)(2), (q)(3), and (q)(4) of this AD, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes); terminates the repetitive inspections required by paragraph (m) of this AD.

(1) Perform a general visual inspection and dye penetrant flaw detection inspection for corrosion and damage of the bore and spotfaces of the lug.

(2) Determine that the diameter of the bore of the lug (dimension Y) is within the tolerance specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes).

(3) If damage or corrosion is detected during any inspection specified in paragraph (q)(1) of this AD, or if dimension Y is outside the tolerance specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes); repair using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(4) Install bushings with an increased interference fit in the aft bearing forward lugs, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012 (for Model A300–600 series airplanes).

(r) Retained Terminating Action for AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007)

This paragraph restates the terminating action statement of paragraph (k) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Doing the actions required by paragraph (q) of this AD terminates the inspections required by AD 2007–03–18, Amendment 39–14929 (72 FR 5919, February 8, 2007), for that airplane.

(s) Retained Reporting

This paragraph restates the requirements of paragraph (l) of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), and applies to the airplanes identified in paragraph (n) of this AD. Submit a report (including both positive and negative findings), using the applicable report sheet attached to Airbus Mandatory Service Bulletin A300–57–0251, including Appendix 01, dated August 8, 2007 (for Model A300 B4–103, B4–203, and B4–2C airplanes); or Airbus Mandatory Service Bulletin A300–57–6107, including Appendix 01, dated August 8, 2007 (for Model A300–600 series airplanes); of the first inspection required by paragraph (m) of this AD. Submit the report to Airbus, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex France, Attn: SEDCC1 Technical Data and Documentation Services; fax: (+33) 5 61 93 28 06; email: *sb.reporting@airbus.com;* at the applicable time specified in paragraph (s)(1) or (s)(2) of this AD.

(1) If the inspection was done on or after September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)): Submit the report within 30 days after the inspection.

(2) If the inspection was done before September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)): Submit the report within 30 days after September 11, 2012.

(t) New Repetitive Inspections

For airplanes identified in paragraph (u) of this AD: At the applicable time specified in paragraph (v)(1) or (v)(2) of this AD, do a detailed inspection for cracking, or an ultrasonic inspection for any crack indications of the LH and RH MLG rib 5 aft bearing forward lugs, in accordance with the Accomplishment Instructions of the applicable service bulletin specified in paragraph (t)(1), (t)(2), or (t)(3) of this AD. Repeat the inspection thereafter at intervals not to exceed the applicable time specified in paragraph (v)(3) or (v)(4) of this AD.

(1) Airbus Service Bulletin A300–57–0255, including Inspection Reporting Form, dated January 13, 2012 (for Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes).

(2) Airbus Service Bulletin A300–57–6112, including Inspection Reporting Form, dated January 13, 2012 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes).

(3) Airbus Service Bulletin A310–57–2101, including Inspection Reporting Form, dated January 13, 2012 (for Model A310–203, -204, -221, -222, -304, -322, -324, and -325 airplanes).

(u) Affected Airplanes for the Actions Required by Paragraph (t) of This AD

For airplanes on which any modification or repair described in the service bulletins identified in paragraph (u)(1), (u)(2), or (u)(3) of this AD, as applicable, has been accomplished in service; and for airplanes with MLG rib 5 already repaired as specified in Airbus Repair Instruction R57240221 or R572–49121, including any airplane with the MLG rib 5 forward lugs repaired on one wing; by installation of oversized interference fit bushes, as specified in Airbus Repair Instruction R57240221 or R572–49121, as applicable: Do the actions required by paragraph (t) of this AD.

(1) Airbus Service Bulletin A300–57–0249, dated May 22, 2007; Revision 01, dated December 19, 2007; or Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010 (for Model A300 B4–2C, B4–103, and B4–203 airplanes).

(2) Airbus Service Bulletin A300–57–6106, dated May 22, 2007; Revision 01, dated January 28, 2008; or Revision 02, dated June 18, 2010 (for Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes).

(3) Airbus Service Bulletin A310–57–2090, dated May 22, 2007; Revision 01, dated December 19, 2007; or Revision 02, dated June 18, 2010 (for Model A310 series airplanes).

(v) Compliance Times for Paragraph (t) of This AD

This paragraph specifies the compliance times for the actions specified in paragraph (t) of this AD.

(1) For airplanes identified in paragraph (c)(1) of this AD: Do the initial inspection required by paragraph (t) of this AD within 2,500 flight cycles after any modification or repair specified in paragraph (u) of this AD was done, or within 550 flight cycles after the effective date of this AD, whichever occurs later.

(2) For airplanes identified in paragraph (c)(2) of this AD: Do the initial inspection required by paragraph (t) of this AD within 2,500 flight cycles after any modification or repair specified in paragraph (u) of this AD was done, or within 775 flight cycles after the effective date of this AD, whichever occurs later.

(3) For airplanes identified in paragraph (c)(1) of this AD: For the repetitive inspection required by paragraph (t) of this AD, repeat the inspection within 550 flight cycles after any detailed inspection, and within 1,000 flight cycles after any ultrasonic inspection, as applicable.

(4) For airplanes identified in paragraph (c)(2) of this AD: For the repetitive inspection required by paragraph (t) of this AD, repeat the inspection within 775 flight cycles after any detailed inspection, and within 1,300 flight cycles after any ultrasonic inspection, as applicable.

(w) New Requirement of This AD: Report and Detailed Inspection

If, during any ultrasonic inspection required by paragraph (t) of this AD, any crack indication is detected: Before further

flight, report to Airbus using the applicable report sheet attached to the applicable Airbus service bulletin specified in paragraph (t)(1), (t)(2), or (t)(3) of this AD, and concurrently accomplish a detailed inspection for cracking of the affected MLG rib 5 aft bearing forward lug, in accordance with the Accomplishment Instructions of the applicable Airbus service bulletin specified in paragraph (t)(1), (t)(2), or (t)(3) of this AD. Repeat the detailed inspection thereafter at intervals not to exceed 100 flight cycles.

(x) New Requirement of This AD: Cracking Repair

If any cracking is detected during any detailed inspection required by paragraph (t) or (w) of this AD: Before further flight, repair the cracking using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA.

(y) New Requirement of This AD: Reporting

Submit a report (including both positive and negative findings), using the reporting sheet attached to the applicable Airbus service bulletin specified in paragraph (y)(1), (y)(2), or (y)(3) of this AD, of the first inspection required by paragraph (t) of this AD. Submit the report to Airbus, Customer Services Directorate, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex France, Attn: SEDCC1 Technical Data and Documentation Services; fax: (+33) 5 61 93 28 06; email: *sb.reporting@airbus.com.* Submit the report within 30 days after the inspection or within 30 days after the effective date of this AD, whichever occurs later.

(1) Airbus Service Bulletin A300–57–0255, including Inspection Reporting Form, dated January 13, 2012 (for Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes).

(2) Airbus Service Bulletin A300–57–6112, including Inspection Reporting Form, dated January 13, 2012 (for Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes).

(3) Airbus Service Bulletin A310–57–2101, including Inspection Reporting Form, dated January 13, 2012 (for Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes).

(z) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (i) of this AD, if those actions were performed before May 29, 2012 (the effective date of AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012)), using an applicable service bulletin specified in paragraph (z)(1)(i), (z)(1)(ii), or (z)(1)(iii) of this AD.

(i) For Model A300 B4–2C, B4–103, and B4–203 airplanes: The service bulletins are specified in paragraphs (z)(1)(i)(A), (z)(1)(i)(B), and (z)(1)(i)(C) of this AD.

(A) Airbus Service Bulletin A300–57–0249, dated May 22, 2007, which is not incorporated by reference in this AD.

(B) Airbus Service Bulletin A300–57–0249, Revision 01, dated December 19, 2007, which is not incorporated by reference in this AD.

(C) Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010, incorporated by reference in AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012).

(ii) For Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, F4–605R, and F4–622R airplanes; and Model A300 C4–605R Variant F airplanes: The service bulletins are specified in paragraphs (z)(1)(ii)(A), (z)(1)(ii)(B), and (z)(1)(ii)(C) of this AD.

(A) Airbus Service Bulletin A300–57–6106, dated May 22, 2007, which is not incorporated by reference in this AD.

(B) Airbus Service Bulletin A300–57–6106, Revision 01, dated January 28, 2008, which is not incorporated by reference in this AD.

(C) Airbus Service Bulletin A300–57–6106, Revision 02, dated June 18, 2010, which is not incorporated by reference in this AD.

(iii) For Model A310 series airplanes: The service bulletins are specified in paragraphs (z)(1)(iii)(A), (z)(1)(iii)(B), and (z)(1)(iii)(C) of this AD.

(A) Airbus Service Bulletin A310–57–2090, dated May 22, 2007, which is not incorporated by reference in this AD.

(B) Airbus Service Bulletin A310–57–2090, Revision 01, dated December 19, 2007, incorporated by reference in AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008).

(C) Airbus Service Bulletin A310–57–2090, Revision 02, dated June 18, 2010, which is incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (q) of this AD, if those actions were performed before September 11, 2012 (the effective date of AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012)), using an applicable service bulletin specified in paragraphs (z)(2)(i), (z)(2)(ii), (z)(2)(iii), (z)(2)(iv), and (z)(2)(v) of this AD.

(i) For Model A300 B4–2C, B4–103, and B4–203: Airbus Service Bulletin A300–57–0249, dated May 22, 2007, which is not incorporated by reference in this AD.

(ii) For Model A300 B4–2C, B4–103, and B4–203: Airbus Service Bulletin A300–57–0249, Revision 01, dated December 19, 2007, which is not incorporated by reference in this AD.

(iii) For Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes: Airbus Service Bulletin A300–57–6106, dated May 22, 2007, which is not incorporated by reference in this AD.

(iv) For Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes: Airbus Service Bulletin A300–57–6106, Revision 01, dated January 28, 2008, which is not incorporated by reference in this AD.

(v) For Model A300 B4–601, B4–603, B4–605R, B4–620, B4–622, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes: Airbus Service Bulletin A300–57–6106, Revision 02, dated June 18, 2010, which is not incorporated by reference in this AD.

(aa) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2008–17–02, Amendment 39–15640 (73 FR 47032, August 13, 2008), are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD.

(iii) AMOCs approved previously for AD 2012–08–03, Amendment 39–17019 (77 FR 24367, April 24, 2012), are approved as AMOCs for the corresponding provisions of paragraphs (i), (j), (k), and (l) of this AD.

(iv) AMOCs approved previously for AD 2012–15–14, Amendment 39–17143 (77 FR 46937, August 7, 2012), are approved as AMOCs for the corresponding provisions of paragraphs (m) through (s) of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(bb) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2012–0176, dated September 7, 2012, corrected September 20, 2012, for related information. You may

examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0142-0002.*

(2) Service information identified in this AD that is not incorporated by reference in this AD is available at the addresses specified in paragraphs (cc)(9) and (cc)(10) of this AD.

(cc) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on March 17, 2015.

(i) Airbus Service Bulletin A300–57–0255, including Inspection Reporting Form, dated January 13, 2012.

(ii) Airbus Service Bulletin A300–57–6112, including Inspection Reporting Form, dated January 13, 2012.

(iii) Airbus Service Bulletin A310–57–2090, Revision 02, dated June 18, 2010.

(iv) Airbus Service Bulletin A310–57–2101, including Inspection Reporting Form, dated January 13, 2012.

(4) The following service information was approved for IBR on September 11, 2012 (77 FR 46937, August 7, 2012).

(i) Airbus Mandatory Service Bulletin A300–57–0249, Revision 02, dated June 18, 2010.

(ii) Airbus Mandatory Service Bulletin A300–57–0251, including Appendix 01, dated August 8, 2007.

(iii) Airbus Mandatory Service Bulletin A300–57–6106, Revision 03, dated January 26, 2012.

(iv) Airbus Mandatory Service Bulletin A300–57–6107, including Appendix 01, August 8, 2007.

(5) The following service information was approved for IBR on May 29, 2012 (77 FR 24367, April 24, 2012).

(i) Airbus Mandatory Service Bulletin A300–57–0249, Revision 03, dated January 18, 2012.

(ii) Airbus Mandatory Service Bulletin A310–57–2090, Revision 03, dated January 23, 2012.

(6) The following service information was approved for IBR on September 17, 2008 (73 FR 47032, August 13, 2008).

(i) Airbus Service Bulletin A310–57–2090, Revision 01, dated December 19, 2007.

(ii) Airbus Service Bulletin A310–57–2091, excluding Appendix 01, dated May 22, 2007.

(iii) Airbus A310 Repair Instruction R572–49121, Issue C, dated May 2007.

(7) The following service information was approved for IBR on February 6, 2007 (72 FR 2612, January 22, 2007).

(i) Airbus Service Bulletin A310–57A2088, excluding Appendix 01, dated November 6, 2006.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on January 21, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–01710 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0750; Directorate Identifier 2014–NM–147–AD; Amendment 39–18097; AD 2015–03–01]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. This AD was prompted by reports of dislodged engine fan cowl panels. This AD requires installing additional attaching hardware on the left and right fan cowl access panels and the nacelle attaching structures. We are issuing this AD to prevent damage to the fuselage and flight control surfaces from dislodged engine fan cowl panels.

DATES: This AD becomes effective March 17, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0750;* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0750.

FOR FURTHER INFORMATION CONTACT: Andreas Rambalakos, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7345; fax 516–794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on October 2, 2014 (79 FR 59459).

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, has issued Canadian Airworthiness Directive CF–2014–20, dated July 9, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition. The MCAI states:

> There have been a number of engine fan cowl panel dislodgement incidents reported on the Bombardier CL–600–2B19 aeroplane fleet. The dislodged panels may cause damage to the fuselage and flight control surfaces of the aeroplane. Also, the debris from a dislodged panel may result in runway contamination and has the potential of causing injury on the ground.
>
> Although the majority of the subject panel dislodgements were reported on the first or second flight after an engine maintenance task was performed that required removal and reinstallation of the subject panels, the frequency of the dislodgements indicates that the existing attachment design is prone to human (maintenance) error.
>
> Bombardier has attempted to mitigate this issue by issuing maintenance advisories emphasizing the proper installation of engine fan cowl panels. In order to further mitigate the potential safety hazard of the subject panel dislodgement, Bombardier has issued

Service Bulletin (SB) 601R–71–034 to install additional fasteners for the attachment of the engine fan cowl panels to the nacelle's structure.

This [Canadian] AD is issued to mandate compliance with Bombardier SB 601R–71–034.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0750-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (79 FR 59459, October 2, 2014) or on the determination of the cost to the public.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 59459, October 2, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 59459, October 2, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Service Bulletin 601R–71–034, Revision B, dated August 1, 2014. The service information describes procedures for installing additional attaching hardware on the left and right fan cowl access panels and the nacelle attaching structures. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 518 airplanes of U.S. registry.

We also estimate that it will take about 9 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost about $5,248 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be $3,114,734, or $6,013 per product.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0750;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–03–01 Bombardier, Inc.: Amendment 39–18097. Docket No. FAA–2014–0750; Directorate Identifier 2014–NM–147–AD.

(a) Effective Date

This AD becomes effective March 17, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by reports of dislodged engine fan cowl panels. We are issuing this AD to prevent damage to the fuselage and flight control surfaces from dislodged engine fan cowl panels.

(f) Compliance

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

(g) Fastener Installation

Within 6,000 flight hours after the effective date of this AD: Install attaching hardware on the left and right fan cowl access panels and the nacelle attaching structures, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–71–034, Revision B, dated August 1, 2014.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 601R–71–034, dated March 31, 2014; or Service Bulletin 601R–71–034, Revision A, dated April 28, 2014. This service information is not incorporated by reference in this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2014–20, dated July 9, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0750-0002.*

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

(k) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 601R–71–034, Revision B, dated August 1, 2014.

(ii) Reserved.

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

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

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

Issued in Renton, Washington, on January 30, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02282 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0465; Directorate Identifier 2013–SW–044–AD; Amendment 39–18089; AD 2015–02–21]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. (Type Certificate Currently Held by AgustaWestland S.p.A.) (Agusta) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Agusta AB139 and AW139 helicopters to require replacing certain single-braided flexible hydraulic hoses with double-braided flexible hydraulic hoses. This AD was prompted by occurrences of leaking flexible hydraulic hoses. The actions of this AD are intended to prevent loss of hydraulic power and subsequent loss of helicopter control.

DATES: This AD is effective March 17, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of March 17, 2015.

ADDRESSES: For service information identified in this AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39- 0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0465.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On July 16, 2014, at 79 FR 41464, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Agusta Model AB139 and AW139 helicopters with a flexible hydraulic hose, part number (P/N) A494AE2E00E0670X, A494AE3E00E0424X, A494AE3E00E0530X, A494AE3E00E0570X, A494AE3E00E0580X, A494AE3E00E0620X, A494AE3E00E0930X, A494AE6E14E0348X, or A494AE6E21E0330X, installed. The NPRM proposed to require replacing these single-braided flexible hydraulic hoses with double-braided flexible hydraulic hoses. The proposed requirements were intended to prevent loss of hydraulic power and subsequent loss of helicopter control.

The NPRM was prompted by AD No. AD No. 2013–0177, dated August 8, 2013, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Agusta Model AB139 and AW139 helicopters. EASA advises that leaking hydraulic system flexible hoses have been reported on in-service helicopters. An investigation indicated that single braided flexible hydraulic hoses, which are part of the original design for Model AB139 and AW139 helicopters, may not be strong enough to cope with the hydraulic system pressure over long periods. If not corrected, this condition could lead to other hydraulic system leaks, possibly resulting in loss of hydraulic power and reduced control of the helicopter, EASA

advises. EASA consequently requires that the flexible single-braided hydraulic hoses be replaced with flexible double-braided hydraulic hoses.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM (79 FR 41464, July 16, 2014).

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Differences Between This AD and the EASA AD

The EASA AD requires replacing the flexible single-braided hydraulic hoses within 300 flight hours or 6 months, whichever occurs first. This AD requires that the flexible single-braided hydraulic hoses be replaced within 300 hours time-in-service (TIS). TIS and flight hours are synonymous.

Related Service Information Under 1 CFR Part 51

AgustaWestland Bolletino Tecnico No. 139–307, dated June 19, 2013 (BT), calls for replacing certain single braided flexible hydraulic hoses with double braided flexible hydraulic hoses for Model AB139 and AW139 helicopters. The BT states that the replacement should be conducted within 300 flight hours or six months from receipt of the BT, whichever comes first, to prevent in-service leaks. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 115 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect that replacing the flexible single-braided hydraulic hoses with flexible double-braided hydraulic flexible hoses will require 6 work-hours for a labor cost of $510. Parts cost $3,089 for a total cost of $3,599 per helicopter, and $413,885 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

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

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–02–21 Agusta S.p.A. (Type certificate currently held by AgustaWestland S.p.A.) (Agusta) Helicopters: Amendment 39–18089; Docket No. FAA–2014–0465; Directorate Identifier 2013–SW–044–AD.

(a) Applicability

This AD applies to Agusta Model AB139 and AW139 helicopters with a flexible hydraulic hose, part number (P/N) A494AE2E00E0670X, A494AE3E00E0424X, A494AE3E00E0530X, A494AE3E00E0570X, A494AE3E00E0580X, A494AE3E00E0620X, A494AE3E00E0930X, A494AE6E14E0348X, or A494AE6E21E0330X, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a leak in a hydraulic system flexible hose. This condition could result in loss of hydraulic power and subsequent loss of helicopter control.

(c) Effective Date

This AD becomes effective March 17, 2015.

(d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(e) Required Actions

(1) Within 300 hours time-in-service, replace each flexible hydraulic hose with a double braided flexible hydraulic hose in accordance with the Compliance Instructions, Part I, paragraphs 5 through 7; Part II, paragraphs 5 through 7; Part III, paragraphs 5 through 6; Part IV, paragraphs 5 through 6; and Part V, paragraphs 5 through 7; as applicable for your helicopter serial number and configuration, of AgustaWestland Bolletino Tecnico No. 139–307, dated June 19, 2013.

(2) Do not install a flexible hydraulic hose, P/N A494AE2E00E0670X, A494AE3E00E0424X, A494AE3E00E0530X, A494AE3E00E0570X, A494AE3E00E0580X, A494AE3E00E0620X, A494AE3E00E0930X, A494AE6E14E0348X, or A494AE6E21E0330X, on any helicopter.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov.*

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or

lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013–0177, dated August 8, 2013. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0465.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2910, Hydraulic System, Main.

(i) Material Incorporated by Reference

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

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

(i) AgustaWestland Bolletino Tecnico No. 139–307, dated June 19, 2013.

(ii) Reserved.

(3) For Agusta service information identified in this AD, contact Agusta Westland, Customer Support & Services, Via Per Tornavento 15, 21019 Somma Lombardo (VA) Italy, ATTN: Giovanni Cecchelli; telephone 39- 0331–711133; fax 39 0331 711180; or at *http://www.agustawestland.com/technical-bullettins.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on January 16, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–01809 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 157

[Docket No. RM81–19–000]

Natural Gas Pipelines; Project Cost and Annual Limits

AGENCY: Federal Energy Regulatory Commission, Energy.

ACTION: Final rule.

SUMMARY: Pursuant to the authority delegated, the Director of the Office of Energy Projects (OEP) computes and publishes the project cost and annual limits for natural gas pipelines blanket construction certificates for each calendar year.

DATES: This final rule is effective February 10, 2015 and establishes cost limits applicable from January 1, 2015, through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Pamela J. Boudreau, Chief, Certificates Branch 2, Division of Pipeline Certificates, (202) 502–6854.

SUPPLEMENTARY INFORMATION: Section 157.208(d) of the Commission's Regulations provides for project cost limits applicable to construction, acquisition, operation and miscellaneous rearrangement of facilities (Table I) authorized under the blanket certificate procedure (Order No. 234, 19 FERC ¶ 61,216). Section 157.215(a) specifies the calendar year dollar limit which may be expended on underground storage testing and development (Table II) authorized under the blanket certificate. Section 157.208(d) requires that the ''limits specified in Tables I and II shall be adjusted each calendar year to reflect the 'GDP implicit price deflator' published by the Department of Commerce for the previous calendar year.''

Pursuant to § 375.308(x)(1) of the Commission's Regulations, the authority for the publication of such cost limits, as adjusted for inflation, is delegated to the Director of the Office of Energy Projects. The cost limits for calendar year 2015, as published in Table I of § 157.208(d) and Table II of § 157.215(a), are hereby issued.

Effective Date

This final rule is effective February 10, 2015. The provisions of 5 U.S.C. 804 regarding Congressional review of Final Rules does not apply to the Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. The Final Rule merely updates amounts published in the Code of Federal Regulations to reflect the Department of Commerce's latest annual determination of the Gross Domestic Product (GDP) implicit price deflator, a mathematical updating required by the Commission's existing regulations.

List of Subjects in 18 CFR Part 157

Administrative practice and procedure, Natural Gas, Reporting and recordkeeping requirements.

Jeff C. Wright,

Director, Office of Energy Projects.

Accordingly, 18 CFR part 157 is amended as follows:

PART 157—[AMENDED]

■ 1. The authority citation for Part 157 continues to read as follows:

Authority: 15 U.S.C. 717–717w, 3301–3432; 42 U.S.C. 7101–7352.

■ 2. Table I in § 157.208(d) is revised to read as follows:

§ 157.208 Construction, acquisition, operation, replacement, and miscellaneous rearrangement of facilities.

* * * * *

(d) * * *

TABLE I

Year	Limit	
	Auto. proj. cost limit (Col. 1)	Prior notice proj. cost limit (Col. 2)
1982	$4,200,000	$12,000,000
1983	4,500,000	12,800,000
1984	4,700,000	13,300,000
1985	4,900,000	13,800,000
1986	5,100,000	14,300,000
1987	5,200,000	14,700,000
1988	5,400,000	15,100,000

TABLE I—Continued

Year	Limit	
	Auto. proj. cost limit (Col. 1)	Prior notice proj. cost limit (Col. 2)
1989	5,600,000	15,600,000
1990	5,800,000	16,000,000
1991	6,000,000	16,700,000
1992	6,200,000	17,300,000
1993	6,400,000	17,700,000
1994	6,600,000	18,100,000
1995	6,700,000	18,400,000
1996	6,900,000	18,800,000
1997	7,000,000	19,200,000
1998	7,100,000	19,600,000
1999	7,200,000	19,800,000
2000	7,300,000	20,200,000
2001	7,400,000	20,600,000
2002	7,500,000	21,000,000
2003	7,600,000	21,200,000
2004	7,800,000	21,600,000
2005	8,000,000	22,000,000
2006	9,600,000	27,400,000
2007	9,900,000	28,200,000
2008	10,200,000	29,000,000
2009	10,400,000	29,600,000
2010	10,500,000	29,900,000
2011	10,600,000	30,200,000
2012	10,800,000	30,800,000
2013	11,000,000	31,400,000
2014	11,200,000	31,900,000
2015	11,400,000	32,400,000

* * * * *

■ 3. Table II in § 157.215(a)(5) is revised to read as follows:

§ 157.215 Underground storage testing and development.

(a) * * *

(5) * * *

TABLE II

Year	Limit
1982	$2,700,000
1983	2,900,000
1984	3,000,000
1985	3,100,000
1986	3,200,000
1987	3,300,000
1988	3,400,000
1989	3,500,000
1990	3,600,000
1991	3,800,000
1992	3,900,000
1993	4,000,000
1994	4,100,000
1995	4,200,000
1996	4,300,000
1997	4,400,000
1998	4,500,000
1999	4,550,000
2000	4,650,000
2001	4,750,000
2002	4,850,000
2003	4,900,000
2004	5,000,000
2005	5,100,000
2006	5,250,000

TABLE II—Continued

Year	Limit
2007	5,400,000
2008	5,550,000
2009	5,600,000
2010	5,700,000
2011	5,750,000
2012	5,850,000
2013	6,000,000
2014	6,100,000
2015	6,200,000

* * * * *

[FR Doc. 2015–02653 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 10, 24, 162, 163, and 178]

[USCBP–2015–0007: CBP Dec. 15–03

RIN 1515–AD59

United States-Australia Free Trade Agreement

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Interim regulations; solicitation of comments.

SUMMARY: This rule amends the U.S. Customs and Border Protection regulations on an interim basis to implement the preferential tariff treatment and other customs-related provisions of the United States-Australia Free Trade Agreement entered into by the United States and the Commonwealth of Australia.

DATES: Interim rule effective February 10, 2015; comments must be received by April 13, 2015.

ADDRESSES: You may submit comments, identified by docket number, by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments via docket number USCBP–2015–0007.
- Mail: Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT:

Textile Operational Aspects: Diane Liberta, Textile Operations Branch, Office of International Trade, (202) 863–6241.

Other Operational Aspects: Katrina Chang, Trade Policy and Programs, Office of International Trade, (202) 863–6532.

Legal Aspects: Yuliya Gulis, Regulations and Rulings, Office of International Trade, (202) 325–0042.

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the interim rule. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this interim rule. Comments that will provide the most assistance to CBP in developing these regulations will reference a specific portion of the interim rule, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. *See* **ADDRESSES** above for information on how to submit comments.

Background

On May 18, 2004, the United States and Australia (the ''Parties'') signed the U.S.-Australia Free Trade Agreement (''AFTA'' or ''Agreement''). On August 3, 2004, the President signed into law the United States-Australia Free Trade Agreement Implementation Act (the ''Act''), Pub. L. 108–286, 118 Stat. 919 (19 U.S.C. 3805 note), which approved and made statutory changes to implement the AFTA. Section 207 of the Act requires that regulations be prescribed as necessary to implement the provisions of the AFTA.

On December 20, 2004, the President signed Proclamation 7857 (''Proclamation'') to implement the AFTA. The Proclamation, which was published in the **Federal Register** on December 23, 2004 (69 FR 77133), modified the Harmonized Tariff Schedule of the United States (''HTSUS'') as set forth in Annexes I and II of Publication 3722 of the U.S. International Trade Commission. The modifications to the HTSUS included the addition of new General Note 28, incorporating the relevant AFTA rules of origin as set forth in the Act, and the insertion throughout the HTSUS of the preferential duty rates applicable to individual products under the AFTA where the special program indicator ''AU'' appears in parenthesis in the ''Special'' rate of duty subcolumn. The modifications to the HTSUS also included a new Subchapter XIII to Chapter 99 to provide for temporary tariff-rate quotas and applicable safeguards implemented by the AFTA, as well as modifications to Subchapter XXII of Chapter 98. After the Proclamation was signed, CBP issued instructions to the field and the public implementing the Agreement by allowing the trade to receive the benefits under the AFTA effective on or after January 1, 2005.

CBP is responsible for administering the provisions of the AFTA and the Act that relate to the importation of goods into the United States from Australia. Those customs-related AFTA provisions which require implementation through regulation include certain tariff and non-tariff provisions within Chapter One (Establishment of a Free Trade Area and Definitions), Chapter Two (National Treatment and Market Access for Goods), Chapter Four (Textiles and Apparel), Chapter Five (Rules of Origin), and Chapter Six (Customs Administration).

Certain general definitions set forth in Chapter One of the AFTA have been incorporated into the AFTA implementing regulations. These regulations also implement Article 1.2 (General Definitions) and Annex 1–A (Certain Definitions) of the AFTA. The tariff-related provisions within AFTA Chapter Two that require regulatory action by CBP are Article 2.6 (Goods re-entered after Repair or Alteration) and Article 2.12 (Merchandise Processing Fee).

Chapter Four of the AFTA sets forth provisions relating to trade in textile and apparel goods between Australia and the United States under the AFTA. Section A of Chapter Five of the AFTA sets forth the rules for determining whether an imported good is an originating good of the United States or Australia and, as such, is therefore eligible for preferential tariff (duty-free or reduced duty) treatment under the AFTA as specified in the Agreement and the HTSUS.

Under AFTA Article 5.1 of Chapter Five (Originating Goods) and section 203(b) of the Act, originating goods may be grouped in four broad categories: (1) Goods that are wholly obtained or produced entirely in one or both of the Parties; (2) goods that are produced entirely in one or both of the Parties and that satisfy the product-specific rules of origin in AFTA Annex 4–A (Textile or Apparel Specific Rules of Origin) or Annex 5–A (Specific Rules of Origin); (3) goods that are produced entirely in the territory of one or both of the Parties exclusively from originating materials; and (4) goods that otherwise qualify as originating goods under Chapter 4 or 5 of the AFTA. AFTA Article 5.2 (section 203(c) of the Act) provides a *de minimis* criterion. AFTA Article 5.3 (section 203(d) of the Act) allows production that takes place in the territory of both Parties to be accumulated such that, provided other requirements are met, the resulting good is considered originating. AFTA Article 5.4 (section 203(e) of the Act) sets forth the methods for calculating the regional value content of a good. AFTA Article 5.5 (section 203(f) of the Act) sets forth the rules for determining the value of materials for purposes of calculating the regional value content of a good and applying the *de minimis* criterion. The remaining Articles within Section A of Chapter Five consist of additional sub-rules, applicable to the originating good concept, involving: Accessories, Spare Parts and Tools (Article 5.6; section 203(g) of the Act); Fungible Goods and

Materials (Article 5.7; section 203(h) of the Act); Packaging Materials and Containers for Retail Sale (Article 5.8; section 203(i) of the Act); Packing Materials and Containers for Shipment (Article 5.9; section 203(j) of the Act); Indirect Materials (Article 5.10; section 203(k) of the Act); and Third Country Transportation (Article 5.11; section 203(l) of the Act (Third Country Operations)). The basic rules of origin in Chapter Five of the AFTA are set forth in General Note 28, HTSUS, and reflected in the AFTA implementing regulations.

Section B of Chapter Five sets forth procedures that apply under the AFTA in regard to claims for preferential tariff treatment. Section C sets forth consultation mechanisms between the Parties. Section D discusses the use of the Harmonized System and generally accepted accounting principles in determining whether a good is originating under the AFTA. Finally, Section E lists the definitions to be used within the context of the rules of origin in the Chapter.

Chapter Six of the AFTA sets forth operational provisions related to customs administration under the AFTA.

The majority of the AFTA implementing regulations set forth in this document have been included within new Subpart L in Part 10 of the CBP regulations (19 CFR part 10). However, in those cases in which AFTA implementation is more appropriate in the context of an existing regulatory provision, the AFTA regulatory text has been incorporated in an existing Part within the CBP regulations. In addition, this document sets forth several cross-references and other consequential changes to existing regulatory provisions to clarify the relationship between those existing provisions and the new AFTA implementing regulations. The regulatory changes are discussed below in the order in which they appear in this document.

Discussion of Amendments

Part 10

Section 10.31(f) concerns temporary importations under bond. It is amended by adding references to certain goods originating in Australia for which, like goods originating in Canada, Mexico, Singapore, Chile, Morocco, El Salvador, Guatemala, Honduras, Nicaragua, the Dominican Republic, Costa Rica, Bahrain, Oman, Peru, the Republic of Korea, or Colombia, no bond or other security will be required when imported temporarily for prescribed uses. The provisions of AFTA Article 2.5 (Temporary Admission of Goods) are already reflected in existing temporary importation bond or other provisions contained in Part 10 of the CBP regulations and in Chapter 98 of the HTSUS.

Part 10, Subpart L

General Provisions

Section 10.721 outlines the scope of new Subpart L, Part 10 of the CBP regulations. This section also clarifies that, except where the context otherwise requires, the requirements contained in Subpart L, Part 10 are in addition to general administrative and enforcement provisions set forth elsewhere in the CBP regulations. Thus, for example, the specific merchandise entry requirements contained in Subpart L, Part 10 are in addition to the basic entry requirements contained in Parts 141–143 of the CBP regulations.

Section 10.722 sets forth definitions of common terms used within Subpart L, Part 10. Although the majority of the definitions in this section are based on definitions contained in Article 1.2 and Annex 1–A of the AFTA, and section 3 of the Act, other definitions have also been included to clarify the application of the regulatory texts. Additional definitions that apply in a more limited Subpart L, Part 10 context are set forth elsewhere with the substantive provisions to which they relate.

Import Requirements

Section 10.723 sets forth the procedure for claiming AFTA preferential tariff treatment at the time of entry and, as provided in AFTA Article 5.12, states that an importer may make a claim for AFTA preferential treatment based on the importer's knowledge or on information in the importer's possession that the good qualifies as an originating good. Section 10.723 also provides, consistent with AFTA Article 5.13, that an importer must promptly and voluntarily correct an invalid claim for preferential tariff treatment in order to avoid being subject to penalties.

Section 10.724, which is based on AFTA Article 5.12, requires a U.S. importer, upon request, to submit a supporting statement setting forth the reasons that the good qualifies as an AFTA originating good in connection with the claim. Included in § 10.724 is a provision that the supporting statement may be used either for a single importation or for multiple importations of identical goods.

Section 10.725 sets forth certain importer obligations regarding the truthfulness of information and documents submitted in support of a claim for preferential tariff treatment. Section 10.726 provides that the importer's supporting statement is not required for certain non-commercial or low-value importations.

Section 10.727 implements AFTA Article 5.14 concerning the maintenance of relevant records regarding the imported good.

Section 10.728, which is based on AFTA Article 5.13, authorizes the denial of AFTA tariff benefits if the importer fails to comply with any of the requirements under Subpart L, Part 10, CBP regulations.

Rules of Origin

Sections 10.729 through 10.741 provide the implementing regulations regarding the rules of origin provisions of General Note 28, HTSUS, Chapters Four and Five of AFTA, and section 203 of the Act.

Definitions

Section 10.729 sets forth terms that are defined for purposes of the rules of origin as found in section 203(n) of the Act and other definitions that have been included to clarify the application of the regulatory texts.

General Rules of Origin

Section 10.730 sets forth the basic rules of origin established in Article 5.1 of the AFTA, section 203(b) of the Act, and General Note 28(b), HTSUS. The provisions of § 10.730 apply both to the determination of the status of an imported good as an originating good for purposes of preferential tariff treatment and to the determination of the status of a material as an originating material used in a good which is subject to a determination under General Note 28, HTSUS.

Section 10.730(a), reflecting section 203(b)(1) of the Act, specifies those goods that are originating goods because they are wholly obtained or produced entirely in the territory of one or both of the Parties.

Section 10.730(b), reflecting section 203(b)(2) of the Act, provides that goods that have been produced entirely in the territory of one or both of the Parties so that each non-originating material undergoes an applicable change in tariff classification and satisfies any applicable regional value content or other requirement set forth in General Note 28(n) are originating goods. Essential to the rules in § 10.730(b) are the specific rules of General Note 28(n), HTSUS, which are incorporated by reference.

Section 10.730(c), reflecting section 203(b)(3) of the Act, provides that goods

that have been produced entirely in the territory of one or both of the Parties exclusively from originating materials are originating goods. Under § 10.730(d), which implements section 203(b)(4) of the Act, goods are considered originating goods if they otherwise qualify as originating goods under General Note 28, HTSUS.

Textile and Apparel Goods Classifiable as Goods Put Up in Sets

Section 10.731, which is based on AFTA Article 4.2.8, provides that, notwithstanding the specific rules of General Note 28(n), HTSUS, textile and apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3, HTSUS, will not qualify as originating goods unless each of the goods in the set is an originating good or the total value of the non-originating goods in the set does not exceed 10 percent of the value of the set.

De Minimis

Section 10.732, as provided for in AFTA Article 5.2 and section 203(c) of the Act, sets forth *de minimis* rules for goods that may be considered to qualify as originating goods even though they fail to qualify as originating goods under the rules in § 10.730. There are a number of exceptions to the *de minimis* rule set forth in the AFTA Annex 5–A (exceptions to Article 5.2) as well as a separate rule for textile and apparel goods.

Accumulation

Section 10.733, which is derived from AFTA Article 5.3 and section 203(d) of the Act, sets forth the rule by which originating materials from the territory of Australia or the United States that are used in the production of a good in the territory of the other country will be considered to originate in the territory of such other country. In addition, this section also establishes that a good that is produced by one or more producers in the territory of Australia or the United States, or both, is an originating good if the good satisfies all of the applicable requirements of the rules of origin of the AFTA.

Value Content

Section 10.734 reflects AFTA Article 5.4 and section 203(e) of the Act concerning the basic rules that apply for purposes of determining whether an imported good satisfies a minimum regional value content (''RVC'') requirement. Section 10.735, reflecting AFTA Article 5.5 and section 203(f) of the Act, sets forth the rules for determining the value of a material for purposes of calculating the regional value content of a good as well as for purposes of applying the *de minimis* rules.

Accessories, Spare Parts, or Tools

Section 10.736, as set forth in AFTA Article 5.6 and section 203(g) of the Act, specifies the conditions under which a good's standard accessories, spare parts, or tools are: (1) Treated as originating goods; and (2) disregarded in determining whether all non-originating materials undergo an applicable change in tariff classification under General Note 28(n), HTSUS.

Fungible Goods and Materials

Section 10.737, as provided for in AFTA Article 5.7 and section 203(h) of the Act, sets forth the rules by which ''fungible'' goods or materials may be claimed as originating.

Packaging Materials and Packing Materials

Sections 10.738 and 10.739, which are derived from AFTA Articles 5.8 and 5.9 and sections 203(i) and (j) of the Act, respectively, provide that retail packaging materials and packing materials for shipment are to be disregarded with respect to their actual origin in determining whether non-originating materials undergo an applicable change in tariff classification under General Note 28(n), HTSUS. These sections also set forth the treatment of packaging and packing materials for purposes of the regional value content requirement of the note.

Indirect Materials

Section 10.740, as set forth in AFTA Article 5.10 and section 203(k) of the Act, provides that indirect materials, as defined in § 10.729(h), are considered to be originating materials without regard to where they are produced.

Third Country Transportation

Section 10.741, which is derived from AFTA Article 5.11 and section 203(l) of the Act, sets forth the rule that an originating good loses its originating status and is treated as a non-originating good if, subsequent to production in the territory of one or both of the Parties that qualifies the good as originating, the good undergoes production outside the territories of the Parties.

Origin Verifications and Determinations

Section 10.742 implements AFTA Article 5.15 which concerns the conduct of verifications to determine whether imported goods are originating goods entitled to AFTA preferential tariff treatment and the application of origin determinations resulting from such verifications. This section also governs the conduct of verifications directed to producers of materials that are used in the production of a good for which AFTA preferential duty treatment is claimed.

Section 10.743, as provided for in AFTA Article 4.3 and section 206 of the Act, sets forth the verification and enforcement procedures specifically relating to trade in textile and apparel goods.

Section 10.744 also implements AFTA Articles 4.3 and 5.15 and sections 205 and 206 of the Act, and provides the procedures that apply when preferential tariff treatment is denied on the basis of an origin verification conducted under Subpart L, Part 10 of the CBP regulations.

Penalties

Section 10.745 concerns the general application of penalties to AFTA transactions and is based on AFTA Article 6.7 and section 205 of the Act.

Section 10.746 implements AFTA Article 5.13.4 with regard to exceptions to the application of penalties in the case of an importer who promptly and voluntarily makes a corrected claim or supporting statement and pays any duties owing. The AFTA's exception to the application of penalties is contingent upon the importer correcting the claim and paying any duties owing within a period, determined by each importing Party, which may not be less than one year from submission of the invalid claim.

Section 10.747 also reflects AFTA Article 5.13.4 and section 205 of the Act, and sets forth the circumstances under which the making of a corrected claim or supporting statement by an importer will be considered to have been done ''promptly and voluntarily.'' Corrected claims or certifications that fail to meet these requirements are not excepted from penalties, although the importer making the corrected claim or supporting statement may, depending on the circumstances, qualify for a reduced penalty as a prior disclosure under 19 U.S.C. 1592(c)(4). Section 10.747(c) also specifies the content of the statement that must accompany each corrected claim.

Goods Returned After Repair or Alteration

Section 10.748 implements AFTA Article 2.6 regarding duty-free treatment for goods re-entered after repair or alteration in Australia.

Part 24

An amendment is made to § 24.23(c) (19 CFR 24.23(c)), which concerns the merchandise processing fee, to implement AFTA Article 2.12 and section 204 of the Act, to provide that the merchandise processing fee is not applicable to goods that qualify as originating goods under the AFTA.

Part 162

Part 162 contains regulations regarding the inspection and examination of, among other things, imported merchandise. A cross-reference is added to § 162.0 (19 CFR 162.0), which is the scope section of the part, to refer readers to the additional AFTA records maintenance and examination provisions contained in new Subpart L, Part 10, CBP regulations.

Part 163

A conforming amendment is made to § 163.1 (19 CFR 163.1) to include, as authorized by AFTA Article 5.14, the requirement that the importer maintain records and documents necessary to support a claim for preferential tariff treatment under the AFTA. Also, the list of records and information required for the entry of merchandise appearing in the Appendix to Part 163 (commonly known as the (a)(1)(A) list) is also amended to add the records and documents necessary to support an AFTA claim for preferential tariff treatment.

Part 178

Part 178 sets forth the control numbers assigned to information collections of CBP by the Office of Management and Budget (OMB), pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. The list contained in § 178.2 (19 CFR 178.2) is amended to add the information collections used by CBP to determine eligibility for a tariff preference or other rights or benefits under the AFTA and the Act.

Inapplicability of Notice and Delayed Effective Date Requirements

Under the Administrative Procedure Act (APA) (5 U.S.C. 553), agencies generally are required to publish a notice of proposed rulemaking in the **Federal Register** that solicits public comment on the proposed regulatory amendments, consider public comments in deciding on the content of the final amendments, and publish the final amendments at least 30 days prior to their effective date. However, section 553(a)(1) of the APA provides that the standard prior notice and comment procedures do not apply to an agency rulemaking to the extent that it involves a foreign affairs function of the United States. CBP has determined that these interim regulations involve a foreign affairs function of the United States because they implement preferential tariff treatment and related provisions of the AFTA. Therefore, the rulemaking requirements under the APA do not apply and this interim rule will be effective upon publication. However, CBP is soliciting comments in this interim rule and will consider all comments received before issuing a final rule.

Executive Order 12866 and the Regulatory Flexibility Act

Executive Order 12866 directs agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). It has been determined that this rule is not a significant regulatory action, as defined in section 3(f) of Executive Order 12866. Because a notice of proposed rulemaking is not required under section 553(b) of the APA for the reasons described above, the provisions of the Regulatory Flexibility Act, as amended (5 U.S.C. 601 *et seq.*), do not apply to this rulemaking. Accordingly, this interim rule is not subject to the regulatory analysis requirements or other requirements of 5 U.S.C. 603 and 604.

Paperwork Reduction Act

The collections of information contained in these regulations have previously been reviewed and approved by OMB in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1651–0117, which covers many of the free trade agreement requirements that CBP administers. The addition of the AFTA requirements will result in an increase in the number of respondents and burden hours for this information collection. Under the Paperwork Reduction Act, an agency may not conduct or sponsor, and an individual is not required to respond to, a collection of information unless it displays a valid OMB control number.

The collections of information in these regulations are in §§ 10.723, 10.724, and 10.727. This information is required in connection with general recordkeeping requirements (§ 10.727), as well as claims for preferential tariff treatment under the AFTA and the Act and will be used by CBP to determine eligibility for tariff preference under the AFTA and the Act (§§ 10.723 and 10.724). The likely respondents are business organizations including importers, exporters and manufacturers. The burdens imposed by these regulations are:

Estimated total annual reporting burden: 4,000 hours.

Estimated number of respondents: 20,000.

Estimated annual frequency of responses per respondent: 1.

Estimated average annual burden per response: .2 hours.

Comments concerning the collections of information and the accuracy of the estimated annual burden, and suggestions for reducing that burden, should be directed to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503. A copy should also be sent to the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

Signing Authority

This document is being issued in accordance with § 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his/her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects

19 CFR Part 10

Alterations, Bonds, Customs duties and inspection, Exports, Imports, Preference programs, Repairs, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 24

Accounting, Customs duties and inspection, Financial and accounting procedures, Reporting and recordkeeping requirements, Trade agreements, User fees.

19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Penalties, Trade agreements.

19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 178

Administrative practice and procedure, Exports, Imports, Reporting and recordkeeping requirements.

Amendments to the Regulations

For the reasons set forth above, chapter I of title 19, Code of Federal Regulations (19 CFR chapter I), is amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

■ 1. The general authority citation for part 10 continues to read and the specific authority for new Subpart L is added to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1321, 1481, 1484, 1498, 1508, 1623, 1624, 3314.

* * * * *

Sections 10.721 through 10.748 also issued under 19 U.S.C. 1202 (General Note 28, HTSUS) and Pub. L. 108–286, 118 Stat. 919 (19 U.S.C. 3805 note).

■ 2. In § 10.31(f), the last sentence is revised to read as follows:

§ 10.31 Entry; bond.

* * * * *

(f) * * * In addition, notwithstanding any other provision of this paragraph, in the case of professional equipment necessary for carrying out the business activity, trade or profession of a business person, equipment for the press or for sound or television broadcasting, cinematographic equipment, articles imported for sports purposes and articles intended for display or demonstration, if brought into the United States by a resident of Canada, Mexico, Singapore, Chile, Morocco, Australia, El Salvador, Guatemala, Honduras, Nicaragua, the Dominican Republic, Costa Rica, Bahrain, Oman, Peru, the Republic of Korea, Colombia, or Panama and entered under Chapter 98, Subchapter XIII, HTSUS, no bond or other security will be required if the entered article is a good originating, within the meaning of General Notes 12, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, HTSUS, in the country of which the importer is a resident.

* * * * *

■ 3. Add subpart L to read as follows:

Subpart L—United States-Australia Free Trade Agreement

General Provisions

Sec.

10.721 Scope.
10.722 General definitions.

Import Requirements

10.723 Filing of claim for preferential tariff treatment upon importation.
10.724 Supporting statement.
10.725 Importer obligations.
10.726 Supporting statement not required.
10.727 Maintenance of records.
10.728 Effect of noncompliance; failure to provide documentation regarding third country transportation.

Rules of Origin

10.729 Definitions.
10.730 Originating goods.
10.731 Textile and apparel goods classifiable as goods put up in sets.
10.732 De minimis.
10.733 Accumulation.
10.734 Regional value content.
10.735 Value of materials.
10.736 Accessories, spare parts, or tools.
10.737 Fungible goods and materials.
10.738 Retail packaging materials and containers.
10.739 Packing materials and containers for shipment.
10.740 Indirect materials.
10.741 Third country transportation.

Origin Verifications and Determinations

10.742 Verification and justification of claim for preferential treatment.
10.743 Special rule for verifications in Australia of U.S. imports of textile and apparel goods.
10.744 Issuance of negative origin determinations.

Penalties

10.745 General.
10.746 Corrected claim or supporting statement.
10.747 Framework for correcting claims or supporting statements.

Goods Returned After Repair or Alteration

10.748 Goods re-entered after repair or alteration in Australia.

Subpart L—United States-Australia Free Trade Agreement

General Provisions

§ 10.721 Scope.

This subpart implements the duty preference and related customs provisions applicable to imported goods under the United States-Australia Free Trade Agreement (the AFTA) signed on May 18, 2004, and under the United States-Australia Free Trade Agreement Implementation Act (''the Act''), Pub. L. 108–286, 118 Stat. 919 (19 U.S.C. 3805 note). Except as otherwise specified in this subpart, the procedures and other requirements set forth in this subpart are in addition to the customs procedures and requirements of general application contained elsewhere in this chapter. Additional provisions implementing certain aspects of the AFTA and the Act are contained in Parts 24, 162, and 163 of this chapter.

§ 10.722 General definitions.

As used in this subpart, the following terms will have the meanings indicated unless either the context in which they are used requires a different meaning or a different definition is prescribed for a particular section of this subpart:

(a) *Claim for preferential tariff treatment.* ''Claim for preferential tariff treatment'' means a claim that a good is entitled to the duty rate applicable under the AFTA to an originating good, and to an exemption from the merchandise processing fee;

(b) *Claim of origin.* ''Claim of origin'' means a claim that a textile or apparel good is an originating good or a good of a Party or satisfies the non-preferential rules of origin of a Party;

(c) *Customs duty.* ''Customs duty'' includes any customs or import duty and a charge of any kind imposed in connection with the importation of a good, including any form of surtax or surcharge in connection with such importation, but does not include any:

(1) Charge equivalent to an internal tax imposed consistently with Article III:2 of GATT 1994 in respect of the like domestic good or in respect of goods from which the imported good has been manufactured or produced in whole or in part;

(2) Antidumping or countervailing duty that is applied pursuant to a Party's law; or

(3) Fee or other charge in connection with importation commensurate with the cost of services rendered;

(d) *Customs Valuation Agreement.* ''Customs Valuation Agreement'' means the *Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994,* contained in Annex 1A to the WTO Agreement;

(e) *Days.* ''Days'' means calendar days;

(f) *Enterprise.* ''Enterprise'' means any entity constituted or organized under applicable law, whether or not for profit, and whether privately-owned or governmentally-owned or controlled, including any corporation, trust, partnership, sole proprietorship, joint venture, association, or similar organization;

(g) *Enterprise of a Party.* ''Enterprise of a Party'' means an enterprise constituted or organized under a Party's law;

(h) *GATT 1994.* ''GATT 1994'' means the *General Agreement on Tariffs and Trade 1994,* contained in Annex 1A to the *WTO Agreement;*

(i) *Goods of a Party.* ''Goods of a Party'' means domestic products as these are understood in the GATT 1994 or such goods as the Parties determine under the rules of origin as applied in

the normal course of trade, and includes originating goods of a Party.

(j) *Harmonized System.* ''Harmonized System'' means the *Harmonized Commodity Description and Coding System,* including its General Rules of Interpretation, Section Notes, and Chapter Notes, as adopted and implemented by the Parties in their respective tariff laws;

(k) *Heading.* ''Heading'' means the first four digits in the tariff classification number under the Harmonized System;

(l) *HTSUS.* ''HTSUS'' means the *Harmonized Tariff Schedule of the United States* as promulgated by the U.S. International Trade Commission;

(m) *Identical goods.* ''Identical goods'' means goods that are the same in all respects relevant to the rule of origin that qualifies the goods as originating goods;

(n) *Originating.* ''Originating'' means qualifying for preferential tariff treatment under the rules of origin set out in AFTA Chapters Four (Textiles and Apparel) and Five (Rules of Origin) and General Note 28, HTSUS;

(o) *Party.* ''Party'' means the United States or Australia;

(p) *Person.* ''Person'' means a natural person or an enterprise;

(q) *Preferential tariff treatment.* ''Preferential tariff treatment'' means the duty rate applicable under the AFTA to an originating good, and an exemption from the merchandise processing fee;

(r) *Subheading.* ''Subheading'' means the first six digits in the tariff classification number under the Harmonized System;

(s) *Territory.* ''Territory'' means:

(1) With respect to Australia, the territory of the Commonwealth of Australia:

(i) Excluding all external territories other than the Territory of Norfolk Island, the Territory of Christmas Island, the Territory of Cocos (Keeling) Islands, the Territory of Ashmore and Cartier Islands, the Territory of Heard Island and McDonald Islands, and the Coral Sea Islands Territory; and

(ii) Including Australia's territorial sea, contiguous zone, exclusive economic zone, and continental shelf; and

(2) With respect to the United States:

(i) The customs territory of the United States, which includes the 50 states, the District of Columbia, and Puerto Rico;

(ii) The foreign trade zones located in the United States and Puerto Rico; and

(iii) Any areas beyond the territorial seas of the United States within which, in accordance with international law and its domestic law, the United States may exercise rights with respect to the seabed and subsoil and their natural resources;

(t) *Textile or apparel good.* ''Textile or apparel good'' means a good listed in the Annex to the Agreement on Textiles and Clothing (commonly referred to as ''the ATC''), which is part of the WTO Agreement;

(u) *WTO.* ''WTO'' means the World Trade Organization; and

(v) *WTO Agreement.* ''WTO Agreement'' means the *Marrakesh Agreement Establishing the World Trade Organization* of April 15, 1994.

Import Requirements

§ 10.723 Filing of claim for preferential tariff treatment upon importation.

(a) *Claim.* An importer may make a claim for AFTA preferential tariff treatment, including an exemption from the merchandise processing fee, based on the importer's knowledge or information in the importer's possession that the good qualifies as an originating good. The claim is made by including on the entry summary, or equivalent documentation, the letters ''AU'' as a prefix to the subheading of the HTSUS under which each qualifying good is classified, or by the method specified for equivalent reporting via an authorized electronic data interchange system.

(b) *Corrected claim.* If, after making the claim required under paragraph (a) of this section, the importer becomes aware that the claim is invalid, the importer must promptly and voluntarily correct the claim and pay any duties that may be due. The importer must submit a statement either in writing or via an authorized electronic data interchange system to the CBP office where the original claim was filed specifying the correction (*see* §§ 10.746 and 10.747 of this subpart).

§ 10.724 Supporting statement.

(a) *Contents.* An importer who makes a claim under § 10.723(a) of this subpart must submit, at the request of the port director, a supporting statement setting forth the reasons that the good qualifies as an originating good, including pertinent cost and manufacturing data. A statement submitted to CBP under this paragraph:

(1) Need not be in a prescribed format but must be in writing or must be transmitted electronically pursuant to any electronic means authorized by CBP for that purpose;

(2) Must include the following information:

(i) The legal name, address, telephone, and email address of the importer of record of the good;

(ii) The legal name, address, telephone, and email address of the responsible official or authorized agent of the importer signing the supporting statement (if different from the information required by paragraph (a)(2)(i) of this section);

(iii) The legal name, address, telephone, and email address of the exporter of the good (if different from the producer);

(iv) The legal name, address, telephone, and email address of the producer of the good, if known;

(v) A description of the good for which preferential tariff treatment is claimed, which must be sufficiently detailed to relate it to the invoice and the HS nomenclature;

(vi) The HTSUS tariff classification, to six or more digits, as necessary for the specific change in tariff classification rule for the good set forth in General Note 28(n), HTSUS;

(vii) The applicable rule of origin set forth in General Note 28, HTSUS, under which the good qualifies as an originating good; and

(3) Must include a statement, in substantially the following form:

I certify that:

The information on this document is true and accurate and I assume the responsibility for proving such representations. I understand that I am liable for any false statements or material omissions made on or in connection with this document;

I agree to maintain and present upon request, documentation necessary to support these representations;

The goods originated or are considered to have originated in the territory of one or more of the Parties, and comply with the origin requirements specified for those goods in the United States-Australia Free Trade Agreement; there has been no further production or any other operation outside the territories of the parties, other than unloading, reloading, or any other operation necessary to preserve the goods in good condition or to transport the goods to the United States; and

This document consists of ___ pages, including all attachments.

(b) *Responsible official or agent.* The supporting statement required to be submitted under paragraph (a) of this section must be signed and dated by a responsible official of the importer or by the importer's authorized agent having knowledge of the relevant facts.

(c) *Language.* The supporting statement required to be submitted under paragraph (a) of this section must be completed in the English language.

(d) *Applicability of supporting statement.* The supporting statement required to be submitted under paragraph (a) of this section may be applicable to:

(1) A single importation of a good into the United States, including a single shipment that results in the filing of one

or more entries and a series of shipments that results in the filing of one entry; or

(2) Multiple importations of identical goods into the United States that occur within a specified blanket period, not exceeding 12 months, set out in the statement. For purposes of this paragraph, ''identical goods'' means goods that are the same in all respects relevant to the particular rule of origin that qualifies the goods as originating.

§ 10.725 Importer obligations.

(a) *General.* An importer who makes a claim under § 10.723(a) of this subpart:

(1) Is responsible for the truthfulness of the claim and of all the information and data contained in the supporting statement provided for in § 10.724 of this subpart; and

(2) Is responsible for submitting any supporting documents requested by CBP and for the truthfulness of the information contained in those documents. If CBP requests the submission of supporting documents, CBP will allow for the direct submission by the exporter or producer of business confidential or other sensitive information, including cost and sourcing information.

(b) *Information provided by exporter or producer.* The fact that the importer has made a claim or submitted a supporting statement based on information provided by an exporter or producer will not relieve the importer of the responsibility referred to in the first sentence of paragraph (a) of this section.

(c) *Exemption from penalties.* An importer will not be subject to civil or administrative penalties under 19 U.S.C. 1592 for making an invalid claim for preferential tariff treatment or submitting an incorrect supporting statement, provided that the importer promptly and voluntarily corrects the claim or supporting statement and pays any duty owing (*see* §§ 10.746 and 10.747 of this subpart).

§ 10.726 Supporting statement not required.

(a) *General.* Except as otherwise provided in paragraph (b) of this section, an importer will not be required to submit a supporting statement under § 10.724 for:

(1) A non-commercial importation of a good; or

(2) A commercial importation for which the value of the originating goods does not exceed U.S. $2,500.

(b) *Exception.* If the port director determines that an importation described in paragraph (a) of this section may reasonably be considered to have been carried out or planned for the purpose of evading compliance with the rules and procedures governing claims for preference under the AFTA, the port director will notify the importer that for that importation the importer must submit to CBP a supporting statement. The importer must submit such a statement within 30 days from the date of the notice. Failure to timely submit the supporting statement will result in denial of the claim for preferential tariff treatment.

§ 10.727 Maintenance of records.

(a) *General.* An importer claiming preferential tariff treatment for a good imported into the United States under § 10.723(a) of this subpart must maintain, for five years after the date of importation of the good, records and documents necessary to demonstrate that the good qualifies as an originating good, including records and documents associated with:

(1) The purchase of, cost of, value of, and payment for, the good;

(2) Where appropriate, the purchase of, cost of, value of, and payment for, all materials, including recovered goods and indirect materials, used in the production of the good; and

(3) Where appropriate, the production of the good in the form in which the good was exported.

(b) *Applicability of other recordkeeping requirements.* The records and documents referred to in paragraph (a) of this section are in addition to any other records that the importer is required to prepare, maintain, or make available to CBP under Part 163 of this chapter.

(c) *Method of maintenance.* The records and documents referred to in paragraph (a) of this section must be maintained by importers as provided in § 163.5 of this chapter.

§ 10.728 Effect of noncompliance; failure to provide documentation regarding third country transportation.

(a) *General.* If the importer fails to comply with any requirement under this subpart, including submission of a complete supporting statement prepared in accordance with § 10.724 of this subpart, when requested, the port director may deny preferential treatment to the imported good.

(b) *Failure to provide documentation regarding third country transportation.* Where the requirements for preferential treatment set forth elsewhere in this subpart are met, the port director nevertheless may deny preferential treatment to an originating good if the good is shipped through or transshipped in a country other than a Party to the AFTA, and the importer of the good does not provide, at the request of the port director, evidence demonstrating to the satisfaction of the port director that the conditions set forth in § 10.741 of this subpart were met.

Rules of Origin

§ 10.729 Definitions.

For purposes of §§ 10.729 through 10.741 of this subpart:

(a) *Adjusted value.* ''Adjusted value'' means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretative notes of the Customs Valuation Agreement, adjusted, if necessary, to exclude:

(1) Any costs, charges, or expenses incurred for transportation, insurance and related services incidental to the international shipment of the good from the country of exportation to the place of importation; and

(2) The value of packing materials and containers for shipment as defined in paragraph (n) of this section;

(b) *Class of motor vehicles.* ''Class of motor vehicles'' means any one of the following categories of motor vehicles:

(1) Motor vehicles classified under subheading 8701.20, motor vehicles for the transport of 16 or more persons classified under subheading 8702.10 or 8702.90, and motor vehicles classified under subheading 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, HTSUS;

(2) Motor vehicles classified under subheading 8701.10 or under any of subheadings 8701.30 through 8701.90, HTSUS;

(3) Motor vehicles provided for the transport of 15 or fewer persons classified under subheading 8702.10 or 8702.90, HTSUS, or motor vehicles classified under subheading 8704.21 or 8704.31; or

(4) Motor vehicles classified under subheadings 8703.21 through 8703.90, HTSUS;

(c) *Exporter.* ''Exporter'' means a person who exports goods from the territory of a Party;

(d) *Fungible goods or materials.* ''Fungible goods or materials'' means goods or materials, as the case may be, that are interchangeable for commercial purposes and the properties of which are essentially identical;

(e) *Generally Accepted Accounting Principles.* ''Generally Accepted Accounting Principles'' means the recognized consensus or substantial authoritative support in the territory of a Party, with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information,

and the preparation of financial statements. These standards may encompass broad guidelines of general application as well as detailed standards, practices, and procedures;

(f) *Good.* ''Good'' means any merchandise, product, article, or material;

(g) *Goods wholly obtained or produced entirely in the territory of one or both of the Parties.* ''Goods wholly obtained or produced entirely in the territory of one or both of the Parties'' means:

(1) Mineral goods extracted in the territory of one or both of the Parties;

(2) Vegetable goods, as such goods are defined in the Harmonized System, harvested in the territory of one or both of the Parties;

(3) Live animals born and raised in the territory of one or both of the Parties;

(4) Goods obtained from hunting, trapping, fishing, or aquaculture conducted in the territory of one or both of the Parties;

(5) Goods (fish, shellfish, and other marine life) taken from the sea by vessels registered or recorded with a Party and flying its flag;

(6) Goods produced exclusively from products referred to in paragraph (g)(5) of this section on board factory ships registered or recorded with a Party and flying its flag;

(7) Goods taken by a Party or a person of a Party from the seabed or beneath the seabed outside territorial waters, provided that a Party has rights to exploit such seabed;

(8) Goods taken from outer space, provided they are obtained by a Party or a person of a Party and not processed in the territory of a non-Party;

(9) Waste and scrap derived from:

(i) Production in the territory of one or both of the Parties; or

(ii) Used goods collected in the territory of one or both of the Parties, provided such goods are fit only for the recovery of raw materials;

(10) Recovered goods derived in the territory of one or both of the Parties from goods that have passed their life expectancy, or are no longer useable due to defects, and utilized in the territory of one or both of the Parties in the production of remanufactured goods; or

(11) Goods produced in one or both of the Parties exclusively from goods referred to in paragraphs (g)(1) through (9) of this section, or from the derivatives of such goods, at any stage of production;

(h) *Indirect Material.* ''Indirect material'' means a good used in the production, testing, or inspection of another good in the territory of one or both of the Parties but not physically incorporated into that other good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of another good, including:

(1) Fuel and energy;

(2) Tools, dies, and molds;

(3) Spare parts and materials used in the maintenance of equipment or buildings;

(4) Lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(5) Gloves, glasses, footwear, clothing, safety equipment, and supplies;

(6) Equipment, devices, and supplies used for testing or inspecting the good;

(7) Catalysts and solvents; and

(8) Any other good that is not incorporated into the other good but the use of which in the production of the other good can reasonably be demonstrated to be a part of that production.

(i) *Material.* ''Material'' means a good that is used in the production of another good;

(j) *Model line.* ''Model line'' means a group of motor vehicles having the same platform or model name;

(k) *Net cost.* ''Net cost'' means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost;

(l) *Non-allowable interest costs.* ''Non-allowable interest costs'' means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rates for comparable maturities of the United States or Australia;

(m) *Non-originating good or non-originating material.* ''Non-originating good'' or ''non-originating material'' means a good or material, as the case may be, that does not qualify as originating under General Note 28, HTSUS, or this subpart;

(n) *Packing materials and containers for shipment.* ''Packing materials and containers for shipment'' means the goods used to protect a good during its transportation to the United States, and does not include the packaging materials and containers in which a good is packaged for retail sale;

(o) *Producer.* ''Producer'' means a person who grows, raises, mines, harvests, fishes, traps, hunts, manufactures, processes, assembles or disassembles a good;

(p) *Production.* ''Production'' means growing, raising, mining, harvesting, fishing, trapping, hunting, manufacturing, processing, assembling, or disassembling a good;

(q) *Reasonably allocate.* ''Reasonably allocate'' means to apportion in a manner that would be appropriate under generally accepted accounting principles;

(r) *Recovered goods.* ''Recovered goods'' means materials in the form of individual parts that result from:

(1) The complete disassembly of goods which have passed their life expectancy, or are no longer useable due to defects, into individual parts; and

(2) The cleaning, inspecting, or testing, or other processing that is necessary for improvement to sound working condition of such individual parts;

(s) *Remanufactured good.* ''Remanufactured good'' means an industrial good assembled in the territory of a Party that is classified in Chapter 84, 85, or 87, or heading 9026, 9031, or 9032, HTSUS, other than a good classified in heading 8418 or 8516 or any of headings 8701 through 8706, HTSUS, and that:

(1) Is entirely or partially comprised of recovered goods;

(2) Has a similar life expectancy to, and meets the same performance standards as, a like good that is new; and

(3) Enjoys a factory warranty similar to a like good that is new;

(t) *Royalties.* ''Royalties'' means payments of any kind, including payments under technical assistance agreements or similar agreements, made as consideration for the use of, or right to use, any copyright, literary, artistic, or scientific work, patent, trademark, design, model, plan, secret formula or process, excluding those payments under technical assistance agreements or similar agreements that can be related to specific services such as:

(1) Personnel training, without regard to where performed; and

(2) If performed in the territory of one or both of the Parties, engineering, tooling, die-setting, software design and similar computer services;

(u) *Sales promotion, marketing, and after-sales service costs.* ''Sales promotion, marketing, and after-sales service costs'' means the following costs related to sales promotion, marketing, and after-sales service:

(1) Sales and marketing promotion; media advertising; advertising and market research; promotional and demonstration materials; exhibits; sales conferences, trade shows and conventions; banners; marketing displays; free samples; sales, marketing and after-sales service literature (product brochures, catalogs, technical literature, price lists, service manuals, sales aid information); establishment

and protection of logos and trademarks; sponsorships; wholesale and retail restocking charges; entertainment;

(2) Sales and marketing incentives; consumer, retailer or wholesaler rebates; merchandise incentives;

(3) Salaries and wages, sales commissions, bonuses, benefits (for example, medical, insurance, pension), traveling and living expenses, membership and professional fees, for sales promotion, marketing and after-sales service personnel;

(4) Recruiting and training of sales promotion, marketing and after-sales service personnel, and after-sales training of customers' employees, where such costs are identified separately for sales promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer;

(5) Product liability insurance;

(6) Office supplies for sales promotion, marketing and after-sales service of goods, where such costs are identified separately for sales promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer;

(7) Telephone, mail and other communications, where such costs are identified separately for sales promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer;

(8) Rent and depreciation of sales promotion, marketing and after-sales service offices and distribution centers;

(9) Property insurance premiums, taxes, cost of utilities, and repair and maintenance of sales promotion, marketing and after-sales service offices and distribution centers, where such costs are identified separately for sales promotion, marketing and after-sales service of goods on the financial statements or cost accounts of the producer; and

(10) Payments by the producer to other persons for warranty repairs;

(v) *Self-produced material.* ''Self-produced material'' means an originating material that is produced by a producer of a good and used in the production of that good;

(w) *Shipping and packing costs.* ''Shipping and packing costs'' means the costs incurred in packing a good for shipment and shipping the good from the point of direct shipment to the buyer, excluding the costs of preparing and packaging the good for retail sale;

(x) *Total cost.* ''Total cost'' means all product costs, period costs, and other costs for a good incurred in the territory of one or both of the Parties. Product costs are costs that are associated with the production of a good and include the value of materials, direct labor costs, and direct overhead. Period costs are costs, other than product costs, that are expensed in the period in which they are incurred, such as selling expenses and general and administrative expenses. Other costs are all costs recorded on the books of the producer that are not product costs or period costs, such as interest. Total cost does not include profits that are earned by the producer, regardless of whether they are retained by the producer or paid out to other persons as dividends, or taxes paid on those profits, including capital gains taxes;

(y) *Used.* ''Used'' means used or consumed in the production of goods; and

(z) *Value.* ''Value'' means the value of a good or material for purposes of calculating customs duties or for purposes of applying this subpart.

§ 10.730 Originating goods.

Except as otherwise provided in this subpart and General Note 28, HTSUS, a good imported into the customs territory of the United States will be considered an originating good under the AFTA only if:

(a) The good is wholly obtained or produced entirely in the territory of one or both of the Parties;

(b) The good is produced entirely in the territory of one or both of the Parties and:

(1) Each non-originating material used in the production of the good undergoes an applicable change in tariff classification specified in General Note 28(n), HTSUS;

(2) The good otherwise satisfies any applicable regional value content or other requirements specified in General Note 28(n), HTSUS; or

(3) The good meets any other requirements specified in General Note 28(n), HTSUS;

(c) The good is produced entirely in the territory of one or both of the Parties exclusively from originating materials; or

(d) The good otherwise qualifies as an originating good under General Note 28(n), HTSUS.

§ 10.731 Textile and apparel goods classifiable as goods put up in sets.

Notwithstanding the specific rules set forth in General Note 28(n), HTSUS, textile or apparel goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3, HTSUS, will not be considered to be originating goods unless each of the goods in the set is an originating good or the total value of the non-originating goods in the set does not exceed 10 percent of the value of the set.

§ 10.732 De minimis.

(a) Except as provided in paragraphs (b) and (c) of this section, a good that does not undergo a change in tariff classification pursuant to General Note 28(n), HTSUS, is an originating good if:

(1) The value of all non-originating materials used in the production of the good that do not undergo the applicable change in tariff classification does not exceed 10 percent of the adjusted value of the good;

(2) The value of the non-originating materials described in paragraph (a)(1) of this section is included in the value of non-originating materials for any applicable regional value content requirement for the good under General Note 28(n), HTSUS; and

(3) The good meets all other applicable requirements of General Note 28, HTSUS.

(b) Paragraph (a) does not apply to:

(1) A non-originating material provided for in Chapter 4, HTSUS, or in subheading 1901.90, HTSUS, that is used in the production of a good provided for in Chapter 4, HTSUS;

(2) A non-originating material provided for in Chapter 4, HTSUS, or in subheading 1901.90, HTSUS, that is used in the production of a good provided for in one of the following HTSUS provisions: subheading 1901.10, 1901.20 or 1901.90; heading 2105; or subheading 2106.90, 2202.90 or 2309.90;

(3) A non-originating material provided for in heading 0805, HTSUS, or subheadings 2009.11 through 2009.39, HTSUS, that is used in the production of a good provided for in subheadings 2009.11 through 2009.39, HTSUS, or in subheading 2106.90 or 2202.90, HTSUS;

(4) A non-originating material provided for in Chapter 15, HTSUS, that is used in the production of a good provided for in headings 1501 through 1508, 1512, 1514 or 1515, HTSUS;

(5) A non-originating material provided for in heading 1701, HTSUS, that is used in the production of a good provided for in headings 1701 through 1703, HTSUS;

(6) A non-originating material provided for in Chapter 17, HTSUS, or heading 1805, HTSUS, that is used in the production of a good provided for in subheading 1806.10, HTSUS;

(7) A non-originating material provided for in headings 2203 through 2208, HTSUS, that is used in the

production of a good provided for in heading 2207 or 2208, HTSUS; or

(8) A non-originating material used in the production of a good provided for in Chapters 1 through 21, HTSUS, unless the non-originating material is provided for in a different subheading than the good for which origin is being determined.

(c) A textile or apparel good provided for in Chapters 42, 50 through 63, 70, or 94, HTSUS, that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification set out in General Note 28(n), HTSUS, will nevertheless be considered to be an originating good if the total weight of all such fibers or yarns in that component is not more than 7 percent of the total weight of that component. Notwithstanding the preceding sentence, a textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good will be considered an originating good only if such yarns are wholly formed in the territory of a Party. For purposes of this paragraph, in the case of a textile or apparel good that is a yarn, fabric, or group of fibers, the term ''component of the good that determines the tariff classification of the good'' means all of the fibers in the yarn, fabric, or group of fibers.

§ 10.733 Accumulation.

(a) Originating materials from the territory of a Party that are used in the production of a good in the territory of another Party will be considered to originate in the territory of that other Party.

(b) A good that is produced in the territory of one or both of the Parties by one or more producers is an originating good if the good satisfies the requirements of § 10.730 of this subpart and all other applicable requirements of General Note 28, HTSUS.

§ 10.734 Regional value content.

(a) *General.* Except for goods to which paragraph (d) of this section applies, where General Note 28(n), HTSUS, sets forth a rule that specifies a regional value content test for a good, the regional value content of such good must be calculated by the importer, exporter, or producer of the good on the basis of the build-down method described in paragraph (b) of this section or the build-up method described in paragraph (c) of this section.

(b) *Build-down method.* Under the build-down method, the regional value content must be calculated on the basis of the formula RVC = ((AV − VNM)/AV) × 100, where RVC is the regional value content, expressed as a percentage; AV is the adjusted value of the good; and VNM is the value of non-originating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(c) *Build-up method.* Under the build-up method, the regional value content must be calculated on the basis of the formula RVC = (VOM/AV) × 100, where RVC is the regional value content, expressed as a percentage; AV is the adjusted value of the good; and VOM is the value of originating materials that are acquired or self-produced and used by the producer in the production of the good.

(d) *Special rule for certain automotive goods*—(1) *General.* Where General Note 28(n), HTSUS, sets forth a rule that specifies a regional value content test for an automotive good provided for in subheadings 8407.31 through 8407.34 (engines), subheading 8408.20 (diesel engine for vehicles), heading 8409 (parts of engines), or any of headings 8701 through 8705 (motor vehicles), and headings 8706 (chassis), 8707 (bodies), and 8708 (motor vehicle parts), HTSUS, the regional value content of such good must be calculated by the importer, exporter, or producer of the good on the basis of the net cost methods described in paragraphs (d)(2) through (4) of this section.

(2) *Net cost method.* Under the net cost method, the regional value content must be calculated on the basis of the formula RVC = ((NC − VNM)/NC) × 100, where RVC is the regional value content, expressed as a percentage; NC is the net cost of the good; and VNM is the value of non-originating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced. Consistent with the provisions regarding allocation of costs set out in generally accepted accounting principles, the net cost of the good must be determined by:

(i) Calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) Calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) Reasonably allocating each cost that forms part of the total costs incurred with respect to the automotive good so that the aggregate of these costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, or non-allowable interest costs.

(3) *Motor vehicles*—(i) *General.* For purposes of calculating the regional value content under the net cost method for an automotive good that is a motor vehicle provided for in headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula set forth in paragraph (d)(2) of this section over the producer's fiscal year using any one of the categories described in paragraph (d)(3)(ii) of this section either on the basis of all motor vehicles in the category or only those motor vehicles in the category that are exported to the territory of a Party.

(ii) *Categories.* The categories referred to in paragraph (d)(3)(i) of this section are as follows:

(A) The same model line of motor vehicles, in the same class of vehicles, produced in the same plant in the territory of a Party, as the motor vehicle for which the regional value content is being calculated;

(B) The same class of motor vehicles, produced in the same plant in the territory of a Party, as the motor vehicle for which the regional value content is being calculated; and

(C) The same model line of motor vehicles produced in the territory of a Party as the motor vehicle for which the regional value content is being calculated.

(4) *Other automotive goods*—(i) *General.* For purposes of calculating the regional value content under the net cost method for automotive goods provided for in subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, 8706, 8707, or 8708, HTSUS, that are produced in the same plant, an importer, exporter, or producer may:

(A) Average the amounts calculated under the formula set forth in paragraph (d)(2) of this section over any of the following: The fiscal year, or any quarter or month, of the motor vehicle producer

to whom the automotive good is sold, or the fiscal year, or any quarter or month, of the producer of the automotive good, provided the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(B) Determine the average referred to in paragraph (d)(4)(i)(A) of this section separately for such goods sold to one or more motor vehicle producers; or

(C) Make a separate determination under paragraph (d)(4)(i)(A) or (B) for automotive goods that are exported to the territory of a Party.

(ii) *Duration of use.* A person selecting an averaging period of one month or quarter under paragraph (d)(4)(i)(A) of this section must continue to use that method for that category of automotive goods throughout the fiscal year.

10.735 Value of materials.

(a) *Calculating the value of materials.* For purposes of calculating the regional value content of a good under General Note 28(n), HTSUS, and for purposes of applying the *de minimis* (*see* § 10.732 of this subpart) provisions of General Note 28(n), HTSUS, the value of a material is:

(1) In the case of a material imported by the producer of the good, the adjusted value of the material;

(2) In the case of a material acquired by the producer in the territory where the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretative notes of the Customs Valuation Agreement, of the material with reasonable modifications to the provisions of the Customs Valuation Agreement as may be required due to the absence of an importation by the producer (including, but not limited to, treating a domestic purchase by the producer as if it were a sale for exportation to the country of importation); or

(3) In the case of a self-produced material, the sum of:

(i) All expenses incurred in the production of the material, including general expenses; and

(ii) An amount for profit equivalent to the profit added in the normal course of trade.

(b) *Examples.* The following examples illustrate application of the principles set forth in paragraph (a)(2) of this section:

Example 1. The producer in Australia purchases material x from an unrelated seller in Australia for $100. Under the provisions of Article 1 of the Customs Valuation Agreement, transaction value is the price actually paid or payable for the goods when sold for exportation to the country of importation adjusted in accordance with the provisions of Article 8. In order to apply Article 1 to this domestic purchase by the producer, such purchase is treated as if it were a sale for export to the country of importation. Therefore, for purposes of determining the adjusted value of material x, the Article 1 transaction value is the price actually paid or payable for the goods when sold to the producer in Australia ($100), adjusted in accordance with the provisions of Article 8. In this example, it is irrelevant whether material x was initially imported into Australia by the seller (or by anyone else). So long as the producer acquired material x in Australia, it is intended that the value of material x will be determined on the basis of the price actually paid or payable by the producer adjusted in accordance with the provisions of Article 8.

Example 2. Same facts as in Example 1, except that the sale between the seller and the producer is subject to certain restrictions that preclude the application of Article 1. Under Article 2 of the Customs Valuation Agreement, the value is the transaction value of identical goods sold for exportation to the same country of importation and exported at or about the same time as the goods being valued. In order to permit the application of Article 2 to the domestic acquisition by the producer, the price paid by the producer should be modified so that the value is the transaction value of identical goods sold within Australia at or about the same time the goods were sold to the producer in Australia. Thus, if the seller of material x also sold an identical material to another buyer in Australia without restrictions, that other sale would be used to determine the adjusted value of material x.

(c) *Permissible additions to, and deductions from, the value of materials*—(1) *Additions to originating materials.* For originating materials, the following expenses, if not included under paragraph (a) of this section, may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of one or both of the Parties to the location of the producer;

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or both of the Parties, other than duties and taxes that are waived, refunded, refundable or otherwise recoverable, including credit against duty or tax paid or payable; and

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(2) *Deductions from non-originating materials.* For non-originating materials, if included under paragraph (a) of this section, the following expenses may be deducted from the value of the non-originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of one or both of the Parties to the location of the producer;

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or both of the Parties, other than duties and taxes that are waived, refunded, refundable or otherwise recoverable, including credit against duty or tax paid or payable;

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or by-products;

(iv) The cost of processing incurred in the territory of one or both of the Parties in the production of the non-originating material; and

(v) The cost of originating materials used in the production of the non-originating material in the territory of one or both of the Parties.

(d) *Accounting method.* Any cost or value referenced in General Note 28, HTSUS, and this subpart, must be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the Party in which the good is produced.

§ 10.736 Accessories, spare parts, or tools.

(a) *General.* Accessories, spare parts, or tools that are delivered with a good and that form part of the good's standard accessories, spare parts, or tools will be treated as originating goods if the good is an originating good, and will be disregarded in determining whether all the non-originating materials used in the production of the good undergo an applicable change in tariff classification specified in General Note 28(n), HTSUS, provided that:

(1) The accessories, spare parts, or tools are not invoiced separately from the good; and

(2) The quantities and value of the accessories, spare parts, or tools are customary for the good.

(b) *Regional value content.* If the good is subject to a regional value content requirement, the value of the accessories, spare parts, or tools is taken into account as originating or non-originating materials, as the case may be, in calculating the regional value content of the good under § 10.734 of this subpart.

§ 10.737 Fungible goods and materials.

(a) *General.* A person claiming that a fungible good or material is an originating good may base the claim either on the physical segregation of the fungible good or material or by using an inventory management method with

respect to the fungible good or material. For purposes of this section, the term ''inventory management method'' means:

(1) Averaging;

(2) ''Last-in, first-out;''

(3) ''First-in, first-out;'' or

(4) Any other method that is recognized in the Generally Accepted Accounting Principles of the Party in which the production is performed or otherwise accepted by that country.

(b) *Duration of use.* A person selecting an inventory management method under paragraph (a) of this section for a particular fungible good or material must continue to use that method for that fungible good or material throughout the fiscal year of that person.

§ 10.738 Retail packaging materials and containers.

(a) *Effect on tariff shift rule.* Packaging materials and containers in which a good is packaged for retail sale, if classified with the good for which preferential tariff treatment under the AFTA is claimed, will be disregarded in determining whether all non-originating materials used in the production of the good undergo the applicable change in tariff classification set out in General Note 28(n), HTSUS.

(b) *Effect on regional value content calculation.* If the good is subject to a regional value content requirement, the value of such packaging materials and containers will be taken into account as originating or non-originating materials, as the case may be, in calculating the regional value content of the good.

Example 1. Australian Producer A of good C imports 100 non-originating blister packages to be used as retail packaging for good C. As provided in § 10.735(a)(1) of this subpart, the value of the blister packages is their adjusted value, which in this case is $10. Good C has a regional value content requirement. The United States importer of good C decides to use the build-down method, RVC = ((AV − VNM)/AV) × 100 (*see* § 10.734(b) of this subpart), in determining whether good C satisfies the regional value content requirement. In applying this method, the non-originating blister packages are taken into account as non-originating. As such, their $10 adjusted value is included in the VNM, value of non-originating materials, of good C.

Example 2. Same facts as in Example 1, except that the blister packages are originating. In this case, the adjusted value of the originating blister packages would *not* be included as part of the VNM of good C under the build-down method. However, if the U.S. importer had used the build-up method, RVC = (VOM/AV) × 100 (*see* § 10.734(c) of this subpart), the adjusted value of the blister packaging would be included as part of the VOM, value of originating materials.

§ 10.739 Packing materials and containers for shipment.

(a) *Effect on tariff shift rule.* Packing materials and containers for shipment, as defined in § 10.729 (n) of this subpart, are to be disregarded in determining whether the non-originating materials used in the production of the good undergo an applicable change in tariff classification set out in General Note 28(n), HTSUS. Accordingly, such materials and containers are not required to undergo the applicable change in tariff classification even if they are non-originating.

(b) *Effect on regional value content calculation.* Packing materials and containers for shipment, as defined in § 10.729(n) of this subpart, are to be disregarded in determining the regional value content of a good imported into the United States. Accordingly, in applying the build-down, build-up, or net cost method for determining the regional value content of a good imported into the United States, the value of such packing materials and containers for shipment (whether originating or non-originating) is disregarded and not included in AV, adjusted value, VNM, value of non-originating materials, VOM, value of originating materials, or NC, net cost of a good.

Example. Australian Producer A produces good C. Producer A ships good C to the U.S. in a shipping container which it purchased from Company B in Australia. The shipping container is originating. The value of the shipping container determined under section § 10.735(a)(2) of this subpart is $3. Good C is subject to a regional value content requirement. The transaction value of good C is $100, which includes the $3 shipping container. The United States importer decides to use the build-up method, RVC = (VOM/AV) × 100 (*see* § 10.734(c) of this subpart), in determining whether good C satisfies the regional value content requirement. In determining the AV, adjusted value, of good C imported into the U.S., paragraph (b) of this section and the definition of AV require a $3 deduction for the value of the shipping container. Therefore, the AV is $97 ($100 − $3). In addition, the value of the shipping container is disregarded and not included in the VOM, value of originating materials.

§ 10.740 Indirect materials.

An indirect material, as defined in § 10.729(h) of this subpart, will be considered to be an originating material without regard to where it is produced, and its value will be the cost registered in the accounting records of the producer of the good.

Example. Australian Producer C produces good C using non-originating material A. Producer C imports non-originating rubber gloves for use by workers in the production of good C. Good C is subject to a tariff shift requirement. As provided in § 10.730(b)(1) of this subpart and General Note 28(n), each of the non-originating materials in good C must undergo the specified change in tariff classification in order for good C to be considered originating. Although non-originating material A must undergo the applicable tariff shift in order for good C to be considered originating, the rubber gloves do not because they are indirect materials and are considered originating without regard to where they are produced.

§ 10.741 Third country transportation.

(a) *General.* A good that has undergone production necessary to qualify as an originating good under § 10.730 of this subpart will not be considered an originating good if, subsequent to that production, the good undergoes further production or any other operation outside the territories of the Parties, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of a Party.

(b) *Documentary evidence.* An importer making a claim that a good is originating may be required to demonstrate, to CBP's satisfaction, that no further production or subsequent operation, other than permitted under paragraph (a) of this section, occurred outside the territories of the Parties. An importer may demonstrate compliance with this section by submitting documentary evidence. Such evidence may include, but is not limited to, bills of lading, airway bills, packing lists, commercial invoices, receiving and inventory records, and customs entry and exit documents.

Origin Verifications and Determinations

§ 10.742 Verification and justification of claim for preferential treatment.

(a) *Verification.* A claim for preferential tariff treatment made under § 10.723(a) of this subpart, including any statements or other information submitted to CBP in support of the claim, will be subject to such verification as the port director deems necessary. In the event that the port director is provided with insufficient information to verify or substantiate the claim, the port director may deny the claim for preferential treatment. A verification of a claim for preferential treatment may be conducted by means of one or more of the following:

(1) Requests for information from the importer;

(2) Written requests for information to the exporter or producer;

(3) Requests for the importer to arrange for the exporter or producer to provide information directly to CBP;

(4) Visits to the premises of the exporter or producer in Australia, in accordance with procedures that the Parties adopt pertaining to the verification; and

(5) Such other procedures as the Parties may agree.

(b) *Applicable accounting principles.* When conducting a verification of origin to which Generally Accepted Accounting Principles may be relevant, CBP will apply and accept the Generally Accepted Accounting Principles applicable in the country of production.

§ 10.743 Special rule for verifications in Australia of U.S. imports of textile and apparel goods.

(a) *Procedures to determine whether a claim of origin is accurate.* For the purpose of determining that a claim of origin for a textile or apparel good is accurate, CBP may request that the government of Australia conduct a verification, regardless of whether a claim is made for preferential tariff treatment. While a verification under this paragraph is being conducted, CBP, if directed by the President, may take appropriate action which may include suspending the application of preferential tariff treatment to the textile or apparel good for which a claim of origin has been made. If an exporter, producer, or other person refuses to consent to a visit as provided for in this paragraph, or if CBP is unable to make the determination described in this paragraph within 12 months after a request for a verification, or CBP makes a negative determination, CBP, if directed by the President, may take appropriate action which may include denying the application of preferential tariff treatment to the textile or apparel good subject to the verification, and to similar goods exported or produced by the entity that exported or produced the good.

(b) *Procedures to determine compliance with applicable customs laws and regulations of the U.S.* For purposes of enabling CBP to determine that an exporter or producer is complying with applicable customs laws, regulations, and procedures in cases in which CBP has a reasonable suspicion that an Australian exporter or producer is engaging in unlawful activity relating to trade in textile and apparel goods, CBP may request that the government of Australia conduct a verification, regardless of whether a claim is made for preferential tariff treatment. A ''reasonable suspicion'' for the purpose of this paragraph will be based on relevant factual information, including information of the type set forth in Article 6.5 of the AFTA, which indicates circumvention of applicable laws, regulations or procedures regarding trade in textile and apparel goods. While a verification under this paragraph is being conducted, CBP, if directed by the President, may take appropriate action which may include suspending the application of preferential tariff treatment to the textile and apparel goods exported or produced by the Australian entity where the reasonable suspicion of unlawful activity relates to those goods. If an exporter, producer, or other person refuses to consent to a visit as provided for in this paragraph, or if CBP is unable to make the determination described in this paragraph within 12 months after a request for a verification, or makes a negative determination, CBP, if directed by the President, may take appropriate action which may include denying the application of preferential tariff treatment to any textile or apparel goods exported or produced by the entity subject to the verification.

(c) *Assistance by U.S. officials to Australian authorities.* U.S. officials may undertake or assist in a verification under this section by conducting visits in Australia, along with the competent authorities of Australia, to the premises of an exporter, producer or any other enterprise involved in the movement of textile or apparel goods from Australia to the United States.

(d) *Treatment of documents and information provided to CBP.* Any production, trade and transit documents and other information necessary to conduct a verification under this section, provided to CBP by the government of Australia consistent with the laws, regulations, and procedures of Australia, will be treated as confidential in accordance with Article 22.4 of the AFTA (Disclosure of Information).

(e) *Continuation of appropriate action.* CBP may continue to take appropriate action under paragraph (a) or (b) of this section until it receives information sufficient to enable it to make the determination described in paragraphs (a) and (b) of this section.

§ 10.744 Issuance of negative origin determinations.

If, as a result of an origin verification initiated under this subpart, CBP determines that a claim for preferential tariff treatment made under § 10.723(a) of this subpart should be denied, it will issue a determination in writing or via an authorized electronic data interchange system to the importer that sets forth the following:

(a) A description of the good that was the subject of the verification together with the identifying numbers and dates of the import documents pertaining to the good;

(b) A statement setting forth the findings of fact made in connection with the verification and upon which the determination is based; and

(c) With specific reference to the rules applicable to originating goods as set forth in General Note 28, HTSUS, and in §§ 10.729 through 10.741 of this subpart, the legal basis for the determination.

Penalties

§ 10.745 General.

Except as otherwise provided in this subpart, all criminal, civil or administrative penalties which may be imposed on U.S. importers for violations of the customs and related laws and regulations will also apply to U.S. importers for violations of the laws and regulations relating to the AFTA.

§ 10.746 Corrected claim or supporting statement.

An importer who makes a corrected claim under § 10.723(b) of this subpart will not be subject to civil or administrative penalties under 19 U.S.C. 1592 for having made an incorrect claim or having submitted an incorrect supporting statement, provided that the corrected claim or supporting statement is promptly and voluntarily made pursuant to the terms set forth in § 10.747 of this subpart.

§ 10.747 Framework for correcting claims or supporting statements.

(a) *''Promptly and voluntarily'' defined.* Except as provided for in paragraph (b) of this section, for purposes of this subpart, the making of a corrected claim or supporting statement will be deemed to have been done promptly and voluntarily if:

(1)(i) Done within one year following the date on which the importer made the incorrect claim; or

(ii) Done later than one year following the date on which the importer made the incorrect claim, provided the corrected claim is made:

(A) Before the commencement of a formal investigation, within the meaning of § 162.74(g) of this chapter; or

(B) Before any of the events specified in § 162.74(i) of this chapter have occurred; or

(C) Within 30 days after the importer initially becomes aware that the incorrect claim is not valid; and

(2) Accompanied by a statement setting forth the information specified in paragraph (c) of this section; and

(3) Accompanied or followed by a tender of any actual loss of duties and merchandise processing fees, if applicable, in accordance with paragraph (d) of this section.

(b) *Exception in cases involving fraud or subsequent incorrect claims.* (1) *Fraud.* Notwithstanding paragraph (a) of this section, an importer who acted fraudulently in making an incorrect claim may not make a voluntary correction of that claim. For purposes of this paragraph, the term ''fraud'' will have the meaning set forth in paragraph (C)(3) of Appendix B to Part 171 of this chapter.

(2) *Subsequent incorrect claims.* An importer who makes one or more incorrect claims after becoming aware that a claim involving the same merchandise and circumstances is invalid may not make a voluntary correction of the subsequent claims pursuant to paragraph (a) of this section.

(c) *Statement.* For purposes of this subpart, each corrected claim must be accompanied by a statement, submitted in writing or via an authorized electronic data interchange system, which:

(1) Identifies the class or kind of good to which the incorrect claim relates;

(2) Identifies each affected import transaction, including each port of importation and the approximate date of each importation;

(3) Specifies the nature of the incorrect statements or omissions regarding the claim; and

(4) Sets forth, to the best of the person's knowledge, the true and accurate information or data which should have been covered by or provided in the claim, and states that the person will provide any additional information or data which is unknown at the time of making the corrected claim within 30 days or within any extension of that 30-day period as CBP may permit in order for the person to obtain the information or data.

(d) *Tender of actual loss of duties.* A U.S. importer who makes a corrected claim must tender any actual loss of duties at the time of making the corrected claim, or within one (1) year thereafter, or within any extension of that 1-year period as CBP may allow in order for the importer to obtain the information or data necessary to calculate the duties owed.

Goods Returned After Repair or Alteration

§ 10.748 Goods re-entered after repair or alteration in Australia.

(a) *General.* This section sets forth the rules which apply for purposes of obtaining duty-free treatment on goods returned after repair or alteration in Australia as provided for in subheadings 9802.00.40 and 9802.00.50, HTSUS. Goods returned after having been repaired or altered in Australia, whether or not pursuant to a warranty, are eligible for duty-free treatment, provided that the requirements of this section are met. For purposes of this section, ''repairs or alterations'' means restoration, addition, renovation, re-dyeing, cleaning, re-sterilizing, or other treatment which does not destroy the essential characteristics of, or create a new or commercially different good from, the good exported from the United States. The term ''repair or alternation'' does not include an operation or process that transforms an unfinished good into a finished good.

(b) *Goods not eligible for duty-free treatment after repair or alteration.* The duty-free treatment referred to in paragraph (a) of this section will not apply to goods which, in their condition as exported from the United States to Australia, are incomplete for their intended use and for which the processing operation performed in Australia constitutes an operation that is performed as a matter of course in the preparation or manufacture of finished goods.

(c) *Documentation.* The provisions of § 10.8(a) through (c) of this part, relating to the documentary requirements for goods entered under subheading 9802.00.40 or 9802.00.50, HTSUS, will apply in connection with the entry of goods which are returned from Australia after having been exported for repairs or alterations and which are claimed to be duty free.

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

■ 4. The general authority citation for Part 24 and specific authority for § 24.23 continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 58a–58c, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1505, 1520, 1624; 26 U.S.C. 4461, 4462; 31 U.S.C. 9701; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*).

* * * * *

Section 24.23 also issued under 19 U.S.C. 3332;

* * * * *

■ 5. Section 24.23 is amended by redesignating paragraphs (c)(8) through (14) as paragraphs (c)(9) through (15), and adding a new paragraph (c)(8) to read as follows:

§ 24.23 Fees for processing merchandise.

* * * * *

(c) * * *

(8) The ad valorem fee, surcharge, and specific fees provided under paragraphs (b)(1) and (b)(2)(i) of this section will not apply to goods that qualify as originating goods under § 203 of the United States-Australia Free Trade Agreement Implementation Act (*see also* General Note 28, HTSUS) that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2005.

* * * * *

PART 162—INSPECTION, SEARCH, AND SEIZURE

■ 6. The authority citation for part 162 continues to read in part as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1592, 1593a, 1624.

* * * * *

■ 7. Section 162.0 is amended by revising the last sentence to read as follows:

§ 162.0 Scope.

* * * Additional provisions concerning records maintenance and examination applicable to U.S. importers, exporters and producers under the U.S.-Chile Free Trade Agreement, the U.S.-Singapore Free Trade Agreement, the Dominican Republic-Central America-U.S. Free Trade Agreement, the U.S.-Australia Free Trade Agreement, the U.S.-Morocco Free Trade Agreement, the U.S.-Peru Trade Promotion Agreement, the U.S.-Korea Free Trade Agreement, the U.S.-Panama Trade Promotion Agreement, and the U.S.-Colombia Trade Promotion Agreement are contained in Part 10, Subparts H, I, J, L, M, Q, R, S and T of this chapter, respectively.

PART 163—RECORDKEEPING

■ 8. The authority citation for part 163 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1484, 1508, 1509, 1510, 1624.

* * * * *

■ 9. Section 163.1 is amended by redesignating paragraphs (a)(2)(ix) through (xvii) as paragraphs (a)(2)(x) through (xviii), and adding a new paragraph (a)(2)(ix) to read as follows:

§ 163.1 Definitions.

* * * * *

(a) * * *

(2) * * *

(ix) The maintenance of any documentation that the importer may have in support of a claim for preferential tariff treatment under the United States-Australia Free Trade Agreement (AFTA), including an AFTA importer's supporting statement.

* * * * *

■ 10. Appendix to Part 163 is amended by adding a listing under section IV in numerical order to read as follows:

Appendix to Part 163—Interim (a)(1)(A) List

* * * * *

IV. * * *

§ 10.723–10.727 AFTA records that the importer may have in support of an AFTA claim for preferential tariff treatment, including an importer's supporting statement.

* * * * *

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

■ 11. The authority citation for part 178 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

■ 12. Section 178.2 is amended by adding new listings for ''§§ 10.723 and 10.724'' to the table in numerical order to read as follows:

§ 178.2 Listing of OMB control numbers.

19 CFR Section	Description	OMB control No.
*	*	*
§§ 10.723 and 10.724	Claim for preferential tariff treatment under the US-Australia Free Trade Agreement	1651–0117
*	*	*

* * * * *

R. Gil Kerlikowske,

Commissioner.

Approved: February 5, 2015.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2015–02720 Filed 2–9–15; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 312

[Docket No. FDA–2015–D–0268]

Individual Patient Expanded Access Applications: Form FDA 3926; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of draft guidance.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the availability of a draft guidance for industry entitled ''Individual Patient Expanded Access Applications: Form FDA 3926.'' The draft guidance provides for public comment and describes draft Form FDA 3926 (Individual Patient Expanded Access—Investigational New Drug Application (IND)), which, when finalized, FDA intends to make available for licensed physicians to use for expanded access requests for individual patient INDs. Individual patient expanded access allows for the use of an investigational drug outside of a clinical trial for an individual patient who has a serious or immediately life-threatening disease or condition and there is no comparable or satisfactory alternative therapy to diagnose, monitor, or treat the disease or condition. When finalized, draft Form FDA 3926 is intended to provide a streamlined alternative for submitting an Investigational New Drug Application (IND) for use in cases of individual patient expanded access.

DATES: February 10, 2015. Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by April 13, 2015. Submit either electronic or written comments concerning the collection of information proposed in the draft guidance by April 13, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993, or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lori Bickel, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6353, Silver Spring, MD 20993–0002, 301–796–0210; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Individual Patient Expanded Access Applications: Form FDA 3926.'' The draft guidance provides draft Form FDA 3926 for public comment. When finalized, draft Form FDA 3926 will be available for licensed physicians to use for expanded access requests for individual patient INDs as an alternative to Form FDA 1571 (Investigation New Drug Application (IND)).

On August 13, 2009, FDA published a final rule (74 FR 40900, August 13, 2009) to amend its IND regulations by removing the certain sections of part 312 (21 CFR part 312) on treatment use of investigational drugs and adding subpart I of part 312 on expanded access (part 312, subpart I).

Subpart I describes the following categories of expanded access:

• Expanded access for individual patients, including for emergency use;
• Expanded access for intermediate-size patient populations (smaller than those typical of a treatment IND or treatment protocol); and
• Expanded access through a treatment IND or treatment protocol (designed for use in larger patient populations).

The final rule was, among other things, intended to increase awareness and knowledge of expanded access programs and the procedures for obtaining investigational drugs for treatment use for patients who have serious or immediately life-threatening diseases or conditions who lack therapeutic alternatives. The final rule was also intended to facilitate the availability, when appropriate, of investigational new drugs for treatment use, while protecting patient safety and avoiding interference with the development of investigational drugs for marketing under approved applications.

The draft guidance is intended to address the submission of draft Form FDA 3926, when finalized, for a new individual patient expanded access IND by a licensed physician. For information on expanded access in general, including how to submit an expanded access protocol to an existing IND, see FDA's draft guidance for industry ''Expanded Access to Investigational Drugs for Treatment Use—Qs and As'' (available at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*).

FDA may permit expanded access to an investigational new drug for an individual patient when the applicable criteria in § 312.305(a), which pertains to all types of expanded access, and the criteria in § 312.310(a), which pertains to individual patient expanded access, including in an emergency, are met. The physician may satisfy some of the submission requirements by referring to information in an existing IND, ordinarily the one held by the manufacturer, if the physician obtains permission from that IND holder. If permission is obtained, the physician should then provide FDA a letter of authorization (LOA) from the existing IND holder that permits FDA to reference that IND.

Section 312.305(b) sets forth the submission requirements for all expanded access uses. One of the requirements under § 312.305(b)(2) is that a ''cover sheet'' must be included ''meeting the requirements of § 312.23(a).'' This provision applies to several types of submissions under part 312, ranging from commercial INDs under § 312.23 involving large groups of patients enrolled in clinical trials to requests from licensed physicians to use an investigational drug for an individual patient. FDA is concerned that its goal of facilitating access to drugs for individual patient treatment use may have been complicated by difficulties experienced by physicians in submitting Form FDA 1571 (currently used by sponsors for all types of IND submissions) including associated documents, which is not tailored to requests for individual patient expanded access.

In an effort to streamline the submission process for individual patient expanded access INDs, FDA intends to make draft Form FDA 3926 available, when finalized, for licensed physicians to request expanded access to an investigational drug outside of a clinical trial for an individual patient who has a serious or immediately life-threatening disease or condition and for whom there is no comparable or satisfactory alternative therapy to diagnose, monitor, or treat the disease or condition (*i.e.,* for individual patient expanded access, including in emergencies). Draft Form FDA 3926 is shorter than Form FDA 1571 and requests the following information: (1) Patient's initials and date of submission; (2) clinical information; (3) treatment information; (4) LOA from the investigational drug's manufacturer, if applicable; (5) physician's qualifications; (6) physician's contact information and the physician's IND number, which is not the same as the manufacturer's IND number, (if the number is known); (7) request for authorization to use draft Form FDA 3926, when finalized, for individual patient expanded access applications instead of Form FDA 1571; and (8) certification statement and physician's signature. Draft Form FDA 3926 is provided in the draft guidance for public comment as Appendix 1.

As discussed in the draft guidance, FDA intends to accept submission of draft Form FDA 3926, when finalized, to comply with the IND submission requirements in §§ 312.23, 312.305(b), and 312.310(b). To the extent that information required under part 312 is not contained in draft Form FDA 3926, FDA intends to consider the submission of that form, when finalized, with the box in item 7 checked and the form signed by the physician, to constitute a request under § 312.10 to waive any other applicable application requirements, including additional information included in Form FDA 1571 and Form FDA 1572 (Statement of Investigator, providing the identity and qualifications of the investigator conducting the clinical investigation).

In an emergency situation that requires the patient to be treated before a written submission can be made, the request to use the investigational drug for individual patient expanded access may be made by telephone (or other rapid means of communication) to the appropriate FDA review division, and authorization of the emergency use may be given by the FDA official over the telephone, provided the physician explains how the expanded access use will meet the requirements of §§ 312.305 and 312.310 and agrees to submit an expanded access submission within 15 working days of FDA's initial authorization of the expanded access use (§ 312.310(d)).

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the use of draft Form FDA 3926, when finalized, by licensed physicians for individual patient expanded access applications. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The draft guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The title, description, and respondent description of the information collection are given under this section with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

We invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques,

when appropriate, and other forms of information technology.

Title: Draft Guidance on Individual Patient Expanded Access Applications: Form FDA 3926.

Description: The draft guidance provides for public comment and describes draft Form FDA 3926. When finalized, draft Form FDA 3926 will be available for licensed physicians to request the use of an investigational drug outside of a clinical trial for an individual patient who has a serious or immediately life-threatening disease or condition and there is no comparable or satisfactory alternative therapy to diagnose, monitor, or treat the disease or condition (*i.e.,* for individual patient expanded access). FDA regulations (§ 312.305(b)(2)) require that a cover sheet meeting the requirements of § 312.23(a) (currently Form FDA 1571) be submitted for all expanded access requests.

As explained in the draft guidance, the following information would be submitted to FDA by those using draft Form FDA 3926 when it is finalized:

- Patient's initials and date of submission.
- Clinical information, including indication, brief clinical history of the patient (age, gender, weight, allergies, diagnosis, prior therapy, response to prior therapy), and the rationale for requesting the proposed treatment, including an explanation of why the patient lacks other therapeutic options.
- Treatment information, including the investigational drug's name and manufacturer and the treatment plan. The plan should include the planned dose, route of administration, planned duration of treatment, monitoring procedures, and planned modifications to the treatment plan in the event of toxicity.
- LOA obtained from the investigational drug's manufacturer and attached to draft Form FDA 3926, if applicable.
- Physician's qualification statement that specifies the medical school attended, year of graduation, medical specialty, state medical license number, current employment, and job title. Alternatively, the first few pages of the physician's curriculum vitae may be attached, provided they include the information described previously.
- Physician's contact information, including the physical address, email address, telephone number, facsimile number, and physician's IND number, if known.
- Request for authorization to use Form FDA 3926, when finalized, for the initial submission of individual patient expanded access applications instead of Form FDA 1571.
- Signature of the physician certifying that treatment will not begin until 30 days after FDA receives the application, unless the submitting physician receives earlier notification from FDA that the treatment may proceed; that the physician will obtain informed consent, consistent with Federal requirements; that an institutional review board (IRB) that complies with the Federal IRB requirements will be responsible for initial and continuing review and approval of the treatment use; and that in the case of an emergency request, treatment may begin without prior IRB approval, provided that the IRB is notified of the emergency treatment within 5 working days of treatment.

Section 312.305(b)(2) of FDA's expanded access regulations sets forth the submission requirements for all types of expanded access requests for investigational drugs. Section 312.310(b) contains additional submission requirements for individual patient expanded access requests, and § 312.310(d) contains the requirements for requesting individual patient expanded access for emergency use. FDA currently has OMB approval under control number 0910–0014 for individual patient expanded access information collection under §§ 312.305(b), 312.310(b), and 312.310(d). As shown in Table 1, based on data for the number of these responses to FDA during 2011, 2012, and 2013, we estimate that we will receive approximately 593 requests annually for individual patient expanded access use from approximately 393 licensed physicians and will receive approximately 560 requests annually for individual patient expanded access emergency use from approximately 397 licensed physicians.

The current OMB approval also estimates that it takes each licensed physician approximately 8 hours to request each individual patient expanded access use and approximately 16 hours to request each individual patient expanded access for emergency use. These estimates are based on the use of Form FDA 1571. When a finalized Form FDA 3926 is submitted instead of current Form FDA 1571, we estimate that the burden time will be 45 minutes, resulting in a burden reduction of 7 hours and 15 minutes for each individual patient expanded access request and a burden reduction of 15 hours and 15 minutes for each individual patient expanded access for emergency use request. That estimate is based on information provided by Department of Health and Human Services (DHHS) personnel who are familiar with preparing and reviewing expanded access submissions by practicing physicians. As shown in Table 1, we estimate a total of approximately 864.75 hours annually for requesting individual patient expanded access use and individual patient expanded access emergency use using draft Form FDA 3926, when finalized. This is a reduction of 16,727.25 hours from what was approved under OMB control number 0910–0014 for these submissions.

The total estimated reporting burden for the draft guidance is as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

[Reduces currently approved burden of 17,592 hours under 0910–0014 by 16,727.25 hours] [1]

Draft guidance on individual patient expanded access applications; Form FDA 3926	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (minutes)	Total hours
Expanded access submission for treatment of an individual patient, including submission of draft Form FDA 3926, when finalized, instead of Form FDA 1571	790	1.46	1,153	45	864.75

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm;* or *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm;* or *http://www.regulations.gov.*

Dated: February 3, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–02561 Filed 2–9–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 96

[Public Notice: 9023]

RIN 1400–AD45

Adoptions: Regulatory Change To Clarify the Application of the Accreditation Requirement and Standards in Cases Covered by the Intercountry Adoption Universal Accreditation Act

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule amends the Department of State (Department) interim rule on the accreditation and approval of adoption service providers in intercountry adoptions, and adopts the interim rule as final. The revisions reflect the requirement of the Intercountry Adoption Universal Accreditation Act of 2012 (UAA) that the accreditation standards developed in accordance with the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Convention) and the Intercountry Adoption Act of 2000 (IAA), which previously only applied in Convention adoption cases, apply also in non-Convention adoption cases. Non-convention adoption cases are known as ''orphan'' cases, defined in the Immigration and Nationality Act (INA). This rule also revises the accreditation rule by referring to the Department of Homeland Security (DHS) Convention home study regulation and deleting obsolete references, such as any reference to temporary accreditation.

DATES: This document finalizes the interim final rule published on July 14, 2014 (79 FR 40629), and is effective February 10, 2015.

FOR FURTHER INFORMATION CONTACT: Office of Legal Affairs, Overseas Citizen Services, U.S. Department of State, CA/OCS/L, SA–17, Floor 10, Washington, DC 20522–1710; (202) 485–6079.

SUPPLEMENTARY INFORMATION:

Why is the Department promulgating this rule?

This rule clarifies that under the Intercountry Adoption Universal Accreditation Act of 2012 (UAA), signed into law January 14, 2013, and effective July 14, 2014, the accreditation requirement and standards found in 22 CFR part 96 apply to any person (including non-profit agencies, for-profit agencies and individuals but excluding government agencies and tribal authorities), providing adoption services on behalf of prospective adoptive parents in an ''orphan'' intercountry adoption case described under section 101(b)(1)(F) of the Immigration and Nationality Act. Specifically, under Section 2 of the UAA ''[t]he provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 *et seq.*), and related implementing regulations, shall apply to any person offering or providing adoption services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption.''

Title II of the Intercountry Adoption Act of 2000 (IAA) (Pub. L. 106–279) requires that any person providing adoption services in a Convention case be an accredited, approved, or an exempted adoption service provider, and section 404 imposes civil and criminal penalties for violations of the Act. On February 15, 2006 the Department of State published implementing regulations at 71 FR 8064, on the accreditation and approval of agencies and persons in accordance with the Convention and the IAA.

The UAA extends that rule from Convention cases to ''orphan'' cases. This regulatory change includes a number of technical edits to facilitate interpretation of the regulatory requirements and clarify designated accrediting entities' authority under the UAA and the IAA.

The Department is amending the regulation to make 22 CFR part 96, as affected by the UAA, easier to read. This rule will aid the accrediting entity applying the standards and adoption service providers required to comply with the standards. In particular, this rule adds references to the UAA where the IAA is referenced; adds a sentence concerning the UAA effective date; redefines ''Central Authority'' to include competent authorities, thereby clarifying how the term applies in countries that are not party to the Convention; redefines adoption records to include non-Convention case records and changes Section 96.25(b) concerning accrediting entity access to non-Convention records in cases subject to the UAA; defines the terms INA, IAA, and intercountry adoption; refers to ''accreditation and approval'' instead of to ''Convention accreditation and approval;'' revises § 96.46(a)(4) to clarify that foreign supervised providers in non-Convention countries may not have a pattern of licensing suspensions relating to key Convention principles; and revises references to ''Convention adoption,'' ''cases subject to the Convention,'' ''Convention case,'' ''Convention country,'' and ''Convention-related activity'' to ensure that such references include non-Convention adoptions, activities, countries, and cases under the UAA.

Additionally, this rule corrects the references in 22 CFR 96.37(f)(2), and 96.47(a)(4) and (b), to refer to the correct Department of Homeland Security (DHS) definition of home study preparer and home study requirements. When the original rule was issued in 2006, DHS had not yet published its final rule concerning home studies in Convention cases. Thus, the 2006 State Department rule referred to the ''orphan'' home study requirements under 8 CFR 204.3(b) and (e), instead of the Convention home study requirements found in 8 CFR 204.301 and 311. This rule references the correct DHS regulation. The change clarifies that the home study must be prepared by an accredited agency, approved person, exempted provider, or a supervised provider. In addition, when the home study is not performed in the first instance by an accredited agency, then an accredited agency must review and approve it. The orphan and Convention home study requirements also differ concerning the required elements,

applicable definitions, and the duty to disclose. The Department notes that, since the publication of the interim final rule, DHS published interim specific guidance in the USCIS *Adjudicator's Field Manual, Chapter 21.5(e)(2)(C),* on how the Convention home study requirements apply in orphan cases. Finally, the rule amends 22 CFR part 96 to delete obsolete provisions, including any references to temporary accreditation, deleting subpart N in its entirety. Under the IAA, temporary accreditation was only possible for a one- or two-year period following the entry into force of the Convention. Because the Convention entered into force for the United States on April 1, 2008, more than two years ago, temporary accreditation is no longer possible. The rule also deletes the section on ''special provisions for agencies and persons seeking to be accredited or approved as of the time the Convention enters into force for the United States'' and a reference to that section. Further, the rule revises requirements concerning ''notification of accreditation and approval decisions'' and ''length of accreditation or approval period,'' deleting provisions that applied only during the transitional period to the Convention entering into force and clarifying that for purposes of the notification requirement the phrase ''accreditation or approval decisions'' refers to whether an application is granted or denied.

Cases that are grandfathered under Section 2(c) of the UAA are not affected by this rule. See the *Department's adoption Web site* and the *DHS/USCIS Web site* for information on this grandfathering provision.

The interim final rule received no public comment about the changes in the accreditation regulations. The Department is making corrections to the interim final rule in the final rule. In § 96.14(a) the terms ''Convention adoption case'' and ''Convention case'' were both meant to be replaced by the term ''intercountry adoption case,'' but the replacement only occurred for ''Convention case'' and a space disappeared between ''adoption'' and ''case'' resulting in an anomalous term ''intercountry adoption case''. The final rule corrects these errors.

Administrative Procedure Act

The Department published this rule as an interim final rule based on its determination for good cause that delaying the effect of this rule during the period of public comment would be impractical, unnecessary and contrary to public interest under Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B). The rule was published and went into effect on the date that the UAA went into effect, July 14, 2014, which aided the accrediting entity in its accreditation and oversight function and avoided confusion among adoption service providers and other members of the public about how the accreditation standards apply in ''orphan'' intercountry adoption cases. As noted above, the only change to the text of the interim final rule is a correction in § 96.14(a).

Regulatory Flexibility Act/Executive Order 13272: Small Business

Consistent with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Department certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule clarifies the requirements imposed by the UAA and IAA on adoption service providers providing services in ''orphan'' intercountry adoption cases described under section 101(b)(1)(F).

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48, codified at 2 U.S.C. 1532) generally requires agencies to prepare a statement before proposing any rule that may result in an annual expenditure of $100 million or more by State, local, or tribal governments, or by the private sector. This rule does not result in any such expenditure, nor will it significantly or uniquely affect small governments or the private sector.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121). This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and import markets.

Executive Order 12866

The Department of State has reviewed this rule to ensure its consistency with the regulatory philosophy and principles set forth in Executive Order 12866 and has determined that the benefits of this final regulation justify its costs. The Department does not consider this rulemaking to be an economically significant action within the scope of section 3(f)(1) of the Executive Order.

The rule does not add any new legal requirements to Part 96 but reflects the changes affected by the UAA to apply these accreditation standards in orphan cases. The UAA and this rule benefit prospective adoptive parents, children, and birth families involved in the intercountry adoption process by ensuring that adoption service providers providing services in orphan cases are subject to the same accreditation standards and ongoing oversight and monitoring that apply in Convention cases.

Concerning the cost of the UAA, the Report from the Congressional Budget Office (CBO) on October 17, 2012, notes that the UAA imposes ''a private sector mandate by requiring all providers of placement services for intercountry adoptions to be compliant with the accreditation standards of the Hague Convention.'' The report notes, further, that ''[t]he initial fees for obtaining accreditation can range between $10,000 and $16,000 depending on the size and annual revenue of the entity seeking accreditation. Annual fees to maintain accreditation are less than $1,000 on average, but are also subject to change based on the revenue of the entity. The cost of liability insurance for adoption agencies varies from state to state and can range between $10,000 and $50,000 per year.'' Overall, CBO concluded: ''Based on information gathered from industry professionals, the Department of Health and Human Services, and an accreditation agency, the number of entities that would be affected is relatively small. Therefore, CBO estimates that the aggregate cost of the mandate to the private sector would fall below the annual threshold established in UMRA [Unfunded Mandates Reform Act] ($146 million in 2012, adjusted annually for inflation).''

The Council on Accreditation (COA), the accrediting entity designated by the Department, reports that approximately forty new agencies applied for accreditation since the UAA became law in January of 2013. This number is much fewer than COA had anticipated.

Executive Orders 12372 and 13132: Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. Nor will the rule have federalism implications warranting

the application of Executive Orders 12372 and No. 13132.

Executive Order 12988: Civil Justice Reform

The Department has reviewed the regulations in light of Executive Order No. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13563: Improving Regulation and Regulatory Review

The Department has considered this rule in light of Executive Order 13563, dated January 18, 2011, and affirms that this regulation is consistent with the guidance therein.

Paperwork Reduction Act

This rule does not impose information collection requirements subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 96

Adoption, Child welfare, Children immigration, Foreign persons.

For the reasons stated in the preamble, the interim final rule amending 22 CFR part 96, which was published at 79 FR 40629 on July 14, 2014, is adopted as a final rule with the following changes:

PART 96—INTERCOUNTRY ADOPTION ACCREDITATION OF AGENCIES AND APPROVAL OF PERSONS

■ 1. The authority citation for part 96 continues to read as follows:

Authority: The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105–51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); The Intercountry Adoption Act of 2000, 42 U.S.C. 14901–14954; The Intercountry Adoption Universal Accreditation Act of 2012, Pub. L. 112–276, 42 U.S.C. 14925.

§ 96.14 [Amended]

■ 2. Amend § 96.14(a) by removing the terms ''Convention adoption case'' and ''intercountry adoptioncase'' and adding in place of each the term ''intercountry adoption case''.

Dated: January 27, 2015.

David T. Donahue,

Senior Advisor for Consular Affairs, U.S. Department of State.

[FR Doc. 2015–02248 Filed 2–9–15; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9710]

RIN 1545–BK50

Foreign Tax Credit Splitting Events

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final Income Tax Regulations with respect to a provision of the Internal Revenue Code (Code) that addresses situations in which foreign income taxes have been separated from the related income. These regulations are necessary to provide guidance on applying the statutory provision, which was enacted as part of legislation commonly referred to as the Education Jobs and Medicaid Assistance Act (EJMAA) on August 10, 2010. These regulations affect taxpayers claiming foreign tax credits or deducting foreign income taxes.

DATES: *Effective date:* These regulations are effective on February 10, 2015.

Applicability dates: For dates of applicability, see §§ 1.704–1(b)(1)(ii)(*b*)(*3*), 1.909–1(e), 1.909–2(c), 1.909–3(c), 1.909–4(b), 1.909–5(c), and 1.909–6(h).

FOR FURTHER INFORMATION CONTACT: Suzanne M. Walsh, (202) 317–6936 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On February 14, 2012, a notice of proposed rulemaking by cross-reference to temporary regulations (REG–132736–11) under sections 909 and 704 of the Code and temporary regulations (TD 9577) (2012 temporary regulations) were published in the **Federal Register** at [77 FR 8184] and [77 FR 8127], respectively.

Section 1.909–6T of the 2012 temporary regulations set forth an exclusive list of splitter arrangements that applied to foreign income taxes paid or accrued by a section 902 corporation in a taxable year beginning on or before December 31, 2010, comprised of reverse hybrid structure splitter arrangements, foreign consolidated group splitter arrangements, group relief or other loss sharing regime splitter arrangements, and hybrid instrument splitter arrangements (pre-2011 splitter arrangements).

For foreign income taxes paid or accrued by any person in a taxable year beginning on or after January 1, 2011, § 1.909–5T of the 2012 temporary regulations adopted the same list of splitter arrangements as § 1.909–6T, but added partnership inter-branch payment splitter arrangements to the list.

For foreign income taxes paid or accrued by any person in a taxable year beginning on or after January 1, 2012, § 1.909–2T adopted the list of splitter arrangements applicable to prior taxable years with certain changes. Because regulations under section 901 were modified for taxable years beginning after February 14, 2012, to address the application of the legal liability rule to combined income regimes, consolidated group splitter arrangements were removed from the list (although § 1.909–5T applied the consolidated group splitter arrangement rules to foreign income taxes paid or accrued by any person in a taxable year beginning on or after January 1, 2012, and on or before February 14, 2012). In addition, the definitions of hybrid instrument splitter arrangements and loss-sharing splitter arrangements were expanded.

Sections 1.909–3T and 1.909–6T provided interim mechanical rules for tracking taxes paid or accrued with respect to a splitter arrangement (split taxes) as well as the related income with respect to such taxes.

The 2012 temporary regulations also removed the special rule for inter-branch payments previously set forth in § 1.704–1(b)(4)(viii)(*d*)(*3*).

A public hearing was not requested and none was held. However, the IRS and the Treasury Department received written comments in response to the notice of proposed rulemaking. After consideration of all the comments, the proposed regulations under section 909 are adopted as amended by this Treasury decision. The revisions are discussed in this preamble. This Treasury decision also adopts the proposed regulations under section 704 without amendment.

Explanation of Revisions and Summary of Comments

I. Splitter Arrangements—In General

This Treasury decision makes clarifying changes to certain of the definitions of splitter arrangements in § 1.909–2T. It also makes a clarifying change to the interim mechanical rules for tracking split taxes and related income. Apart from this clarifying change, this Treasury decision does not address mechanical issues, which are still under consideration and will be addressed in future guidance.

II. Reverse Hybrid Splitter Arrangements

Section 1.909–2T(b)(1) provides that a splitter arrangement exists with respect to a reverse hybrid entity when a payor pays or accrues foreign income taxes with respect to the income of the reverse hybrid. The split taxes are the taxes paid or accrued with respect to income of the reverse hybrid. The related income with respect to such split taxes is the earnings and profits of the reverse hybrid attributable to the activities of the reverse hybrid that gave rise to the foreign taxable income with respect to which the split taxes were paid or accrued.

A comment indicated that there is confusion regarding the amount of the related income with respect to a reverse hybrid splitter arrangement in the case in which the reverse hybrid subsequently incurs a loss, causing its earnings and profits to fluctuate over multiple taxable years. The final regulations include two new examples at § 1.909–2(b)(1)(v) that clarify how to determine the related income amount with respect to split taxes from a reverse hybrid splitter arrangement.

III. Loss-Sharing Splitter Arrangements

Section 1.909–2T(b)(2) provides that a splitter arrangement exists to the extent that the ''usable shared loss'' of a ''U.S. combined income group,'' which is an individual or corporation and all the entities with which it combines items of income and expense under U.S. federal income tax law, is used to offset foreign taxable income of another U.S. combined income group. A usable shared loss is defined as a shared loss of a U.S. combined income group that could be used under foreign law to offset the group's own income.

A comment requested that the definition of a usable shared loss be clarified to exclude any shared loss that could not be used within the U.S. combined income group in a current foreign taxable year but that could be used within a group by carrying the loss either forward or back to a different foreign taxable year. The Treasury Department and the IRS agree that the usable shared loss definition should not require a U.S. combined income group to carry forward losses because it will not necessarily be foreseeable whether the group will have sufficient foreign taxable income in a future taxable year to use a loss that cannot be used currently or carried back within the group. It would be too unpredictable to adopt a ''wait and see'' rule that required a taxpayer to forego the opportunity to use a loss to reduce an affiliate's foreign tax liability in a current (or prior) foreign taxable year based on the speculation that it may be able to use the loss itself in a future foreign taxable year.

It is appropriate, however, that the usable shared loss definition include a shared loss that could be used to offset foreign taxable income of the group in a previous taxable year. Because taxpayers can know in a current foreign taxable year whether a loss can be carried back for foreign law purposes within the U.S. combined income group, they should not be permitted to share such a loss in a way that inappropriately separates foreign income taxes from the related income. Although this may require taxpayers to treat taxes previously paid or accrued as split taxes, this is an acceptable outcome in light of the policy concerns that the loss-sharing splitter rules are intended to address. Furthermore, taxpayers can avoid having to treat taxes as split taxes on a retroactive basis by carrying back the loss. Accordingly, the regulations modify the definition to clarify that a usable shared loss is a shared loss that could be used under foreign tax law to offset income of the U.S. combined income group in a current or previous foreign taxable year.

Another comment recommended that sharing a usable shared loss outside of a U.S. combined income group should give rise to a splitter arrangement only to the extent that the gross amount of such a usable shared loss shared away from the U.S. combined income group exceeds the gross amount of shared losses from other U.S. combined income groups that are received by the group. The Treasury Department and the IRS have determined that it is too burdensome to administer such a netting rule, particularly in light of the fact that the comment did not provide a reason why a U.S. combined income group would seek to use shared losses from another U.S. combined income group while sharing its own usable shared loss outside the group, rather than using its usable shared loss within the group. Therefore, the comment is not adopted.

A further comment recommended that a U.S. combined income group with split taxes resulting from sharing a usable shared loss away from the group in a prior year be treated as receiving a distribution of related income to the extent of any shared loss received by it from a different U.S. combined income group. The Treasury Department and the IRS have determined that it is too burdensome to administer such a rule, which would entail reconciling actual related income accounts with deemed distributions of related income resulting from the receipt of a shared loss from another U.S. combined income group. Therefore, the comment is not adopted.

A question has arisen about when references to ''income'' in § 1.909–2T(b)(2) are intended to refer to income for purposes of U.S. federal income tax law or to income for purposes of foreign tax law. The regulations clarify that the reference to the term ''income'' of that U.S. combined income group in § 1.909–2(b)(2)(v) refers to income for purposes of foreign tax law.

IV. Hybrid Instrument Splitter Arrangements

Section 1.909–2T(b)(3)(i) provides that there is a U.S. equity hybrid instrument splitter arrangement if payments or accruals with respect to a U.S. equity hybrid instrument (i) give rise to foreign income taxes paid or accrued by the owner of such instrument, (ii) are deductible by the issuer under the laws of its foreign jurisdiction, and (iii) do not give rise to income for U.S. federal income tax purposes.

A question has arisen as to whether there is a splitter arrangement if an accrual for foreign law purposes with respect to a U.S. equity hybrid instrument does not give rise to income under U.S. law but a separate payment of the accrued amount is made that gives rise to income under U.S. law equal to all or a portion of the amount of the accrual. The reference to ''payments or accruals'' created confusion regarding the effect of a payment. The final regulations are clarified to provide that if an accrual under foreign law with respect to a U.S. equity hybrid instrument gives rise to a foreign-law deduction by the issuer, then regardless of whether a payment is made on the instrument, a splitter arrangement exists whenever an accrual gives rise to the imposition of foreign income taxes on the instrument owner without giving rise to income under U.S. federal income tax law. Any actual payment of the accrued amount, whether or not it is made periodically under the terms of the instrument, does not prevent the hybrid instrument from being a splitter arrangement. The payments, however, may be treated as a distribution of related income to the extent provided by § 1.909–3 and § 1.909–6(d). An example is added at § 1.909–2(b)(3)(i)(E) to illustrate the application of the rule.

V. Mechanical Rules for Tracking Related Income and Split Taxes

A comment recommended that the regulations should generally provide additional mechanical rules for tracking

related income. The Treasury Department and the IRS recognize that there are a number of mechanical issues related to tracking related income and split taxes that are not fully addressed in § 1.909–6T. Other mechanical issues are under consideration and will be addressed in future guidance.

One comment recommended revising § 1.909–6T(e)(3) to provide for the carryover of split taxes in the circumstance in which a payor of split taxes that is a section 902 corporation combines with a section 902 shareholder in a transaction that is described in section 381. Section 1.909–6T(e)(3) provides that split taxes that carry over to a *foreign* corporation under section 381, § 1.367(b)–7, or similar rules retain their character as split taxes and, consequently, the transferee corporation is treated as the payor of the split taxes. That provision does not, however, provide that split taxes carry over to a *domestic* corporation in the case of a foreign-to-U.S. liquidation or other inbound transaction described in section 381.

The Treasury Department and the IRS have determined that it is not appropriate to expand the scope of § 1.909–6T(e)(3) as recommended by the comment. A carryover rule for inbound section 381 transactions would create preferential treatment, in certain fact patterns, of split foreign income taxes that are maintained by a section 902 corporation in suspension accounts rather than included in post-1986 foreign income tax pools, such as when the section 902 corporation has a deficit in post-1986 undistributed earnings and profits. In addition, if suspended foreign income taxes are carried over to a domestic section 902 shareholder, currency exchange rate fluctuations could cause a disparity between the dollar amount of income included by the domestic section 902 shareholder in respect of the functional currency amount of earnings and profits used to make the suspended tax payment and the creditable dollar amount of the foreign income taxes that are unsuspended. This disparity is inconsistent with the inclusion that results from unsuspending split taxes at the level of the payor section 902 corporation, deeming such taxes to be paid by the section 902 shareholder, and including the dollar amount of taxes in the shareholder's income under the section 78 gross-up. Moreover, taxpayers could choose to avoid permanent suspension of split taxes in an inbound transaction by, for example, causing a distribution of the related income to the payor of the split taxes before the payor of the split taxes is liquidated or otherwise combined with a domestic person. For these reasons, the final regulations do not modify § 1.909–6T(e)(3) to treat split taxes as a carryover attribute in inbound section 381 transactions.

Another comment addressed the fact pattern in which a covered person with the related income ceases to be a covered person with respect to the payor of split taxes and the payor does not take the related income into account before, or in connection with, the termination of the covered person relationship, resulting in the permanent suspension of split taxes. The comment recommended that, in this case, if the covered person is a direct or indirect subsidiary of the payor of the split taxes, the payor should be treated as having paid the split taxes on behalf of the covered person and as having made a capital contribution in the amount of the split taxes to the covered person directly or indirectly through a chain of subsidiaries, thereby stepping up basis in the covered person's stock. The comment also recommended reducing the earnings and profits of the covered person by the amount of the split taxes as though the covered person had paid the split taxes. Stepping up the basis of the stock of the covered person by the amount of the permanently suspended split taxes and reducing its earnings and profits by the same amount would ensure that any inclusion attributable to the earnings and profits or appreciated assets of the departing or liquidating covered person is reduced by the amount of the split taxes, effectively converting the permanently suspended split taxes into a deduction for the payor of the split taxes.

Section 909 contemplates that split taxes may remain permanently suspended as a result of a disposition or liquidation of the covered person. Section 909 provides that split taxes are suspended until the related income is taken into account generally by the payor of the split tax or relevant section 902 shareholder, and does not provide for a deduction of split taxes in lieu of a credit. If the covered person does not distribute the full amount of related income prior to the liquidation or disposition of the covered person, and such liquidation or disposition does not result in the reflection of the related income in the earnings and profits of the payor of the split tax (or the relevant section 902 shareholder), then the related income is not taken into account as prescribed by section 909. The Treasury Department and the IRS, therefore, have concluded that it is appropriate for split taxes to remain suspended until and unless the related income is taken into account. Accordingly, the comment is not adopted.

VI. Taking Related Income Into Account as a Result of a Transaction Under Section 381

A comment incorrectly interpreted § 1.909–6T(d)(8)(ii) as providing that when a payor section 902 corporation with suspended split taxes combines with the covered person with the related income in a transaction described in section 381, all related income is treated as taken into account even if the full amount of related income is not reflected in the earnings and profits of the payor section 902 corporation (or surviving corporation) as a result of the transaction.

The Treasury Department and the IRS did not intend for a transaction described under section 381 to result in the unsuspension of split taxes if the transaction does not cause the payor of the split taxes to take into account earnings and profits of the covered person equal to the amount of related income specified in the relevant splitter arrangement definition. Accordingly, the final regulations clarify that split taxes are unsuspended only when the appropriate amount of related income is taken into account by the payor section 902 corporation either as a result of a distribution or inclusion out of the earnings and profits of the covered person or as a result of the combination of the payor section 902 corporation and the covered person in a transaction described in section 381.

VII. Additional Splitter Arrangement Fact Patterns

A comment recommended that the U.S. debt hybrid instrument splitter arrangement definition be expanded to include certain fact patterns in which the instrument owner is not related to the issuer of the instrument. The Treasury Department and the IRS have concluded that it is not appropriate at this time to extend the existing splitter arrangement list to include transactions between unrelated persons and do not adopt the comment. The Treasury Department and the IRS continue, however, to consider other arrangements that inappropriately separate foreign income taxes from the related income, and the circumstances under which a splitter arrangement described in regulations or other guidance under section 909 should be applied to arrangements between unrelated persons.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. Pursuant to section 7805(f) of the Internal Revenue Code, the NPRM preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Drafting Information

The principal author of these regulations is Suzanne M. Walsh of the Office of Associate Chief Counsel (International). However, other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 * * * Sections 1.909–1 through 1.906–6 also issued under 26 U.S.C. 909(e). * * *

■ **Par. 2.** Section 1.704–1 is amended as follows:

■ a. Paragraph (b)(0) is amended by adding entries for § 1.704–1(b)(1)(ii)(*b*)(*3*) and § 1.704–1(b)(4)(viii)(*d*)(*3*).

■ b. Paragraph (b)(1)(ii)(*b*)(*3*) is revised.

■ c. Paragraph (b)(4)(viii)(*d*)(*3*) is revised.

■ c. Paragraph (b)(5), *Example 24,* is revised.

The revisions read as follows:

§ 1.704–1. Partner's distributive share.

* * * * *

(b) *Determination of partner's distributive share* –(0) *Cross-references.*

Heading	Section
* * * * * * *	
Special rules for certain interbranch payments	1.704–1(b)(1)(ii)(*b*)(*3*)
* * * * * * *	
Special rules for certain interbranch payments	1.704–1(b)(4)(viii)(*d*)(*3*)
* * * * * * *	

(1) * * *

(ii) * * *

(*b*) * * *

(*3*) *Special rules for certain inter-branch payments*—(A) *In general.* The provisions of § 1.704–1(b)(4)(viii)(*d*)(*3*) apply for partnership taxable years ending after February 9, 2015. See 26 CFR 1.704–1T(b)(4)(viii)(*d*)(*3*) (revised as of April 1, 2014) for rules applicable to taxable years beginning on or after January 1, 2012, and ending on or before February 9, 2015.

(B) *Transition rule.* Transition relief is provided herein to partnerships whose agreements were entered into prior to February 14, 2012. In such cases, if there has been no material modification to the partnership agreement on or after February 14, 2012, then the partnership may apply the provisions of § 1.704–1(b)(4)(viii)(*c*)(*3*)(*ii*) and § 1.704–1(b)(4)(viii)(*d*)(*3*) (revised as of April 1, 2011). For purposes of this paragraph (b)(1)(ii)(*b*)(*3*), any change in ownership constitutes a material modification to the partnership agreement. This transition rule does not apply to any taxable year in which persons bearing a relationship to each other that is specified in section 267(b) or section 707(b) collectively have the power to amend the partnership agreement without the consent of any unrelated party (and all subsequent taxable years).

* * * * *

(4) * * *

(vii) * * *

(*d*) * * *

(*3*) *Special rules for inter-branch payments.* For rules relating to foreign tax paid or accrued in partnership taxable years beginning before January 1, 2012, in respect of certain inter-branch payments, see 26 CFR 1.704–1(b)(4)(viii)(*d*)(*3*) (revised as of April 1, 2011).

* * * * *

(b)

(5) * * *

Example 24. (i) The facts are the same as in *Example 21,* except that businesses M and N are conducted by entities (DE1 and DE2, respectively) that are corporations for country X and Y tax purposes and disregarded entities for U.S. Federal income tax purposes. Also, assume that DE1 makes payments of $75,000 during 2012 to DE2 that are deductible by DE1 for country X tax purposes and includible in income of DE2 for country Y tax purposes. As a result of such payments, DE1 has taxable income of $25,000 for country X purposes on which $10,000 of taxes are imposed and DE2 has taxable income of $125,000 for country Y purposes on which $25,000 of taxes are imposed. For U.S. Federal income tax purposes, $100,000 of AB's income is attributable to the activities of DE1 and $50,000 of AB's income is attributable to the activities of DE2. Pursuant to the partnership agreement, all partnership items from business M, excluding CFTEs paid or accrued by business M, are allocated 75% to A and 25% to B, and all partnership items from business N, excluding CFTEs paid or accrued by business N, are split evenly between A and B (50% each). Accordingly, A is allocated 75% of the income from business M ($75,000), and 50% of the income from business N ($25,000). B is allocated 25% of the income from business M ($25,000), and 50% of the income from business N ($25,000).

(ii) Because the partnership agreement provides for different allocations of the net income attributable to businesses M and N, the net income attributable to each of business M and business N is income in separate CFTE categories. See paragraph (b)(4)(viii)(*c*)(*2*) of this section. Under paragraph (b)(4)(viii)(*c*)(*3*) of this section, the $100,000 of net income attributable to business M is in the business M CFTE category and the $50,000 of net income attributable to business N is in the business N CFTE category. Under paragraph (b)(4)(viii)(*d*)(*1*) of this section, the $10,000 of country X taxes is allocated to the business M CFTE category and $10,000 of the country Y taxes is allocated to the business N CFTE category. The additional $15,000 of country Y tax imposed with respect to the inter-branch payment is assigned to the business M CFTE category because for U.S. Federal income tax purposes, the related $75,000 of income that country Y is taxing is in the business M CFTE category. Therefore, $25,000 of taxes ($10,000 of country X taxes and $15,000 of the country Y taxes) is related to the $100,000 of net income in the business M CFTE category and the other $10,000 of country Y taxes is related to the $50,000 of net income in the business N CFTE category. See paragraph (b)(4)(viii)(*c*)(*1*) of this section.

The allocations of country X taxes will be in proportion to the distributive shares of income to which they relate and will be deemed to be in accordance with the partners' interests in the partnership if such taxes are allocated 75% to A and 25% to B. The allocations of country Y taxes will be in proportion to the distributive shares of income to which they relate and will be deemed to be in accordance with the partners' interests in the partnership if $15,000 of such taxes is allocated 75% to A and 25% to B and the other $10,000 of such taxes is allocated 50% to A and 50% to B. No inference is intended with respect to the application of other provisions to arrangements that involve disregarded payments.

(iii) Assume that the facts are the same as in paragraph (i) of this *Example 24,* except that in order to reflect the $75,000 payment from DE1 to DE2, the partnership agreement allocates $75,000 of the income attributable to business M equally between A and B (50% each). In order to prevent separating the CFTEs from the related foreign income, the $75,000 payment is treated as a divisible part of the business M activity and, therefore, a separate activity. See paragraph (b)(4)(viii)(*c*)(*2*)(*iii*) of this section. Because items from the disregarded payment and business N are both shared equally between A and B, the disregarded payment activity and the business N activity are treated as a single CFTE category. See paragraph (b)(4)(viii)(*c*)(*2*)(*i*) of this section. Accordingly, $25,000 of net income attributable to business M is in the business M CFTE category and $75,000 of income of business M attributable to the disregarded payment and the $50,000 of net income attributable to business N are in the business N CFTE category. Under paragraph (b)(4)(viii)(*d*)(*1*) of this section, the $10,000 of country X taxes is allocated to the business M CFTE category and all $25,000 of the country Y taxes is allocated to the business N CFTE category. The allocations of country X taxes will be in proportion to the distributive shares of income to which they relate and will be deemed to be in accordance with the partners' interests in the partnership if such taxes are allocated 75% to A and 25% to B. The allocations of country Y taxes will be in proportion to the distributive shares of income to which they relate and will be deemed to be in accordance with the partners' interests in the partnership if such taxes are allocated 50% to A and 50% to B.

* * * * *

§ 1.704–1T [Removed]

■ **Par. 3.** Section 1.704–1T is removed.

■ **Par. 4.** Section 1.909–0 is added to read as follows:

§ 1.909–0 Outline of regulation provisions for section 909.

This section lists the headings for §§ 1.909–1 through 1.909–6.

§ 1.909–1 Definitions and special rules.

(a) Definitions.

(b) Taxes paid or accrued by a partnership, S corporation or trust.

(c) Related income of a partnership, S corporation or trust.

(d) Application of section 909 to pre-1987 accumulated profits and pre-1987 foreign income taxes.

(e) Effective/applicability date.

§ 1.909–2 Splitter arrangements.

(a) Foreign tax credit splitting event.

(1) In general.

(2) Split taxes not taken into account.

(b) Splitter arrangements.

(1) Reverse hybrid splitter arrangements.

(i) In general.

(ii) Split taxes from a reverse hybrid splitter arrangement.

(iii) Related income from a reverse hybrid splitter arrangement.

(iv) Reverse hybrid.

(v) Examples.

(2) Loss-sharing splitter arrangements.

(i) In general.

(ii) U.S. combined income group.

(iii) Income and shared loss of a U.S. combined income group.

(iv) Split taxes from a loss-sharing splitter arrangement.

(v) Related income from a loss-sharing splitter arrangement.

(vi) Foreign group relief or other loss-sharing regime.

(vii) Examples.

(3) Hybrid instrument splitter arrangements.

(i) U.S. equity hybrid instrument splitter arrangement.

(ii) U.S. debt hybrid instrument splitter arrangement.

(4) Partnership inter-branch payment splitter arrangements.

(i) In general.

(ii) Split taxes from a partnership inter-branch payment splitter arrangement.

(iii) Related income from a partnership inter-branch payment splitter arrangement.

(c) Effective/applicability date.

§ 1.909–3 Rules regarding related income and split taxes.

(a) Interim rules for identifying related income and split taxes.

(b) Split taxes on deductible disregarded payments.

(c) Effective/applicability date.

§ 1.909–4 Coordination rules.

(a) Interim rules.

(b) Effective/applicability date.

§ 1.909–5 2011 and 2012 splitter arrangements.

(a) Taxes paid or accrued in taxable years beginning in 2011.

(b) Taxes paid or accrued in certain taxable years beginning in 2012 with respect to a foreign consolidated group splitter arrangement.

(c) Effective/applicability date.

§ 1.909–6 Pre-2011 foreign tax credit splitting events.

(a) Foreign tax credit splitting event.

(1) In general.

(2) Taxes not subject to suspension under section 909.

(3) Taxes subject to suspension under section 909.

(b) Pre-2011 splitter arrangements.

(1) Reverse hybrid structure splitter arrangements.

(2) Foreign consolidated group splitter arrangements.

(3) Group relief or other loss-sharing regime splitter arrangements.

(i) In general.

(ii) Split taxes and related income.

(4) Hybrid instrument splitter arrangements.

(i) In general.

(ii) U.S. equity hybrid instrument splitter arrangement.

(iii) U.S. debt hybrid instrument splitter arrangement.

(c) General rules for applying section 909 to pre-2011 split taxes and related income.

(1) Annual determination.

(2) Separate categories.

(d) Special rules regarding related income.

(1) Annual adjustments.

(2) Effect of separate limitation losses and deficits.

(3) Pro rata method for distributions out of earnings and profits that include both related income and other income.

(4) Alternative method for distributions out of earnings and profits that include both related income and other income.

(5) Distributions, deemed distributions, and inclusions out of related income.

(6) Carryover of related income.

(7) Related income taken into account by a section 902 shareholder.

(8) Related income taken into account by a payor section 902 corporation.

(9) Related income taken into account by an affiliated group of corporations that includes a section 902 shareholder.

(10) Distributions of previously-taxed earnings and profits.

(e) Special rules regarding pre-2011 split taxes.

(1) Taxes deemed paid pro rata out of pre-2011 split taxes and other taxes.

(2) Pre-2011 split taxes deemed paid in pre-2011 taxable years.

(3) Carryover of pre-2011 split taxes.

(4) Determining when pre-2011 split taxes are no longer treated as pre-2011 split taxes.

(f) Rules relating to partnerships and trusts.

(1) Taxes paid or accrued by partnerships.

(2) Section 704(b) allocations.
(3) Trusts.
(g) Interaction between section 909 and other Code provisions.
(1) Section 904(c).
(2) Section 905(a).
(3) Section 905(c).
(4) Other foreign tax credit provisions.
(h) Effective/applicability date.

§ 1.909–0T [Removed]

■ **Par. 5.** Section 1.909–0T is removed.

■ **Par. 6.** Sections 1.909–1 is added to read as follows:

§ 1.909–1 Definitions and special rules.

(a) *Definitions.* For purposes of section 909, this section, and §§ 1.909–2 through 1.909–5, the following definitions apply:

(1) The term *section 902 corporation* means any foreign corporation with respect to which one or more domestic corporations meet the ownership requirements of section 902(a) or (b).

(2) The term *section 902 shareholder* means any domestic corporation that meets the ownership requirements of section 902(a) or (b) with respect to a section 902 corporation.

(3) The term *payor* means a person that pays or accrues a foreign income tax within the meaning of § 1.901–2(f), and also includes a person that takes foreign income taxes paid or accrued by a partnership, S corporation, estate or trust into account pursuant to section 702(a)(6), section 901(b)(5) or section 1373(a).

(4) The term *covered person* means, with respect to a payor—

(i) Any entity in which the payor holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value);

(ii) Any person that holds, directly or indirectly, at least a 10 percent ownership interest (determined by vote or value) in the payor; or

(iii) Any person that bears a relationship that is described in section 267(b) or 707(b) to the payor.

(5) The term *foreign income tax* means any income, war profits, or excess profits tax paid or accrued to any foreign country or to any possession of the United States. A foreign income tax includes any tax paid or accrued in lieu of such a tax within the meaning of section 903.

(6) The term *post-1986 foreign income taxes* has the meaning provided in § 1.902–1(a)(8).

(7) The term *post-1986 undistributed earnings* has the meaning provided in § 1.902–1(a)(9).

(8) The term *disregarded entity* means an entity that is disregarded as an entity separate from its owner, as provided in § 301.7701–2(c)(2)(i) of this chapter.

(9) The term *hybrid partnership* means a partnership that is subject to income tax in a foreign country as a corporation (or otherwise at the entity level) on the basis of residence, place of incorporation, place of management or similar criteria.

(b) *Taxes paid or accrued by a partnership, S corporation or trust.* Under section 909(c)(1), section 909 applies at the partner level, and similar rules apply in the case of an S corporation or trust. Accordingly, in the case of foreign income taxes paid or accrued by a partnership, S corporation or trust, taxes allocated to one or more partners, shareholders or beneficiaries (as the case may be) will be treated as split taxes to the extent such taxes would be split taxes if the partner, shareholder or beneficiary had paid or accrued the taxes directly on the date such taxes are taken into account by the partner under sections 702 and 706(a), by the shareholder under section 1373(a), or by the beneficiary under section 901(b)(5). Any such split taxes will be suspended in the hands of the partner, shareholder or beneficiary.

(c) *Related income of a partnership, S corporation or trust.* For purposes of determining whether related income is taken into account by a covered person, related income of a partnership, S corporation or trust is considered to be taken into account by the partner, shareholder or beneficiary to whom the related income is allocated.

(d) *Application of section 909 to pre-1987 accumulated profits and pre-1987 foreign income taxes.* Section 909 and §§ 1.909–1 through 1.909–5 will apply to pre-1987 accumulated profits (as defined in § 1.902–1(a)(10)(i)) and pre-1987 foreign income taxes (as defined in § 1.902–1(a)(10)(iii)) of a section 902 corporation attributable to taxable years beginning on or after January 1, 2012.

(e) *Effective/applicability date.* This section applies to taxable years ending after February 9, 2015. See 26 CFR 1.909–1T (revised as of April 1, 2014) for rules applicable to taxable years beginning on or after January 1, 2011, and ending on or before February 9, 2015.

§ 1.909–1T [Removed]

■ **Par. 7.** Section 1.909–1T is removed.

■ **Par. 8.** Section 1.909–2 is added to read as follows:

§ 1.909–2 Splitter arrangements.

(a) *Foreign tax credit splitting event*—(1) *In general.* There is a foreign tax credit splitting event with respect to foreign income taxes paid or accrued if and only if, in connection with an arrangement described in paragraph (b) of this section (a *splitter arrangement*) the related income was, is or will be taken into account for U.S. Federal income tax purposes by a person that is a covered person with respect to the payor of the tax. Foreign income taxes that are paid or accrued in connection with a splitter arrangement are split taxes to the extent provided in paragraph (b) of this section. Income (or, as appropriate, earnings and profits) that was, is or will be taken into account by a covered person in connection with a splitter arrangement is related income to the extent provided in paragraph (b) of this section.

(2) *Split taxes not taken into account.* Split taxes will not be taken into account for U.S. Federal income tax purposes before the taxable year in which the related income is taken into account by the payor or, in the case of split taxes paid or accrued by a section 902 corporation, by a section 902 shareholder of such section 902 corporation. Therefore, in the case of split taxes paid or accrued by a section 902 corporation, split taxes will not be taken into account for purposes of sections 902 or 960, or for purposes of determining earnings and profits under section 964(a), before the taxable year in which the related income is taken into account by the payor section 902 corporation, a section 902 shareholder of the section 902 corporation, or a member of the section 902 shareholder's consolidated group. See § 1.909–3(a) for rules relating to when split taxes and related income are taken into account.

(b) *Splitter arrangements.* The arrangements set forth in this paragraph (b) are splitter arrangements.

(1) *Reverse hybrid splitter arrangements*—(i) *In general.* A reverse hybrid is a splitter arrangement when a payor pays or accrues foreign income taxes with respect to income of a reverse hybrid. A reverse hybrid splitter arrangement exists even if the reverse hybrid has a loss or a deficit in earnings and profits for a particular year for U.S. Federal income tax purposes (for example, due to a timing difference).

(ii) *Split taxes from a reverse hybrid splitter arrangement.* The foreign income taxes paid or accrued with respect to income of the reverse hybrid are split taxes.

(iii) *Related income from a reverse hybrid splitter arrangement.* The related income with respect to split taxes from a reverse hybrid splitter arrangement is the earnings and profits (computed for U.S. Federal income tax purposes) of the reverse hybrid attributable to the activities of the reverse hybrid that gave rise to income included in the payor's foreign tax base with respect to which

the split taxes were paid or accrued. Accordingly, related income of the reverse hybrid includes items of income or expense attributable to a disregarded entity owned by the reverse hybrid only to the extent that the income attributable to the activities of the disregarded entity is included in the payor's foreign tax base.

(iv) *Reverse hybrid.* The term *reverse hybrid* means an entity that is a corporation for U.S. Federal income tax purposes but is a fiscally transparent entity (under the principles of § 1.894–1(d)(3)) or a branch under the laws of a foreign country imposing tax on the income of the entity.

(v) *Examples.* The following examples illustrate the rules of paragraph (b)(1) of this section.

Example 1. (i) *Facts.* USP, a domestic corporation, wholly owns DE, a disregarded entity for U.S. federal income tax purposes that is organized in country A and treated as a corporation for country A tax purposes. DE wholly owns RH, a corporation for U.S. Federal income tax purposes that is organized in country A and treated as a fiscally transparent entity for country A tax purposes. Country A imposes an income tax at the rate of 30% on DE with respect to the items of income earned by RH. Prior to year 1, RH had no income for country A purposes and had no post-1986 earnings and profits for U.S. Federal income tax purposes. In year 1, RH earns 200u of income on which DE pays 60u of country A tax. Pursuant to § 1.901–2(f)(4)(ii), USP is treated as legally liable for the 60u of country A taxes paid by DE. DE has no other income. In year 2, RH earns no income and incurs no losses or expenses. At the end of year 2, RH distributes 100u to DE.

(ii) *Result.* (A) *Split taxes and related income.* Pursuant to § 1.909–2(b)(1)(iv), RH is a reverse hybrid because it is a corporation for U.S. Federal income tax purposes and a fiscally transparent entity for country A purposes. Pursuant to § 1.909–2(b)(1), RH is a covered person with respect to USP because USP wholly owns RH for U.S. Federal income tax purposes. Pursuant to § 1.909–2(b)(1)(i), there is a splitter arrangement with respect to RH because USP paid country A tax with respect to the income of RH. All 60u of taxes paid by USP in year 1 with respect to the income of RH are split taxes pursuant to § 1.909–2(b)(1)(ii). The post-1986 earnings and profits of RH are 200u as of the end of year 1. Pursuant to § 1.909–2(b)(1)(iii), the related income in year 1 is the 200u of RH's earnings and profits that are attributable to the activities that gave rise to the split taxes. No additional split taxes or related income arise in year 2.

(B) *Distribution.* Because DE is a disregarded entity, the 100u distribution by RH at the end of year 2 is treated as a dividend to USP. Pursuant to § 1.909–6(d)(7) and § 1.909–3(a), 100u of the 200u of related income of RH, or 50%, is taken into account by USP by reason of the 100u dividend. Accordingly, pursuant to § 1.909–6(e)(4) and § 1.909–3(a), a ratable portion of the split taxes, or 30u of taxes (50% of 60u), is no longer treated as split taxes and is taken into account by USP for U.S. Federal income tax purposes.

Example 2. (i) *Facts.* The facts are the same as in *Example 1,* except that in year 2, RH has a 100u loss for U.S. Federal income tax purposes as well as for country A tax purposes. For country A tax purposes, DE takes the 100u loss into account in year 2 and may not carry back the 100u loss to offset its country A taxable income for year 1. At the end of year 2, RH distributes 100u to DE.

(ii) *Result.* (A) *Split taxes and related income.* The split taxes and related income for year 1 are the same as in *Example 1.* Pursuant to § 1.909–2(b)(1)(iii), § 1.909–6(d)(1) and § 1.909–3(a), the total related income of RH is reduced to 100u (200u − 100u) in year 2 because RH incurred a 100u loss in year 2 attributable to the activities that are included in DE's country A tax base.

(B) *Distribution.* Because DE is a disregarded entity, the 100u distribution by RH at the end of year 2 is treated as a dividend to USP. Pursuant to § 1.909–6(d)(7) and § 1.909–3(a), 100u of the 100u of related income of RH, or 100%, is taken into account by USP by reason of the 100u dividend. Accordingly, pursuant to § 1.909–6(e)(4) and § 1.909–3(a), a ratable portion of the split taxes, or 60u of taxes (100% of 60u), is no longer treated as split taxes and is taken into account by USP for U.S. Federal income tax purposes.

(2) *Loss-sharing splitter arrangements*—(i) *In general.* A foreign group relief or other loss-sharing regime is a loss-sharing splitter arrangement to the extent that a shared loss of a U.S. combined income group could have been used to offset income of that group in the current or in a prior foreign taxable year (*usable shared loss*) but is used instead to offset income of another U.S. combined income group.

(ii) *U.S. combined income group.* The term *U.S. combined income group* means an individual or a corporation and all entities (including entities that are fiscally transparent for U.S. Federal income tax purposes under the principles of § 1.894–1(d)(3)) that for U.S. Federal income tax purposes combine any of their respective items of income, deduction, gain or loss with the income, deduction, gain or loss of such individual or corporation. A U.S. combined income group can arise, for example, as a result of an entity being disregarded or, in the case of a partnership or hybrid partnership and a partner, as a result of the allocation of income or any other item of the partnership to the partner. For purposes of this paragraph (b)(2)(ii), a branch is treated as an entity, all members of a U.S. affiliated group of corporations (as defined in section 1504) that file a consolidated return are treated as a single corporation, and two or more individuals that file a joint return are treated as a single individual. A U.S. combined income group may consist of a single individual or corporation and no other entities, but cannot include more than one individual or corporation. In addition, an entity may belong to more than one U.S. combined income group. For example, a hybrid partnership with two corporate partners that do not combine any of their items of income, deduction, gain or loss for U.S. Federal income tax purposes is in a separate U.S. combined income group with each of its partners.

(iii) *Income and shared loss of a U.S. combined income group*—(A) *Income.* Except as otherwise provided in this paragraph (b)(2)(iii)(A), the income of a U.S. combined income group is the aggregate amount of taxable income recognized or taken into account for foreign tax purposes by those members that have positive taxable income for foreign tax purposes. In the case of an entity that is fiscally transparent (under the principles of § 1.894–1(d)(3)) for foreign tax purposes and that is a member of more than one U.S. combined income group, the foreign taxable income of the entity is allocated between or among the groups under foreign tax law. In the case of an entity that is not fiscally transparent for foreign tax purposes and that is a member of more than one U.S. combined income group, the foreign taxable income of the entity is allocated between or among those groups based on U.S. Federal income tax principles. For example, in the case of a hybrid partnership, the foreign taxable income of the partnership is allocated between or among the groups in the manner the partnership allocates the income under section 704(b). To the extent the foreign taxable income would be income under U.S. Federal income tax principles in another year, the income is allocated between or among the groups based on how the hybrid partnership would allocate the income if the income were recognized for U.S. Federal income tax purposes in the year in which the income is recognized for foreign tax purposes. To the extent the foreign taxable income would not constitute income under U.S. Federal income tax principles in any year, the income is allocated between or among the groups in the same manner as the partnership items attributable to the activity giving rise to the foreign taxable income.

(B) *Shared loss.* The term *shared loss* means a loss of one entity for foreign tax purposes that, in connection with a foreign group relief or other loss-sharing regime, is taken into account by one or more other entities. Except as otherwise provided in this paragraph (b)(2)(iii)(B), the amount of shared loss of a U.S.

combined income group is the sum of the shared losses of all members of the U.S. combined income group. In the case of an entity that is fiscally transparent (under the principles of § 1.894–1(d)(3)) for foreign tax purposes and that is a member of more than one U.S. combined income group, the shared loss of the entity is allocated between or among the groups under foreign tax law. In the case of an entity that is not fiscally transparent for foreign tax purposes and that is a member of more than one U.S. combined income group, the shared loss of the entity will be allocated between or among those groups based on U.S. Federal income tax principles. For example, in the case of a hybrid partnership, the shared loss of the partnership will be allocated between or among the groups in the manner the partnership allocates the loss under section 704(b). To the extent the shared loss would be a loss under U.S. Federal income tax principles in another year, the loss is allocated between or among the groups based on how the partnership would allocate the loss if the loss were recognized for U.S. Federal income tax purposes in the year in which the loss is recognized for foreign tax purposes. To the extent the shared loss would not constitute a loss under U.S. Federal income tax principles in any year, the loss is allocated between or among the groups in the same manner as the partnership items attributable to the activity giving rise to the shared loss.

(iv) *Split taxes from a loss-sharing splitter arrangement.* Split taxes from a loss-sharing splitter arrangement are foreign income taxes paid or accrued by a member of the U.S. combined income group with respect to income from the current foreign taxable year, or, in the case of a foregone carryback loss, from the prior foreign taxable year, equal to the amount of the usable shared loss of that group that offsets income of another U.S. combined income group.

(v) *Related income from a loss-sharing splitter arrangement.* The related income with respect to split taxes from a loss-sharing splitter arrangement is an amount of income of the individual or corporate member of the U.S. combined income group equal to the amount of income under foreign tax law of that U.S. combined income group that is offset by the usable shared loss of another U.S. combined income group.

(vi) *Foreign group relief or other loss-sharing regime.* A foreign group relief or other loss-sharing regime exists when an entity may surrender its loss to offset the income of one or more other entities. A foreign group relief or other loss-sharing regime does not include an allocation of loss of an entity that is a partnership or other fiscally transparent entity (under the principles of § 1.894–1(d)(3)) for foreign tax purposes or regimes in which foreign tax is imposed on combined income (such as a foreign consolidated regime), as described in § 1.901–2(f)(3).

(vii) *Examples.* The following examples illustrate the rules of paragraph (b)(2) of this section.

Example 1. (i) *Facts.* USP, a domestic corporation, wholly owns CFC1, a corporation organized in country A. CFC1 wholly owns CFC2 and CFC3, both corporations organized in country A. CFC2 wholly owns DE, an entity organized in country A. DE is a corporation for country A tax purposes and a disregarded entity for U.S. Federal income tax purposes. Country A has a loss-sharing regime under which a loss of CFC1, CFC2, CFC3 or DE may be used to offset the income of one or more of the others. Country A imposes an income tax at the rate of 30% on the taxable income of corporations organized in country A. In year 1, before any loss sharing, CFC1 has no income, CFC2 has income of 50u, CFC3 has income of 200u, and DE has a loss of 100u. Under the provisions of country A's loss-sharing regime, the group decides to use DE's 100u loss to offset 100u of CFC3's income. After the loss is shared, for country A's tax purposes, CFC2 still has 50u of income on which it pays 15u of country A tax. CFC3 has income of 100u (200u less the 100u shared loss) on which it pays 30u of country A tax. For U.S. Federal income tax purposes, the loss sharing with CFC3 is not taken into account. Because DE is a disregarded entity, its 100u loss is taken into account by CFC2 and reduces its earnings and profits for U.S. Federal income tax purposes. Accordingly, before application of section 909, CFC2 has a loss for earnings and profits purposes of 65u (50u income less 15u taxes paid to country A less 100u loss of DE). CFC2 also has the U.S. dollar equivalent of 15u of foreign income taxes to add to its post-1986 foreign income taxes pool. CFC3 has earnings and profits of 170u (200u income less 30u of taxes) and the dollar equivalent of 30u of foreign income taxes to add to its post-1986 foreign income taxes pool.

(ii) *Result.* Pursuant to § 1.909–2(b)(2)(ii), CFC2 and DE constitute one U.S. combined income group, while CFC1 and CFC3 each constitute separate U.S. combined income groups. Pursuant to § 1.909–2(b)(2)(iii)(A), the income of the CFC2 U.S. combined income group is 50u (CFC2's country A taxable income of 50u). The income of the CFC3 U.S. combined income group is 200u (CFC3's country A taxable income of 200u). Pursuant to § 1.909–2(b)(2)(iii)(B), the shared loss of the CFC2 U.S. combined income group includes the 100u of shared loss incurred by DE. The usable shared loss of the CFC2 U.S. combined income group is 50u, the amount of the group's shared loss that could have otherwise offset CFC2's 50u of country A taxable income that is included in the income of the CFC2 U.S. combined income group. There is a splitter arrangement because the 50u usable shared loss of the CFC2 U.S. combined income group was used instead to offset income of CFC3, which is included in the CFC3 U.S. combined income group. Pursuant to § 1.909–2(b)(2)(iv), the split taxes are the 15u of country A income taxes paid by CFC2 on 50u of income, an amount of income of the CFC2 U.S. combined income group equal to the amount of usable shared loss of that group that was used to offset income of the CFC3 U.S. combined income group. Pursuant to § 1.909–2(b)(2)(v), the related income is the 50u of CFC3's income that equals the amount of income of the CFC3 U.S. combined income group that was offset by the usable shared loss of the CFC2 U.S. combined income group.

Example 2. (i) *Facts.* USP, a domestic corporation, wholly owns CFC1, a corporation organized in country B. CFC1 wholly owns CFC2 and CFC3, both corporations organized in country B. CFC2 wholly owns DE, an entity organized in country B. DE is a corporation for country B tax purposes and a disregarded entity for U.S. Federal income tax purposes. CFC2 and CFC3 each own 50% of HP1, an entity organized in country B. HP1 is a corporation for country B tax purposes and a partnership for U.S. Federal income tax purposes. All items of income and loss of HP1 are allocated for U.S. Federal income tax purposes equally between CFC2 and CFC3, and all entities use the country B currency ''u'' as their functional currency. Country B has a loss-sharing regime under which a loss of any of CFC1, CFC2, CFC3, DE, and HP1 may be used to offset the income of one or more of the others. Country B imposes an income tax at the rate of 30% on the taxable income of corporations organized in country B. In year 1, before any loss sharing, CFC2 has income of 100u, CFC1 and CFC3 have no income, DE has a loss of 100u, and HP1 has income of 200u. Under the provisions of country B's loss-sharing regime, the group decides to use DE's 100u loss to offset 100u of HP1's income. After the loss is shared, for country B tax purposes, CFC2 has 100u of income on which it pays 30u of country B income tax, and HP1 has 100u of income (200u less the 100u shared loss) on which it pays 30u of country B income tax. For U.S. Federal income tax purposes, the loss sharing with HP1 is not taken into account, and, because DE is a disregarded entity, its 100u loss is taken into account by CFC2 and reduces CFC2's earnings and profits for U.S. Federal income tax purposes. The 200u income of HP1 is allocated 50/50 to CFC2 and CFC3, as is the 30u of country B income tax paid by HP1. Accordingly, before application of section 909, for U.S. Federal income tax purposes, CFC2 has earnings and profits of 55u (100u income plus 100u share of HP1's income less 100u loss of DE less 30u country B income tax paid by CFC2 less 15u share of HP1's country B income tax) and the dollar equivalent of 45u of country B income tax to add to its post-1986 foreign income taxes pool. CFC3 has earnings and profits of 85u (100u share of HP1's income less 15u share of HP1's country B income taxes) and the

dollar equivalent of 15u of country B income tax to add to its post-1986 foreign income taxes pool.

(ii) *U.S. combined income groups.* Pursuant to § 1.909–2(b)(2)(ii), because the income and loss of HP1 are combined in part with the income and loss of both CFC2 and CFC3, it belongs to both of the separate CFC2 and CFC3 U.S. combined income groups. DE is a member of the CFC2 U.S. combined income group.

(iii) *Income of the U.S. combined income groups.* Pursuant to § 1.909–2(b)(2)(iii)(A), the income of the CFC2 U.S. combined income group is the 200u country B taxable income of the members of the group with positive taxable incomes (CFC2's country B taxable income of 100u plus 50% of HP1's country B taxable income of 200u, or 100u). Because DE does not have positive taxable income for country B tax purposes, its 100u loss is not included in the income of the CFC2 U.S. combined income group. The income of the CFC3 U.S. combined income group is 100u (50% of HP1's country B taxable income of 200u, or 100u).

(iv) *Shared loss of the U.S. combined income groups.* Pursuant to § 1.909–2(b)(2)(iii)(B), the shared loss of the CFC2 U.S. combined income group is the 100u loss incurred by DE that is used to offset 100u of HP1's income. The CFC3 U.S. combined income group has no shared loss. Pursuant to § 1.909–2(b)(2)(i), the usable shared loss of the CFC2 U.S. combined income group is 100u, the full amount of the group's 100u shared loss that could have been used to offset income of the CFC2 U.S. combined income group had the loss been used to offset 100u of CFC2's country B taxable income.

(v) *Income offset by shared loss.* The shared loss of the CFC2 combined income group is used to offset 100u country B taxable income of HP1. Because the taxable income of HP1 is allocated 50/50 between the CFC2 and CFC3 U.S. combined income groups, the shared loss is treated as offsetting 50u of the CFC2 U.S. combined income group's income and 50u of the CFC3 U.S. combined income group's income.

(vi) *Splitter arrangement.* There is a splitter arrangement because 50u of the 100u usable shared loss of the CFC2 U.S. combined income group was used to offset income of the CFC3 U.S. combined income group. Pursuant to § 1.909–2(b)(2)(iv), the split taxes are the 15u of country B income tax paid by CFC2 on 50u of its income, which is equal to the amount of the CFC2 U.S. combined income group's usable shared loss that was used to offset income of another U.S. combined income group. Pursuant to § 1.909–2(b)(2)(v), the related income is the 50u of CFC3's income that was offset by the usable shared loss of the CFC2 U.S. combined income group.

(3) *Hybrid instrument splitter arrangements*—(i) *U.S. equity hybrid instrument splitter arrangement*—(A) *In general.* A U.S. equity hybrid instrument is a splitter arrangement if:

(*1*) Under the laws of a foreign jurisdiction in which the instrument owner is subject to tax, the instrument gives rise to income includible in the instrument owner's income and such inclusion results in foreign income taxes paid or accrued by the instrument owner;

(*2*) Under the laws of a foreign jurisdiction in which the issuer is subject to tax, the instrument gives rise to deductions that are incurred or otherwise taken into account by the issuer; and

(*3*) The events that give rise to income includible in the instrument owner's income for foreign tax purposes as described in paragraph (b)(3)(i)(A)(1) of this section, and to deductions for the issuer for foreign tax purposes as described in paragraph (b)(3)(i)(A)(2) of this section, do not result in an inclusion of income for the instrument owner for U.S. federal income tax purposes.

(B) *Split taxes from a U.S. equity hybrid instrument splitter arrangement.* Split taxes from a U.S. equity hybrid instrument splitter arrangement equal the total amount of foreign income taxes paid or accrued by the owner of the hybrid instrument less the amount of foreign income taxes that would have been paid or accrued had the owner of the U.S. equity hybrid instrument not been subject to foreign tax on income from the instrument with respect to the events described in § 1.909–2(b)(3)(i)(A).

(C) *Related income from a U.S. equity hybrid instrument splitter arrangement.* The related income with respect to split taxes from a U.S. equity hybrid instrument splitter arrangement is income of the issuer of the U.S. equity hybrid instrument in an amount equal to the amounts giving rise to the split taxes that are deductible by the issuer for foreign tax purposes, determined without regard to the actual amount of the issuer's income or earnings and profits for U.S. Federal income tax purposes.

(D) *U.S. equity hybrid instrument.* The term *U.S. equity hybrid instrument* means an instrument that is treated as equity for U.S. Federal income tax purposes but for foreign income tax purposes either is treated as indebtedness or otherwise entitles the issuer to a deduction with respect to such instrument.

(E) Example. (i) *Facts.* USP, a domestic corporation, wholly owns CFC1, which wholly owns CFC2. Both CFC1 and CFC2 are corporations organized in country A. CFC2 issues an instrument to CFC1 that is treated as indebtedness for country A tax purposes but equity for U.S. Federal income tax purposes. Under country A's income tax laws, the instrument accrues interest at the end of each month, which results in a deduction for CFC2 and an income inclusion and tax liability for CFC1 in country A. The accrual of interest does not result in an inclusion of income for CFC1 for U.S. Federal income tax purposes. Pursuant to the terms of the instrument, CFC2 makes a distribution at the end of the year equal to the amounts of interest that have accrued during the year, and such payment is treated as a dividend that is included in the income of CFC1 for U.S. Federal income tax purposes.

(ii) *Result.* Pursuant to § 1.909–2(b)(3)(i)(D), because the instrument is treated as equity for U.S. Federal income tax purposes but is treated as indebtedness for country A tax purposes, it is a U.S. equity hybrid instrument. Pursuant to § 1.909–2(b)(3)(i)(A)(*3*), because the accrual of interest under foreign law does not result in an inclusion of income of CFC1 for U.S. Federal income tax purposes, there is a splitter arrangement. The fact that the payment of the accrued amount at the end of the year pursuant to the terms of the instrument gives rise to a dividend that is included in income of CFC1 for U.S. Federal income tax purposes does not change the result because it is the accrual of interest and not the payment that gives rise to income or deductions under foreign law. The payments will be treated as a distribution of related income to the extent provided by § 1.909–3 and § 1.909–6(d).

(ii) *U.S. debt hybrid instrument splitter arrangement*—(A) *In general.* A U.S. debt hybrid instrument is a splitter arrangement if foreign income taxes are paid or accrued by the issuer of a U.S. debt hybrid instrument with respect to income in an amount equal to the interest (including original issue discount) paid or accrued on the instrument that is deductible for U.S. Federal income tax purposes but that does not give rise to a deduction under the laws of a foreign jurisdiction in which the issuer is subject to tax.

(B) *Split taxes from a U.S. debt hybrid instrument splitter arrangement.* Split taxes from a U.S. debt hybrid instrument splitter arrangement are the foreign income taxes paid or accrued by the issuer on the income that would have been offset by the interest paid or accrued on the U.S. debt hybrid instrument had such interest been deductible for foreign tax purposes.

(C) *Related income from a U.S. debt hybrid instrument splitter arrangement.* The related income from a U.S. debt hybrid instrument splitter arrangement is the gross amount of the interest income recognized for U.S. Federal income tax purposes by the owner of the U.S. debt hybrid instrument, determined without regard to the actual amount of the owner's income or earnings and profits for U.S. Federal income tax purposes.

(D) *U.S. debt hybrid instrument.* The term *U.S. debt hybrid instrument* means an instrument that is treated as equity for foreign tax purposes but as

indebtedness for U.S. Federal income tax purposes.

(4) *Partnership inter-branch payment splitter arrangements*—(i) *In general.* An allocation of foreign income tax paid or accrued by a partnership with respect to an inter-branch payment as described in § 1.704–1(b)(4)(viii)(*d*)(*3*) (revised as of April 1, 2011) (the *inter-branch payment tax*) is a splitter arrangement to the extent the inter-branch payment tax is not allocated to the partners in the same proportion as the distributive shares of income in the CFTE category to which the inter-branch payment tax is or would be assigned under § 1.704–1(b)(4)(viii)(*d*) without regard to § 1.704–1(b)(4)(viii)(*d*)(*3*).

(ii) *Split taxes from a partnership inter-branch payment splitter arrangement.* The split taxes from a partnership inter-branch splitter arrangement equal the excess of the amount of the inter-branch payment tax allocated to a partner under the partnership agreement over the amount of the inter-branch payment tax that would have been allocated to the partner if the inter-branch payment tax had been allocated to the partners in the same proportion as the distributive shares of income in the CFTE category referred to in paragraph (b)(4)(i) of this section.

(iii) *Related income from a partnership inter-branch payment splitter arrangement.* The related income from a partnership inter-branch payment splitter arrangement equals the amount of income allocated to a partner that exceeds the amount of income that would have been allocated to the partner if income in the CFTE category referred to in paragraph (b)(4)(i) of this section in the amount of the inter-branch payment had been allocated to the partners in the same proportion as the inter-branch payment tax was allocated under the partnership agreement.

(c) *Effective/applicability date.* This section applies to foreign income taxes paid or accrued in taxable years ending after February 9, 2015. However, a taxpayer may choose to apply the provisions of § 1.909–2T (as contained in 26 CFR part 1, revised as of April 1, 2014) in lieu of this section to foreign income taxes paid or accrued in its first taxable year ending after February 9, 2015, and in taxable years of foreign corporations with respect to which the taxpayer is a domestic shareholder (as defined in § 1.902–1(a)) that end with or within that first taxable year. See 26 CFR 1.909–2T (revised as of April 1, 2014) for rules applicable to foreign income taxes paid or accrued in taxable years beginning on or after January 1, 2012, and ending on or before February 9, 2015.

§ 1.909–2T [Removed]

■ **Par. 9.** Section 1.909–2T is removed.

■ **Par.10.** Section 1.909–3 is added to read as follows:

§ 1.909–3 Rules regarding related income and split taxes.

(a) *Interim rules for identifying related income and split taxes.* The principles of paragraphs (d) through (f) of § 1.909–6 apply to related income and split taxes in taxable years beginning on or after January 1, 2011, except that the alternative method for identifying distributions of related income described in § 1.909–6(d)(4) applies only to identify the amount of pre-2011 split taxes of a section 902 corporation that are suspended as of the first day of the section 902 corporation's first taxable year beginning on or after January 1, 2011.

(b) *Split taxes on deductible disregarded payments.* Split taxes include taxes paid or accrued in taxable years beginning on or after January 1, 2011, with respect to the amount of a disregarded payment that is deductible by the payor of the disregarded payment under the laws of a foreign jurisdiction in which the payor of the disregarded payment is subject to tax on related income from a splitter arrangement. The amount of the deductible disregarded payment to which this paragraph (b) applies is limited to the amount of related income from such splitter arrangement.

(c) *Effective/applicability date.* This section applies to taxable years ending after February 9, 2015. See 26 CFR 1.909–3T (revised as of April 1, 2014) for rules applicable to taxable years beginning on or after January 1, 2011, and ending on or before February 9, 2015.

§ 1.909–3T [Removed]

■ **Par. 11.** Section 1.909–3T is removed.

■ **Par. 12.** Section 1.909–4 is added to read as follows:

§ 1.909–4 Coordination rules.

(a) *Interim rules.* The principles of paragraph (g) of § 1.909–6 apply to taxable years beginning on or after January 1, 2011.

(b) *Effective/applicability date.* This section applies to taxable years ending after February 9, 2015. See 26 CFR 1.909–4T (revised as of April 1, 2014) for rules applicable to taxable years beginning on or after January 1, 2011, and ending on or before February 9, 2015.

§ 1.909–4T [Removed]

■ **Par. 13.** Section 1.909–4T is removed.

■ **Par. 14.** Section 1.909–5 is added to read as follows:

§ 1.909–5 2011 and 2012 splitter arrangements.

(a) *Taxes paid or accrued in taxable years beginning in 2011.* (1) Foreign income taxes paid or accrued by any person in a taxable year beginning on or after January 1, 2011, and before January 1, 2012, in connection with a pre-2011 splitter arrangement (as defined in § 1.909–6(b)), are split taxes to the same extent that such taxes would have been treated as pre-2011 split taxes if such taxes were paid or accrued by a section 902 corporation in a taxable year beginning on or before December 31, 2010. The related income with respect to split taxes from such an arrangement is the related income described in § 1.909–6(b), determined as if the payor were a section 902 corporation.

(2) Foreign income taxes paid or accrued by any person in a taxable year beginning on or after January 1, 2011, and before January 1, 2012, in connection with a partnership inter-branch payment splitter arrangement described in § 1.909–2(b)(4) are split taxes to the extent that such taxes are identified as split taxes in § 1.909–2(b)(4)(ii). The related income with respect to the split taxes is the related income described in § 1.909–2(b)(4)(iii).

(b) *Taxes paid or accrued in certain taxable years beginning in 2012 with respect to a foreign consolidated group splitter arrangement.* Foreign income taxes paid or accrued by any person in a taxable year beginning on or after January 1, 2012, and on or before February 14, 2012, in connection with a foreign consolidated group splitter arrangement described in § 1.909–6(b)(2) are split taxes to the same extent that such taxes would have been treated as pre-2011 split taxes if such taxes were paid or accrued by a section 902 corporation in a taxable year beginning on or before December 31, 2010. The related income with respect to split taxes from such an arrangement is the related income described in § 1.909–6(b)(2), determined as if the payor were a section 902 corporation.

(c) *Effective/applicability date.* The rules of this section apply to foreign income taxes paid or accrued in taxable years beginning on or after January 1, 2011, and on or before February 14, 2012.

§ 1.909–5T [Removed]

■ **Par. 15.** Section 1.909–5T is removed.

■ **Par. 16.** Sections 1.909–6 is added to read as follows:

§ 1.909–6 Pre-2011 foreign tax credit splitting events.

(a) *Foreign tax credit splitting event*—(1) *In general.* This section provides rules for determining whether foreign income taxes paid or accrued by a section 902 corporation (as defined in section 909(d)(5)) in taxable years beginning on or before December 31, 2010 (*pre-2011 taxable years* and *pre-2011 taxes*) are suspended under section 909 in taxable years beginning after December 31, 2010, (*post-2010 taxable years*) of a section 902 corporation. Paragraph (b) of this section identifies an exclusive list of arrangements that will be treated as giving rise to foreign tax credit splitting events in pre-2011 taxable years (*pre- 2011 splitter arrangements*). Paragraphs (c), (d), and (e) of this section provide rules for determining the related income and pre-2011 split taxes paid or accrued with respect to pre-2011 splitter arrangements. Paragraph (f) of this section provides rules concerning the application of section 909 to partnerships and trusts. Paragraph (g) of this section provides rules concerning the interaction between section 909 and other Internal Revenue Code (*Code*) provisions.

(2) *Taxes not subject to suspension under section 909.* Pre-2011 taxes that will not be suspended under section 909 or paragraph (a) of this section are:

(i) Any pre-2011 taxes that were not paid or accrued in connection with a pre-2011 splitter arrangement identified in paragraph (b) of this section;

(ii) Any pre-2011 taxes that were paid or accrued in connection with a pre-2011 splitter arrangement identified in paragraph (b) of this section (*pre-2011 split taxes*) but that were deemed paid under section 902(a) or 960 on or before the last day of the section 902 corporation's last pre-2011 taxable year;

(iii) Any pre-2011 split taxes if either the payor section 902 corporation took the related income into account in a pre-2011 taxable year or a section 902 shareholder (as defined in § 1.909–1(a)(2)) of the relevant section 902 corporation took the related income into account on or before the last day of the section 902 corporation's last pre-2011 taxable year; and

(iv) Any pre-2011 split taxes paid or accrued by a section 902 corporation in taxable years of such section 902 corporation beginning before January 1, 1997.

(3) *Taxes subject to suspension under section 909.* To the extent that the section 902 corporation paid or accrued pre-2011 split taxes that are not described in paragraph (a)(2) of this section, section 909 and the regulations under that section will apply to such pre-2011 split taxes for purposes of applying sections 902 and 960 in post-2010 taxable years of the section 902 corporation. Accordingly, these taxes will be removed from the section 902 corporation's pools of post-1986 foreign income taxes and suspended under section 909 as of the first day of the section 902 corporation's first post-2010 taxable year. There is no increase to a section 902 corporation's earnings and profits for the amount of any pre-2011 taxes to which section 909 applies that were previously deducted in computing earnings and profits in a pre-2011 taxable year.

(b) *Pre-2011 splitter arrangements.* The arrangements set forth in this paragraph (b) are pre-2011 splitter arrangements.

(1) *Reverse hybrid structure splitter arrangements.* A reverse hybrid structure exists when a section 902 corporation owns an interest in a reverse hybrid. A reverse hybrid is an entity that is a corporation for U.S. Federal income tax purposes but is a pass-through entity or a branch under the laws of a foreign country imposing tax on the income of the entity. As a result, the owner of the reverse hybrid is subject to tax on the income of the entity under foreign law. A pre-2011 splitter arrangement involving a reverse hybrid structure exists when pre-2011 taxes are paid or accrued by a section 902 corporation with respect to income of a reverse hybrid that is a covered person with respect to the section 902 corporation. A pre-2011 splitter arrangement involving a reverse hybrid structure may exist even if the reverse hybrid has a deficit in earnings and profits for a particular year (for example, due to a timing difference). Such taxes paid or accrued by the section 902 corporation are pre-2011 split taxes. The related income is the earnings and profits (computed for U.S. Federal income tax purposes) of the reverse hybrid attributable to the activities of the reverse hybrid that gave rise to income included in the foreign tax base with respect to which the pre-2011 split taxes were paid or accrued. Accordingly, related income of the reverse hybrid would not include any item of income or expense attributable to a disregarded entity (as defined in § 301.7701–2(c)(2)(i) of this chapter) owned by the reverse hybrid if income attributable to the activities of the disregarded entity is not included in the foreign tax base.

(2) *Foreign consolidated group splitter arrangements.* A foreign consolidated group exists when a foreign country imposes tax on the combined income of two or more entities. Tax is considered imposed on the combined income of two or more entities even if the combined income is computed under foreign law by attributing to one such entity the income of one or more entities. A foreign consolidated group is a pre-2011 splitter arrangement to the extent that the taxpayer did not allocate the foreign consolidated tax liability among the members of the foreign consolidated group based on each member's share of the consolidated taxable income included in the foreign tax base under the principles of § 1.901–2(f)(3) (revised as of April 1, 2011). A pre-2011 splitter arrangement involving a foreign consolidated group may exist even if one or more members has a deficit in earnings and profits for a particular year (for example, due to a timing difference). Pre-2011 taxes paid or accrued with respect to the income of a foreign consolidated group are pre-2011 split taxes to the extent that taxes paid or accrued by one member of the foreign consolidated group are imposed on a covered person's share of the consolidated taxable income included in the foreign tax base. The related income is the earnings and profits (computed for U.S. Federal income tax purposes) of such other member attributable to the activities of that other member that gave rise to income included in the foreign tax base with respect to which the pre-2011 split taxes were paid or accrued. No inference should be drawn from the treatment of foreign consolidated groups under section 909 as to the determination of the person who paid the foreign income tax for U.S. Federal income tax purposes.

(3) *Group relief or other loss-sharing regime splitter arrangements*—(i) *In general.* A foreign group relief or other loss-sharing regime exists when one entity with a loss permits the loss to be used to offset the income of one or more entities (*shared loss*). A pre-2011 splitter arrangement involving a shared loss exists when the following three conditions are met:

(A) There is an instrument that is treated as indebtedness under the laws of the jurisdiction in which the issuer is subject to tax and that is disregarded for U.S. Federal income tax purposes (*disregarded debt instrument*). Examples of a disregarded debt instrument include a debt obligation between two disregarded entities that are owned by the same section 902 corporation, two disregarded entities that are owned by a partnership with one or more partners that are section 902 corporations, a section 902 corporation and a disregarded entity that is owned by that

section 902 corporation, or a partnership in which the section 902 corporation is a partner and a disregarded entity that is owned by such partnership.

(B) The owner of the disregarded debt instrument pays a foreign income tax attributable to a payment or accrual on the instrument.

(C) The payment or accrual on the disregarded debt instrument gives rise to a deduction for foreign tax purposes and the issuer of the instrument incurs a shared loss that is taken into account under foreign law by one or more entities that are covered persons with respect to the owner of the instrument.

(ii) *Split taxes and related income.* In situations described in paragraph (b)(3)(i) of this section, pre-2011 taxes paid or accrued by the owner of the disregarded debt instrument with respect to amounts paid or accrued on the instrument (up to the amount of the shared loss) are pre-2011 split taxes. The related income of a covered person is an amount equal to the shared loss, determined without regard to the actual amount of the covered person's earnings and profits.

(4) *Hybrid instrument splitter arrangements*—(i) *In general.* A hybrid instrument for purposes of this paragraph (b)(4) is an instrument that either is treated as equity for U.S. Federal income tax purposes but is treated as indebtedness for foreign tax purposes (*U.S. equity hybrid instrument*), or is treated as indebtedness for U.S. Federal income tax purposes but is treated as equity for foreign tax purposes (*U.S. debt hybrid instrument*).

(ii) *U.S. equity hybrid instrument splitter arrangement.* If the issuer of a U.S. equity hybrid instrument is a covered person with respect to a section 902 corporation that is the owner of the U.S. equity hybrid instrument, there is a pre-2011 splitter arrangement with respect to the portion of the pre-2011 taxes paid or accrued by the owner section 902 corporation with respect to the amounts on the instrument that are deductible by the issuer as interest under the laws of a foreign jurisdiction in which the issuer is subject to tax but that do not give rise to income for U.S. Federal income tax purposes. Pre-2011 split taxes paid or accrued by the section 902 corporation equal the total amount of pre-2011 taxes paid or accrued by the section 902 corporation less the amount of pre-2011 taxes that would have been paid or accrued had the section 902 corporation not been subject to tax on income from the U.S. equity hybrid instrument. The related income of the issuer of the U.S. equity hybrid instrument is an amount equal to the amounts that are deductible by the issuer for foreign tax purposes, determined without regard to the actual amount of the issuer's earnings and profits.

(iii) *U.S. debt hybrid instrument splitter arrangement.* If the owner of a U.S. debt hybrid instrument is a covered person with respect to a section 902 corporation that is the issuer of the U.S. debt hybrid instrument, there is a pre-2011 splitter arrangement with respect to the portion of the pre-2011 taxes paid or accrued by the section 902 corporation on income in an amount equal to the interest (including original issue discount) paid or accrued on the instrument that is deductible for U.S. Federal income tax purposes but that does not give rise to a deduction under the laws of a foreign jurisdiction in which the issuer is subject to tax. Pre-2011 split taxes are the pre-2011 taxes paid or accrued by the section 902 corporation on the income that would have been offset by the interest paid or accrued on the U.S. debt hybrid instrument had such interest been deductible for foreign tax purposes. The related income with respect to a U.S. debt hybrid instrument is the gross amount of the interest income recognized for U.S. Federal income tax purposes by the owner of the U.S. debt hybrid instrument, determined without regard to the actual amount of the owner's earnings and profits.

(c) *General rules for applying section 909 to pre-2011 split taxes and related income*—(1) *Annual determination.* The determination of related income, other income, pre-2011 split taxes, and other taxes, and the portion of these amounts that were distributed, deemed paid or otherwise transferred or eliminated must be made on an annual basis beginning with the first taxable year of the section 902 corporation beginning after December 31, 1996 (*post-1996 taxable year*) in which the section 902 corporation paid or accrued a pre-2011 tax with respect to a pre-2011 splitter arrangement and ending with the section 902 corporation's last pre-2011 taxable year. Annual amounts of related income and pre-2011 split taxes are aggregated for each separate pre-2011 splitter arrangement.

(2) *Separate categories.* The determination of annual and aggregate amounts of related income and pre-2011 split taxes with respect to each pre-2011 splitter arrangement must be made for each separate category as defined in § 1.904–4(m) of the section 902 corporation, each covered person, and any other person that succeeds to the related income and pre-2011 split taxes. In the case of a pre-2011 splitter arrangement involving a shared loss (as described in paragraph (b)(3) of this section), the amount of the related income in each separate category of the covered person is equal to the amount of income in that separate category that was offset by the shared loss for foreign tax purposes. In the case of a pre-2011 splitter arrangement involving a U.S. equity hybrid instrument (as described in paragraph (b)(4)(ii) of this section), the related income is assigned to the issuer's separate categories in the same proportions as the pre-2011 split taxes. Earnings and profits, including related income, are assigned to separate categories under the rules of §§ 1.904–4, 1.904–5, and 1.904–7. Foreign income taxes, including pre-2011 split taxes, are assigned to separate categories under the rules of § 1.904–6. A section 902 shareholder must consistently apply methodologies for determining pre-2011 split taxes and related income with respect to all pre-2011 splitter arrangements.

(d) *Special rules regarding related income*—(1) *Annual adjustments.* In the case of each pre-2011 splitter arrangement involving a reverse hybrid or a foreign consolidated group (as described in paragraphs (b)(1) and (2) of this section, respectively), a covered person's aggregate amount of related income must be adjusted each year by the net amount of income and expense attributable to the activities of the covered person that give rise to income included in the foreign tax base, even if the net amount is negative and regardless of whether the section 902 corporation paid or accrued any pre-2011 split taxes in such year.

(2) *Effect of separate limitation losses and deficits.* Related income is determined without regard to the application of § 1.960–1(i)(4) (relating to the effect of separate limitation losses on earnings and profits in another separate category) or section 952(c)(1) (relating to certain earnings and profits deficits).

(3) *Pro rata method for distributions out of earnings and profits that include both related income and other income.* If the earnings and profits of a covered person include amounts attributable to both related income and other income, including earnings and profits attributable to taxable years beginning before January 1, 1997, then distributions, deemed distributions, and inclusions out of earnings and profits (for example, under sections 301, 304, 367(b), 951(a), 964(e), 1248, or 1293) of the covered person are considered made out of related income and other income on a pro rata basis. Any reduction of a

covered person's earnings and profits that results from a payment on stock that is not treated as a dividend for U.S. Federal income tax purposes (for example, pursuant to section 312(n)(7)) will also reduce related income and other income on a pro rata basis.

(4) *Alternative method for distributions out of earnings and profits that include both related income and other income.* Solely for purposes of identifying the amount of pre-2011 split taxes of a section 902 corporation that are suspended as of the first day of the section 902 corporation's first post-2010 taxable year, in lieu of the rule set forth in paragraph (d)(3) of this section, a section 902 shareholder may choose to treat all distributions, deemed distributions, and inclusions out of earnings and profits of a covered person as attributable first to related income. A section 902 shareholder may choose to use this alternative method on a timely filed original income tax return for the first post-2010 taxable year in which the shareholder computes an amount of foreign income taxes deemed paid with respect to a section 902 corporation that paid or accrued pre-2011 split taxes. Such choice by a section 902 shareholder is evidenced by employing the method on its income tax return; the section 902 shareholder need not file a separate statement. A section 902 shareholder that chooses this alternative method must consistently apply it with respect to all pre-2011 splitter arrangements.

(5) *Distributions, deemed distributions, and inclusions of related income.* Distributions, deemed distributions, and inclusions of related income (including indirectly through a partnership) to persons other than the payor section 902 corporation retain their character as related income with respect to the associated pre-2011 split taxes.

(6) *Carryover of related income.* Related income carries over to other corporations in the same manner as earnings and profits carry over under section 381, § 1.367(b)-7, or similar rules, and retains its character as related income with respect to the associated pre-2011 split taxes.

(7) *Related income taken into account by a section 902 shareholder.* Related income will be considered taken into account by a section 902 shareholder to the extent that the related income is recognized as gross income by the section 902 shareholder, or by an affiliated corporation described in paragraph (d)(9) of this section, upon a distribution, deemed distribution, or inclusion (such as under section 951(a)) out of the earnings and profits of the covered person attributable to such related income.

(8) *Related income taken into account by a payor section 902 corporation.* Related income will be considered taken into account by a payor section 902 corporation to the extent that:

(i) The related income is reflected in the earnings and profits of such section 902 corporation for U.S. Federal income tax purposes by reason of a distribution, deemed distribution, or inclusion out of the earnings and profits of the covered person attributable to such related income; or

(ii) The related income is reflected as a positive adjustment to the earnings and profits of such section 902 corporation for U.S. Federal income tax purposes by reason of the section 902 corporation and the covered person combining in a transaction described in section 381(a)(1) or (a)(2).

(9) *Related income taken into account by an affiliated group of corporations that includes a section 902 shareholder.* A section 902 shareholder will be considered to have taken related income into account if one or more members of an affiliated group of corporations (as defined in section 1504) that files a consolidated Federal income tax return that includes the section 902 shareholder takes the related income into account.

(10) *Distributions of previously-taxed earnings and profits.* Distributions and deemed distributions described in paragraph (d) of this section (including in the case of a section 902 shareholder that has chosen the alternative method described in paragraph (d)(4) of this section) do not include distributions of amounts described in section 959(c)(1) or (c)(2), which are distributed before amounts described in section 959(c)(3).

(e) *Special rules regarding pre-2011 split taxes*—(1) *Taxes deemed paid pro-rata out of pre-2011 split taxes and other taxes.* If the pre-2011 taxes of a section 902 corporation include both pre-2011 split taxes and other taxes, then foreign income taxes deemed paid under section 902 or 960 or otherwise removed from post-1986 foreign income taxes in pre-2011 taxable years will be treated as attributable to pre-2011 split taxes and other taxes on a pro-rata basis.

(2) *Pre-2011 split taxes deemed paid in pre-2011 taxable years.* Pre-2011 split taxes deemed paid in pre-2011 taxable years in connection with a dividend paid to a shareholder described in section 902(b) retain their character as pre-2011 split taxes. The section 902(b) shareholder will be treated as the payor section 902 corporation with respect to those pre-2011 split taxes.

(3) *Carryover of pre-2011 split taxes.* Pre-2011 split taxes that carry over to another foreign corporation, including under section 381, § 1.367(b)-7 or similar rules, retain their character as pre-2011 split taxes. The transferee foreign corporation will be treated as the payor section 902 corporation with respect to those pre-2011 split taxes.

(4) *Determining when pre-2011 split taxes are no longer treated as pre-2011 split taxes.* For each pre-2011 splitter arrangement, as related income is taken into account by the payor section 902 corporation or a section 902 shareholder as provided in paragraph (d) of this section, a ratable portion of the associated pre-2011 split taxes will no longer be treated as pre-2011 split taxes. In the case of a pre-2011 splitter arrangement involving a reverse hybrid or a foreign consolidated group (as described in paragraphs (b)(1) and (2) of this section, respectively), if aggregate related income is reduced to zero (other than as a result of a distribution, deemed distribution, or inclusion described in paragraph (d) of this section) or less than zero, pre-2011 split taxes will retain their character as pre-2011 split taxes until the amount of aggregate related income is positive and the related income is taken into account by the payor section 902 corporation or a section 902 shareholder as provided in paragraph (d) of this section.

(f) *Rules relating to partnerships and trusts*—(1) *Taxes paid or accrued by partnerships.* In the case of foreign income taxes paid or accrued by a partnership, the taxes will be treated as pre-2011 split taxes to the extent such taxes are allocated to one or more section 902 corporations and would be pre-2011 split taxes if the partner section 902 corporation had paid or accrued the taxes directly on the date such taxes are included by the section 902 corporation under sections 702 and 706(a). Further, any foreign income taxes subject to section 909 will be suspended in the hands of the partner section 902 corporation.

(2) *Section 704(b) allocations.* Partnership allocations that satisfy the requirements of section 704(b) and the regulations thereunder will not constitute pre-2011 splitter arrangements except to the extent the arrangement is otherwise described in paragraph (b) of this section (for example, a payment or accrual on a disregarded debt instrument that gives rise to a shared loss).

(3) *Trusts.* Rules similar to the rules of paragraph (f)(1) of this section will apply in the case of any trust with one or more beneficiaries that is a section 902 corporation.

(g) *Interaction between section 909 and other Code provisions*—(1) *Section 904(c).* Section 909 does not apply to excess foreign income taxes that were paid or accrued in pre-2011 taxable years and carried forward and deemed paid or accrued under section 904(c) in a post-2010 taxable year.

(2) *Section 905(a).* For purposes of determining in post-2010 taxable years the allowable deduction for foreign income taxes paid or accrued under section 164(a), the carryover of excess foreign income taxes under section 904(c), and the extended period for claiming a credit or refund under section 6511(d)(3)(A), foreign income taxes to which section 909 applies are first taken into account and treated as paid or accrued in the year in which the related income is taken into account, and not in the earlier year to which the tax relates (determined without regard to section 909).

(3) *Section 905(c).* If a redetermination of foreign income taxes claimed as a direct credit under section 901 occurs in a post-2010 taxable year and the foreign tax redetermination relates to a pre-2011 taxable year, to the extent such foreign tax redetermination increased the amount of foreign income taxes paid or accrued with respect to the pre-2011 taxable year (for example, due to an additional assessment of foreign tax or a payment of a previously accrued tax not paid within two years), section 909 will not apply to such taxes. If a redetermination of foreign tax paid or accrued by a section 902 corporation occurs in a post-2010 taxable year and increases the amount of foreign income taxes paid or accrued by the section 902 corporation with respect to a pre-2011 taxable year (for example, due to an additional assessment of foreign tax or a payment of a previously accrued tax not paid within two years), such taxes will be treated as pre-2011 taxes. Section 909 will apply to such taxes if they are pre-2011 split taxes and the taxes will be suspended in the post-2010 taxable year in which they would otherwise be taken into account as a prospective adjustment to the section 902 corporation's pools of post-1986 foreign income taxes.

(4) *Other foreign tax credit provisions.* Section 909 does not affect the applicability of other restrictions or limitations on the foreign tax credit under existing law, including, for example, the substantiation requirements of section 905(b).

(h) *Effective/applicability date.* This section applies to foreign income taxes paid or accrued by section 902 corporations in pre-2011 taxable years for purposes of computing foreign income taxes deemed paid with respect to distributions or inclusions out of earnings and profits of section 902 corporations in taxable years of the section 902 corporation ending after February 9, 2015. See 26 CFR 1.909–6T (revised as of April 1, 2014) for rules applicable to foreign income taxes paid or accrued by section 902 corporations in pre-2011 taxable years for purposes of computing foreign income taxes deemed paid with respect to distributions or inclusions out of earnings and profits of section 902 corporations in taxable years of the section 902 corporation beginning after December 31, 2010, and ending on or before February 9, 2015.

§ 1.909–6T [Removed]

■ **Par. 17.** Section 1.909–6T is removed.

Rosemary Sereti,

Acting Deputy Commissioner for Services and Enforcement.

Approved: February 4, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015–02614 Filed 2–9–15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

RIN 2060–AS20

[EPA–HQ–OAR–2015–0045; FRL–9922–54–OAR]

Revisions to the Clean Air Act Section 110 Submission Requirements for State Implementation Plans and Notice of Availability of an Option for Electronic Reporting

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In this final rule and notice of availability, the Environmental Protection Agency (EPA) is revising the requirements for how state and tribal implementation plans (hereinafter, collectively referred to as SIPs) under the Clean Air Act (CAA) are required to be submitted to the EPA. Specifically, we are providing state, local and tribal air agencies (hereinafter, collectively referred to as states or air agencies) an option to submit SIPs, including any necessary supporting documents, using our new electronic SIP (eSIP) submission system, which is web-based. We are providing notification that electronic submission via the eSIP submission system is now our preferred method for air agencies to make SIP submissions, and that if a SIP submission is made through the eSIP submission system, all documents transmitted through the system will be considered part of the official SIP submission from the air agency. We are also simplifying submission requirements for those air agencies that still wish to make paper submissions by reducing the number of paper copies required, and providing non-binding guidelines for SIP submissions that will aid in SIP processing.

DATES: The effective date of this action is March 16, 2015, when the eSIP submission system will be available to air agencies.

FOR FURTHER INFORMATION CONTACT: Ms. Mia South, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C504–2, 109 TW Alexander Drive, Research Triangle Park, NC 27709; (919) 541–5550; *south.mia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action affects state, local and tribal air agencies that submit SIP revisions to meet the requirements of section 110 of the CAA and the EPA rules contained in 40 CFR part 51, Requirements for Preparation, Adoption, and Submisson of Implementation Plans. If you have questions regarding applicability of this action to a SIP submission, please use the contact information under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2015–0045. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Docket Center, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue 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 Office of Air and Radiation Docket and Information Center is (202) 566–1742.

C. Where do I go if I have a state-specific question?

For questions related to specific states, please contact the appropriate EPA Regional Office SIP Contacts:

Region	States	Contact	Contact info	Address
1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	Donald Cooke	617–918–1668	EPA, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, (Mail Code OEP05–2), Boston, MA 02109–3912.
2	New Jersey, New York, Puerto Rico, Virgin Islands.	Kirk Wieber	212–637–3381	EPA, Air Programs Branch, 290 Broadway, New York, NY 10007–1866.
3	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.	Sharon McCauley	215–814–3376	EPA, Air Protection Division (3AP00), 1650 Arch Street, Philadelphia, PA 19103–2029.
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.	Nacosta Ward	404–562–9140	EPA, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, GA 30303–3104.
5	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.	Christos Panos	312–353–8328	EPA, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, IL 60604–3507.
6	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.	Bill Deese ..... Carl Young	214–665–7253 214–665–6645	EPA, Multimedia Planning and Permitting Division, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, TX 75202–2733.
7	Iowa, Kansas, Missouri, Nebraska	Jan Simpson	913–551–7089	EPA, Air and Waste Management Division, Air Planning and Development Branch, 11201 Renner Blvd., Lenexa, KS 66219.
8	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.	Air Quality Planning Unit Chief	303–312–6936	EPA, Air Program, Office of Partnership and Regulatory Assistance, 1595 Wynkoop Street, Denver, CO 80202–1129.
9	Arizona, California, Hawaii, Nevada, American Samoa, Guam.	Lisa Tharp ..... Andy Steckel	415–947–4142 415–947–4115	EPA, Air Division, Rules Office, (AIR–4), 75 Hawthorne Street, San Francisco, CA 94105.
10	Alaska, Idaho, Oregon, Washington	Claudia Vaupel	206–553–6121	EPA, Office of Air Waste and Toxics (AWT–150), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101–3140

II. Final Action

A. How is the EPA changing its rules regarding submission of SIPs and why?

Under the CAA, air agencies are responsible for developing and submitting for approval SIPs that provide for attainment, maintenance and enforcement of the national ambient air quality standards (NAAQS) and protection of visibility in certain national parks and other Class I areas. Such SIP submissions may comprise ten or fewer pages, but frequently may be comprised of multiple documents containing tens or hundreds of pages. Under existing EPA regulations, air agencies are required to submit paper copies of their SIP submissions—in some cases up to five copies—and are only provided an option of providing electronic versions *in addition to* paper copies. *See* 40 CFR 51.103(a) (requiring five hard copies or an electronic copy with two hard copies) and Appendix V to Part 51 (requiring a signed and stamped copy and also providing for an electronic copy). Such requirements were considered reasonable when these requirements were promulgated, especially when there was no assurance that the courts' review of our actions on these submissions would acknowledge electronic copies as official records. However, as we explained in our general rules regarding electronic reporting, there have since been significant advances in technology, and electronic systems are now available with capability to provide sufficient evidence of the authenticity of electronic submissions, including for their use in the courts. *See generally* Cross-Media Electronic Reporting, Final Rule (70 FR 59848, October 13, 2005, at 59855 and 59872). In light of these advances, we believe it is unnecessary to continue to require paper submissions of SIPs now that an appropriate electronic submission system, the EPA's eSIP submission system, is available. Accordingly, we are revising our rules to allow for electronic reporting through the eSIP submission system.

We originally addressed reducing the burdens of SIP reporting in a guidance memo issued in 2011.[1] At that time, we acknowledged certain constraints on our ability to rely solely on electronic copies of SIP submissions, but we used some of the existing flexibility provided in 40 CFR 51.103 to reduce the number of paper copies that air agencies would be required to submit. We subsequently initiated a pilot project to develop and test a system for electronic web-based SIP submissions through a new eSIP submission system. The eSIP submission system pilot project involved personnel from various EPA offices and representatives from a number of air agencies, and it allowed us to gain important insight and ideas regarding the eSIP submission system. Having completed that pilot project, we believe it is now appropriate to expand the eSIP submission system to accommodate all states' SIP submissions and to revise our underlying regulations to allow for electronic submissions on a more widespread basis. Thus, we are making revisions to the relevant regulations to provide all state, local

[1] Memorandum from Janet McCabe, Deputy Assistant Administrator, Office of Air and Radiation, to Regional Administrators, Regions I–X, *Regional Consistency for the Administrative Requirements of State Implementation Plan Submittals and Use of "Letter Notices,"* dated April 6, 2011, page 4.

and tribal air agencies the option of using the eSIP submission system. While this electronic submission method will be our preferred submission method for SIPs, some air agencies may choose to continue to provide paper submissions. Therefore, we are also revising our regulations to reduce the number of hard copies required to be submitted in an effort to reduce waste and burden on states.

The development of the eSIP submission system also fulfills specific requests from our air agency partners. For example, the National Association of Clean Air Agencies and the Environmental Council of the States SIP Reform Workgroup is a cooperative initiative of state representatives and the EPA focused on finding ways to improve the SIP development and submission process, beginning from the time the EPA promulgates a new or revised NAAQS through the time of formal submission to Regional Offices for completeness determinations and EPA actions on such submissions. One of the requests of the workgroup was that we develop an electronic SIP submission system and make any regulatory changes that might be needed to make it available for use as an official submission mechanism.

We recognize the important role of our air agency partners in meeting all applicable requirements for implementing the NAAQS and protecting visibility in Class I areas, and we wish to reduce the burdens on those air agencies in carrying out their responsibilities. To that end, the revisions in this final rule offer air agencies the option of submitting SIPs and supporting technical documentation electronically, instead of submitting them in multiple hard copies as currently required. In addition, while electronic SIP submission is our preferred method, we recognize that some air agencies may still wish to make paper SIP submissions, so this rule also reduces the number of paper copies that such agencies must provide. For paper submissions, we would prefer one paper copy that is submitted with an accompanying electronic copy that can be provided in a variety of formats (but preferably as a word searchable portable document format (PDF), but we also allow three paper copies without any electronic copy. Whether an air agency decides to make an electronic or paper SIP submission, this rule does not add any new requirements regarding the substance of any SIP. Therefore, this action does not impose any new burdens on air agencies, and instead provides for electronic submission and a reduced number of copies for paper submissions, both of which should reduce costs for the submitting entity.

This rulemaking is also helping the EPA meet our goals for improving regulations. For example, the final rule is consistent with E-Enterprise for the Environment, a joint initiative between states and the EPA to improve environmental outcomes and dramatically enhance service to the regulated community and the public by maximizing the use of advanced monitoring and information technologies, optimizing operations and increasing transparency. This rule is also consistent with our overall approach to improving regulations, as described in our *Final Plan for Periodic Retrospective Reviews of Existing Regulations* (August 2011).[2] That plan was developed in response to President Obama's charge in Executive Order 13563 for each federal agency to develop a ''plan, consistent with law and its resources and regulatory priorities, under which the agency will periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.'' [3] As one key element of our plan, we stated that the EPA intends to replace outdated paper reporting with electronic reporting. This final rule represents an important step in making the transition to electronic submission of SIPs.

In addition to revising our rules to allow for submission through the eSIP submission system and to reduce the number of paper copies required for submissions that are not made through the eSIP submission system, for the convenience of air agency personnel, we are amending 40 CFR 51.103 and 40 CFR part 51, Appendix V by incorporating other provisions and changes relating to other aspects of SIP submissions, drawn from our past experience with SIP submissions. Specifically, we have added 40 CFR 51.103(c) to generally advise air agencies to consult with the appropriate Regional Office for guidance regarding SIP submissions. We have revised 40 CFR 51, Appendix V in three ways. First, we have moved from Section 2.1(d) to Section 2.1(a) the existing requirement that air agencies must verify that any electronic copy provided with a paper submission is an exact duplicate of the paper copy. We have also added Section 3.0, which repeats many of the voluntary guidelines for SIP submissions previously provided in the 2011 guidance memo mentioned above. If SIP submissions are prepared according to these recommendations, we should be able to process those submissions more quickly.

Finally, consistent with the changes explained above, we have also included a minor amendment to 40 CFR 52.16 to clarify that any plan submission that is made pursuant to 40 CFR part 51 and that conforms to the requirements of Appendix V of that part will not also be required to conform with the requirements of section 52.16.

The changes in this final rule represent an agency general rule of organization, procedure or practice that specifically amends 40 CFR part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, to clarify and simplify the SIP submission process to improve the SIP process by reducing federal and air agency burden. As explained above, this final rule does not make substantive changes to the required content of the SIP submissions required by the remaining regulations in 40 CFR parts 51. Rather, it makes only minor amendments to the existing SIP submission rules that will enable states to submit and the EPA to process SIP revisions more efficiently.

B. What is the EPA's authority for taking action?

This final rule is issued under the EPA's general rulemaking authority provided under CAA section 301(a)(1) (42 U.S.C. 7601(a)(1)).

Section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(A), provides that ''rules of agency organization, procedure, or practice'' are exempt from notice and comment requirements. As explained above, the action we are taking today involves revisions to the rules that we follow in determining when an air agency has made an official SIP submission under the CAA and does not affect the required content of those submissions as required by the remaining regulations in 40 CFR parts 51. Accordingly, these revisions fall under the exemption provided in APA section 553(b)(3)(A), and the EPA is not taking comment on this action.

[2] Improving Our Regulations: Final Plan for Periodic Retrospective Reviews of Existing Regulations. U.S. EPA. August 2011. Available at: *http://www.epa.gov/regdarrt/retrospective/documents/eparetroreviewplan-aug2011.pdf.*

[3] Improving Regulation and Regulatory Review (Executive Order 13563). 76 FR 3821 (January 21, 2011).

III. The Cross-Media Electronic Reporting Regulation (CROMERR)—Notice of Availability of Electronic Reporting

As of March 16, 2015, air agencies may submit SIP revisions addressing CAA requirements through the eSIP submission system. The eSIP submission system, operated through the agency's Central Data Exchange (CDX), is CROMERR compliant, which provides verification that the electronic signature meets the EPA's regulatory electronic signature requirements.

How to Access the System: The eSIP submission system can be accessed at *https://cdx.epa.gov.* New users will need to register. The EPA intends to provide training to affected entities on how to access, register and use the system. Please refer to *http://www.epa.gov/oaqps001/urbanair/sipstatus/efficiency.html* Web site for the latest information.

How to Get Help for the System: The Regional Office SIP contacts listed in Section I.C of this preamble will be able to assist their respective air agencies with accessing, registering and using the eSIP submission system. The EPA strongly recommends that users work directly with their Regional Office as their primary point of contact; however, the CDX Help Desk is available for technical support-related questions between the hours of 8:00 a.m. and 6:00 p.m. (ET) at 1–888–890–1995 or *helpdesk@epacdx.net.*

General questions concerning this document should be addressed to the contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

IV. Environmental Justice Considerations

This action does not raise any environmental justice issues because it makes only minor amendments to the rules regarding how air agencies submit SIPs to the EPA, without affecting the required content of those SIPs or their availability to communities that may wish to participate in the EPA's review of the SIPs.

V. Statutory and Executive Order Reviews

A. Executive Orders 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in 40 CFR part 51. The EPA believes this action does not impose an information collection burden because we are not requiring any new information from states. Rather, we are making only minor amendments to the existing SIP submission rules that will enable states to submit and the EPA to process SIP revisions more efficiently.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute.

D. Unfunded Mandates Reform Act

This action imposes no new enforceable duty on any state, local or tribal governments or the private sector, but rather makes minor amendments to the existing rules that will enable air agencies to submit SIP revisions more efficiently.

E. Executive Order 13132: Federalism

This final rule does not have federalism implications. As noted previously, this action imposes no new enforceable duty on any state, local or tribal governments, but rather makes minor amendments to the existing rules that will enable air agencies to submit and the EPA to process SIP revisions more efficiently.

The EPA believes, however, that this final rule may be of significant interest to states. Consistent with the EPA's policy to promote communications between the EPA and state and local governments, the EPA consulted with representatives of states early in the process of developing the final rule to permit them to have meaningful and timely input into its development. We initiated a pilot during the development of the eSIP submission system that included EPA personnel from various offices and representatives from air agencies. The objectives of the eSIP submission system pilot was to gain insight and ideas regarding the data flow process within the eSIP submission system.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It does not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations, as explained in section IV above.

K. Congressional Review Act

This rule is exempt from the Congressional Review Act because it is a rule of agency organization, procedure or practice that does not substantially affect the rights or obligations of non-agency parties. This rule will be effective March 16, 2015.

L. Judicial Review

Section 307(b)(l) of the CAA indicates which federal Courts of Appeal have venue for petitions of review of final agency actions by the EPA under the CAA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit (i) when the agency action consists of ''nationally applicable

regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

This final rule consisting of simplified SIP submission requirements and an option for electronic web-based submission is ''nationally applicable'' within the meaning of section 307(b)(1). In addition, the rule addresses a common core of knowledge and analysis involved in formulating the decision and a common interpretation of the requirements of 40 CFR 51 Appendix V applied to determining the completeness of SIPs in states across the country and thus is based on a determination of nationwide scope or effect.

This determination is appropriate because, in the 1977 CAA Amendments that revised CAA section 307(b)(l), Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has ''scope or effect beyond a single judicial circuit.'' H.R. Rep. No. 95–294 at 323–324, reprinted in 1977 U.S.C.C.A.N. 1402–03. In these circumstances, section 307(b)(1) and its legislative history authorize the Administrator to find the rule to be of ''nationwide scope or effect'' and thus to indicate that venue for challenges lies in the D.C. Circuit. Accordingly, the EPA is determining that this is a rule of nationwide scope or effect. 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 District of Columbia Circuit within 60 days from the date this final action is published in the **Federal Register**. Filing a petition for review by the Administrator of this final action does not affect the finality of the action for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such rule or action.

List of Subjects

40 CFR Part 51

Environmental protection, Approval and promulgation of implementation plans, Administrative practice and procedures, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 52

Environmental protection, Approval and promulgation of implementation plans, Administrative practice and procedures, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Date: February 2, 2015.

Janet G. McCabe,

Acting Assistant Administrator.

For the reasons set forth in the preamble, 40 CFR parts 51 and 52 are amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart F—Procedural Requirements

■ 2. Section 51.103 is revised to read as follows:

§ 51.103 Submission of plans, preliminary review of plans.

(a) The State makes an official plan submission to EPA only when the submission conforms to the requirements of appendix V to this part and the State delivers the submission to EPA through one of the three following methods: An electronic submission through EPA's eSIP submission system; one paper submission to the appropriate Regional Office with an exact duplicate electronic version, preferably in a word searchable format; or three paper submissions. Any State submission under this part, whether through the eSIP submission system or in paper copy form, will serve as the official submission.

(b) Upon request by a State, the Administrator will work with the State to provide preliminary review of a plan or portion thereof submitted in advance of the date such plan is due. Such requests must be made to the appropriate Regional Office, and must indicate changes (such as redline/strikethrough) to the existing approved plan where applicable, and be submitted using a format agreed upon by the State and Regional Office. Requests for preliminary review do not relieve a State of the responsibility of adopting and submitting plans in accordance with prescribed due dates.

(c) In addition to conforming to the requirements of appendix V to this part for complete SIP submissions, the EPA requests that the state consult with the appropriate Regional Office regarding any additional guidance for submitting a plan to EPA.

■ 3. In Appendix V to part 51:

■ a. Revise paragraphs (a) and (d) in section 2.1.

■ b. Add section 3.0.

The revisions and additions read as follows:

APPENDIX V TO PART 51—CRITERIA FOR DETERMINING THE COMPLETENESS OF PLAN SUBMISSIONS

* * * * *

2.1 Administrative Materials

(a) A formal signed, stamped, and dated letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter ''the plan''). If electing to submit a paper submission with a copy in electronic version, the submittal letter must verify that the electronic copy provided is an exact duplicate of the paper submission.

* * * * *

(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (such as redline/strikethrough) to the existing approved plan, where applicable. The submission shall include a copy of the official State regulation/document, signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State. The effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself; otherwise the State should include a letter signed, stamped, and dated by the appropriate State official indicating the effective date. If the regulation/document provided by the State for approval and incorporation by reference into the plan is a copy of an existing publication, the State submission should, whenever possible, include a copy of the publication cover page and table of contents.

* * * * *

3.0. GUIDELINES

The EPA requests that the State adhere to the following voluntary guidelines when making plan submissions.

3.1 All Submissions

(a) The State should identify any copyrighted material in its submission, as EPA does not place such material on the web when creating the E-Docket for loading into the Federal Document Management System (FDMS).

(b) The State is advised not to include any material considered Confidential Business Information (CBI) in their SIP submissions. In rare instances where such information is necessary to justify the control requirements and emissions limitations established in the plan, the State should confer with its Regional Offices prior to submission and must clearly identify such material as CBI in

the submission itself. EPA does not place such material in any paper or web-based docket. However, where any such material is considered emissions data within the meaning of Section 114 of the CAA, it cannot be withheld as CBI and must be made publicly available.

3.2 Paper Plan Submissions

(a) The EPA requires that the submission option of submitting one paper plan must be accompanied by an electronic duplicate of the entire paper submission, preferably as a word searchable portable document format (PDF), at the same time the paper copy is submitted. The electronic duplicate should be made available through email, from a File Transfer Protocol (FTP) site, from the State Web site, on a Universal Serial Bus (USB) flash drive, on a compact disk, or using another format agreed upon by the State and Regional Office.

(b) If a state prefers the submission option of submitting three paper copies and has no means of making an electronic copy available to EPA, EPA requests that the state confer with its EPA Regional Office regarding additional guidelines for submitting the plan to EPA.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart A—General Provisions

■ 5. Section 52.16 is amended by revising paragraph (a) to read as follows:

§ 52.16 Submission to Administrator.

(a) All requests, reports, applications, submissions, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency. For any submission pursuant to this part that is also a submission of a plan or plan revision pursuant to 40 CFR part 51, the submission shall conform to the requirements of appendix V to 40 CFR part 51, rather than the requirements of this paragraph.

* * * * *

[FR Doc. 2015–02602 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0938; FRL–9922–73–Region 6]

Approval and Promulgation of Implementation Plans; New Mexico; Transportation Conformity and Conformity of General Federal Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action approving State Implementation Plan (SIP) revisions submitted by the State of New Mexico on October 28, 2011, November 1, 2013, and August 8, 2014. These revisions amend the State transportation conformity provisions and remove the State general conformity provisions from the SIP, as allowed by the 2005 amendments to the Clean Air Act (Act or CAA). These revisions also establish transportation conformity criteria and procedures related to interagency consultation and enforceability of certain transportation-related control measures and mitigation measures. Upon the effective date of this final action, the EPA federal rules will govern conformity of transportation Federal actions and general Federal actions within the State of New Mexico. This action is being taken in accordance with sections 110 and 176 of the Act.

DATES: This rule is effective on April 13, 2015 without further notice, unless EPA receives relevant adverse comment by March 12, 2015. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2011–0938, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions.
- Email: Jeffrey Riley at *riley.jeffrey@epa.gov.*
- Mail or delivery: Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2011–0938. 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 the disclosure of which is restricted by statute. Do not submit information through *http://www.regulations.gov* or email, if you believe that it is CBI or otherwise protected from disclosure. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means that 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 along with any disk or CD–ROM submitted. 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 and any form of encryption and should 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: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, (214) 665–8542, *riley.jeffrey@epa.gov.* To inspect the hard copy materials, please contact Mr. Riley or Mr. Bill Deese at (214) 665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

Table of Contents

I. Background and Purpose
II. EPA's Evaluation
III. Final Action
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I. Background and Purpose

A. Call to States for Conformity SIP Revisions

In the CAA, Congress recognized that actions taken by Federal agencies could affect a State, Tribal, or local agency's ability to attain and maintain the NAAQS. Congress added section 176(c) (42 U.S.C. 7506) to the CAA to ensure Federal agencies' proposed actions conform to the applicable State Implementation Plan (SIP), Tribal Implementation Plan (TIP) or Federal Implementation Plan (FIP) for attaining and maintaining the NAAQS. That section requires Federal entities to find that the emissions from the Federal action will conform with the purposes of the SIP, TIP or FIP or not otherwise interfere with the State's or Tribe's ability to attain and maintain the NAAQS.

The CAA Amendments of 1990 clarified and strengthened the provisions in section 176(c). Because certain provisions of section 176(c) apply only to highway and mass transit funding and approvals actions, EPA published two sets of regulations to implement section 176(c). The Transportation Conformity Regulations, (40 CFR part 51, subpart T, and 40 CFR part 93, subpart A) first published on November 24, 1993 (58 FR 62188), address Federal actions related to highway and mass transit funding and approval actions. The General Conformity Regulations, (40 CFR part 51, subpart W, and 40 CFR part 93, subpart B) published on November 30, 1993 (58 FR 63214), cover all other Federal actions. These two conformity regulations have been revised numerous times.

When promulgated in 1993, the Federal transportation conformity rule at 40 CFR 51.395 mandated that the transportation conformity SIP revision incorporate several provisions of the rule in verbatim form, except in so far as needed to give effect to a stated intent in the revision to establish criteria and procedures more stringent than the requirements stated in these sections. Similarly, 40 CFR 51.851 required the State's general conformity provisions must contain criteria and procedures that are no less stringent than the Federal general conformity regulation; however, the State could establish more stringent general conformity criteria and procedures if they apply equally to non-Federal, as well as Federal, entities.

B. What is transportation conformity?

Transportation conformity is required under Section 176(c) of the Clean Air Act to ensure that Federally supported highway projects, transit projects, and other activities are consistent with (''conform to'') the purpose of the SIP. Transportation conformity currently applies to areas that are designated nonattainment, as well as those areas redesignated to attainment after 1990 (maintenance areas), with plans developed under section 175A of the Act for the following transportation related pollutants: Ozone, particulate matter ($PM_{2.5}$ and PM_{10}), carbon monoxide (CO), and nitrogen dioxide (NO_2). Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standards (NAAQS). The transportation conformity regulation is found in 40 CFR part 93, subpart A and provisions related to conformity SIPs are found in 40 CFR 51.390.

C. What is general conformity?

General Conformity is also a requirement of section 176(c) of the CAA to ensure that no Federally supported actions outside of highway and transit projects interfere with the purpose of the approved SIP, *i.e.* the SIP's protection of the NAAQS. General conformity requirements currently apply to the following criteria pollutants: Ozone, particulate matter ($PM_{2.5}$ and PM_{10}), carbon monoxide (CO), and nitrogen dioxide (NO_2), sulfur dioxide (SO_2) and lead. The general conformity regulation is found in 40 CFR part 93, subpart B and provisions related to conformity SIPs are found in 40 CFR 51.851.

D. Transportation Conformity Provisions Affected by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU)

On August 10, 2005, the SAFETEA–LU was signed into law streamlining the requirements for conformity SIPs at section 176(c) of the CAA. Prior to SAFETEA–LU, states were required to address all of the Federal conformity rule's provisions in their conformity SIPs. After SAFETEA–LU amended CAA section 176(c)(4)(E) and EPA revised 40 CFR 51.390 to be consistent with those amendments, states are required to address and tailor only three sections of the conformity rule in their transportation conformity SIPs. These three sections of the Federal rule which must meet a state's individual circumstances are: 40 CFR 93.105, which addresses consultation procedures; 40 CFR 93.122(a)(4)(ii), which requires that written commitments be obtained for control measures that are not included in a Metropolitan Planning Organization's (MPO's) transportation plan and transportation improvement program prior to a conformity determination, and that such commitments be fulfilled; and, 40 CFR 93.125(c) which requires that written commitments be obtained for mitigation measures prior to a project level conformity determination, and that project sponsors must comply with such commitments. In general, states are no longer required to submit conformity SIP revisions that address the other sections of the conformity rule.

E. General Conformity Affected by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU)

On August 10, 2005, SAFETEA–LU was signed into law, and among other things, it amended the CAA to eliminate the requirement for States to adopt and submit General Conformity SIPs. On April 5, 2010 (75 FR 17254), EPA updated the General Conformity SIP Regulations to, among other things, be consistent with SAFETEA–LU by eliminating the Federal regulatory requirement for states to adopt and submit general conformity SIPs, instead making submission of a general conformity SIP a state option. See 40 CFR 51.851.

F. Prior New Mexico Conformity SIP Revision Actions

On September 9, 1998 (63 FR 48106), EPA approved New Mexico Administrative Code (NMAC) 20.2.98, ''*Conformity of General Federal Actions to the State Implementation Plan.*'' New Mexico's rule mirrored and specifically referenced the federal requirements in 40 CFR part 93, subpart B and 40 CFR part 51, subpart W.

On March 20, 2000 (65 FR 14873), EPA approved NMAC 20.2.99, ''*Conformity to the State Implementation Plan of Transportation Plans, Programs and Projects.*'' New Mexico's rule mirrored and specifically referenced the federal requirements in 40 CFR part 93, subpart A and 40 CFR part 51, subpart T. On April 23, 2010 (75 FR 21169), EPA approved revisions to NMAC 20.2.99 submitted by the State of New Mexico on November 2, 2006, June 27, 2007, and May 13, 2009.

G. State Submittals

On October 10, 2011, the State of New Mexico submitted a SIP revision consisting of amendments to NMAC 20.2.99, *Conformity of the State Implementation Plan of Transportation Plans, Programs, and Projects.* The

revision consisted of language to reflect the March 24, 2010 (75 FR 14260) amendments to 40 CFR part 93, subpart A to address $PM_{2.5}$ and PM_{10} nonattainment areas.

On September 26, 2012 the Secretary of NMED submitted a letter to EPA requesting that EPA only consider and act upon three elements (40 CFR 93.105; 93.122(a)(4)(ii); and 93.125(c)) contained in its October 10, 2011 transportation conformity SIP submittal, pursuant to the SAFETEA–LU amendments to CAA section 176(c)(4)(E). The October 10, 2011 SIP submittal did not contain any revisions to the EPA-approved transportation conformity SIP to remove/repeal additional provisions beyond the three above-noted elements, and thus these additional provisions no longer required under SAFETEA–LU remained in the SIP. The September 26, 2012 letter was intended to streamline the New Mexico transportation conformity SIP, pursuant to SAFETEA–LU amendments the CAA. Together the October 10, 2011 SIP revision and the September 26, 2012 letter were insufficient to achieve the intended streamlining.

On August 8, 2014, the State of New Mexico submitted an additional SIP revision consisting of the SAFETEA–LU required SIP elements and a repeal of the remainder of NMAC 20.2.99, which contained state requirements that were beyond what is required by SAFETEA–LU. The repeal of NMAC 20.2.99 eliminates the need for the state to undertake additional rulemaking to revise their state rules by incorporating by reference the federal rules on Transportation Conformity.

On November 1, 2013, the State of New Mexico submitted SIP revisions consisting of a repeal of NMAC 20.2.98, *Conformity of General Federal Actions to the State Implementation Plan*. The repeal of the state rule is intended to eliminate the need for future state rule revisions as a result of amendments to federal regulations. Section 6011(f) of SAFETEA–LU revised section 176(c)(4)(A) of the CAA by deleting the requirement for the states to adopt and submit a General Conformity SIP.

II. EPA's Evaluation

We have reviewed New Mexico's submittals to ensure consistency with the current Clean Air Act, as amended by SAFETEA–LU, and EPA regulations governing state procedures for transportation and general conformity (40 CFR part 93, subparts A and B, 40 CFR 51.390, and 40 CFR 51.851).

The November 1, 2013 revision, upon final approval by EPA, removes 20.2.98 NMAC, *''Conformity of General Federal Actions to the State Implementation Plan,''* from the SIP. With the removal of 20.2.98 NMAC from the SIP, the federal rules in 40 CFR part 93, subpart B will directly govern conformity of general federal actions in the State of New Mexico. In addition, New Mexico's November 1, 2013 revision meets the requirements set forth in section 110(l) of the CAA with respect to adoption and submission of SIP revisions. 40 CFR part 93, subpart B continues to subject certain federal actions to general conformity requirements without the need for identical state rules and SIPs. Therefore, repealing the state rule will not impact continuity of the general conformity program in New Mexico, and consequently meets the requirements of section 110(l).

Together, the October 10, 2011 and August 8, 2014 revisions, upon final approval by EPA, remove specific provisions of 20.2.99 NMAC, ''*Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects,''* from the SIP that are no longer required in light of the SAFETEA–LU amendments. With the removal of these specific provisions of 20.2.99 NMAC from the SIP, the federal rules in 40 CFR part 93, subpart A will directly govern transportation conformity of federal actions in the State of New Mexico. This revision complies with the requirements of CAA section 176(c)(4)(e) and 40 CFR 51.390(b). In addition, New Mexico's October 10, 2011 and August 8, 2014 SIP revisions meet the requirements set forth in section 110(l) of the CAA with respect to adoption and submission of SIP revisions. 40 CFR part 93, subpart A continues to subject certain federal actions to transportation conformity requirements without the need for identical state rules and SIPs. Therefore, repealing the state rule will not impact continuity of the transportation conformity program in New Mexico.

In addition to provisions addressing the requirements at 40 CFR 93.105, 93.122(a)(4)(ii), and 93.125(c), the State's August, 2014 submittal also includes revisions to definitions and changed language to clarify the scope, applicability, and statutory authority of the state's transportation conformity SIP.

III. Final Action

We are taking direct final action to approve revisions to the New Mexico SIP submitted on October 10, 2011, November 1, 2013, and August 8, 2014, that pertain to removal of NMAC 20.2.98, *''Conformity of General Federal Actions to the State Implementation Plan,''* and specific provisions of NMAC 20.2.99, *''Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects''* from the SIP. The approval of New Mexico's conformity SIP revisions will align the New Mexico SIP with the current Clean Air Act conformity requirements, as amended by SAFETEA–LU, and the most recent EPA regulations governing state procedures for transportation and general conformity.

EPA is publishing this rule without prior proposal because we view this as a non-controversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if relevant adverse comments are received. This rule will be effective on *April 13, 2015* without further notice unless we receive relevant adverse comment by *March 12, 2015.* If we receive relevant adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so now. Please note that if we receive relevant adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

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 rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. 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 13, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 28, 2015.

Samuel Coleman,

Acting Regional Administrator, Region 6.

Therefore, 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 GG—New Mexico

■ 2. In § 52.1620, the first table in paragraph (c) entitled ''EPA Approved New Mexico Regulations'' is amended by:

■ a. Removing the entry for ''Part 98, General Conformity.''

■ b. Revising the entries for ''20.2.99.1–20.2.99.112.''

■ c. Removing the entries for ''20.2.99.113–20.2.99.154.''

The revisions read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED NEW MEXICO REGULATIONS

State citation	Title/subject	State approval/ effective date	EPA Approval date	Comments
*	* * * *	*	*	*
Part 99—Transportation Conformity				
20.2.99.1	Issuing Agency	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.2	Scope	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.3	Statutory Authority	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.4	Duration	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.5	Effective Date	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.6	Objective	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.7	Definitions	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.8	Documents	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.9 to 20.2.99.100	[Reserved]	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	

EPA-APPROVED NEW MEXICO REGULATIONS—Continued

State citation	Title/subject	State approval/ effective date	EPA Approval date	Comments
20.2.99.101	Applicability	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.102	Consultation	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.103	Agency Roles in Consultation	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.104	Agency Responsibilities in Consultation	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.105	General Consultation Procedures	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.106	Consultation Procedures for Specific Major Activities	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.107	Consultation Procedures for Specific Routine Activities.	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.108	Notification Procedures for Routine Activities	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.109	Conflict Resolution and Appeals to the Governor	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.110	Public Consultation Procedures	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.111	Enforceability of Design Concept and Scope and Project-Level Mitigation and Control Measures.	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	
20.2.99.112	Savings Provision	7/11/2014	2/10/15 *[Insert* **Federal Register** *Citation].*	

* * * * *

[FR Doc. 2015–02585 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0731; FRL 9921–37–Region 9]

Revisions to the California State Implementation Plan, Placer County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the Placer County Air Pollution Control District (PCAPCD) and the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from gasoline transfer into stationary storage containers, delivery vessels and bulk plants, and gasoline transfer into vehicle fuel tanks. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on April 13, 2015 without further notice, unless EPA receives adverse comments by March 12, 2015. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA R09–OAR–2014–0731, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air–4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: James Shears, EPA Region IX, (213) 244–1810, *shears.james@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What rules did the State submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
PCAPCD	213	Gasoline Transfer into Stationary Source Containers	2/21/13	2/10/14
PCAPCD	214	Transfer of Gasoline into Vehicle Fuel Tanks	2/21/13	2/10/14
SJVAPCD	4621	Gasoline Transfer into Stationary Storage Containers, Deliver Vessels, and Bulk Plants.	12/19/13	5/13/14
SJVAPCD	4622	Gasoline Transfer into Motor Vehicle Fuel Tanks	12/19/13	5/13/14

On May 5, 2014, EPA determined that the submittal for PCAPCD, Rules 213 and 214, met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

On July 18, 2014, EPA determined that the submittal for SJVUAPCD, Rules 4621 and 4622, met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these rules?

We approved earlier versions of PCAPCD Rules 213 and 214 into the SIP on April 30, 1997 (62 FR 23365). We approved earlier versions of SJVUAPCD Rules 4621 and 4622 into the SIP on October 30, 2009 (74 FR 56120).

C. What is the purpose of the submitted rule revisions?

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires States to submit regulations that control VOC emissions. PCAPCD Rule 213 primarily specifies CARB's certification and test procedures to limit VOC emissions when transferring gasoline into aboveground storage containers. PCAPCD Rule 214 primarily specifies CARB's certification and test procedures to limit VOC emissions when transferring gasoline into vehicle fuel tanks. To limit VOC emissions, SJVUAPCD Rule 4621 primarily specifies CARB's certification and test procedures, as well as other vapor recovery controls, to (1) apply to respective bulk plants that transfer aviation gasoline and non-aviation gasoline and, (2) apply to any delivery vessel into which gasoline vapors have been transferred. To limit VOC emissions, SJVUAPCD Rule 4622 primarily specifies CARB Executive Order requirements for liquid condensate traps and ISD systems for gasoline transfer into motor vehicle fuel tanks. EPA's technical support documents (TSDs) for PCAPCD and SJVUAPCD have more information about these various rules.

II. EPA's Evaluation and Action

A. How is EPA evaluating the rules?

40 CFR part 81 describes PCAPCD as regulating a non-attainment area classified as severe for the 8-hour ozone NAAQS. SJVUAPCD regulates a non-attainment area classified as extreme for the 8-hour ozone NAAQS. SIP rules must be enforceable (see section 110(a)(2), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l), and must not modify certain SIP control requirements in non-attainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Guidance and policy documents that we use to evaluate enforceability and RACT requirements consistently include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'', 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations'', EPA, May 25, 1988 (the Bluebook).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies'', EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Design Criteria for Stage I Vapor Control Systems Gasoline Service Stations'', EPA–450/R–75–02, November 1975.
5. ''CARB Vapor Recovery Certification Procedure'', CP–201, amended February 9, 2005.
6. ''Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities'', EPA 450/3–91–022.

B. Do the rules meet the evaluation criteria?

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The respective TSDs have more information on our evaluation.

C. EPA Recommendations To Further Improve the Rules

Our TSDs for PCAPCD Rules 213 and 214 describe additional revisions that we recommend for the next time PCAPCD modifies the rules. We have no recommendations for SJVUAPCD Rules 4621 and 4622 at this time.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by March 12, 2015, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on April 13, 2015. Such direct final action will incorporate these rules into the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the

remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, 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 Clean Air Act. 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 Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule 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.

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. 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, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 12, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(441)(i)(D) and (c)(442)(i)(D) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(441) * * *

(i) * * *

(D) San Joaquin Valley Air Pollution Control District.

(*1*) Rule 4621, ''Gasoline Transfer into Stationary Storage Containers, Delivery Vessels, and Bulk Plants,'' amended on December 19, 2013.

(*2*) Rule 4622, ''Gasoline Transfer into Motor Vehicle Fuel Tanks,'' amended on December 19, 2013.

(442) * * *

(i) * * *

(D) Placer County Air Pollution Control District.

(*1*) Rule 213, ''Gasoline Transfer into Stationary Storage Containers,'' amended on February 21, 2013.

(*2*) Rule 214, ''Transfer of Gasoline into Vehicle Fuel Tanks,'' amended on February 21, 2013.

* * * * *

[FR Doc. 2015–02612 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R10–OAR–2014–0808; FRL 9922–81–Region 10]

Approval and Promulgation of Air Quality Implementation Plans; Washington; Redesignation to Attainment for the Tacoma-Pierce County Nonattainment Area and Approval of Associated Maintenance Plan for the 2006 24-Hour Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is redesignating to attainment the entire Tacoma-Pierce County nonattainment area (hereafter ''the Tacoma area'' or ''the area'') for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality

standard (NAAQS). The EPA is also approving as a revision to the Washington State Implementation Plan (SIP), the associated maintenance plan that provides for continued compliance of the 2006 24-hour $PM_{2.5}$ NAAQS. Additionally, the EPA is approving the 2017 and 2026 motor vehicle emissions budgets included in Washington's maintenance plan for $PM_{2.5}$ and nitrogen oxides.

DATES: This final rule is effective on March 12, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2014–0808. 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, *e.g.,* Confidential Business Information (CBI) or other information the disclosure of which 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 Programs Unit, Office of Air Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at (206) 553–0256, *hunt.jeff@epa.gov,* or by using the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials ''Act'' or ''CAA'' mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The words ''EPA,'' ''we,'' ''us'' and ''our'' mean or refer to the Environmental Protection Agency.

(iii) The initials ''SIP'' mean or refer to State Implementation Plan.

(iv) The words ''Washington'' and ''State'' mean the State of Washington.

Table of Contents

I. Background Information
II. Final Action
III. Statutory and Executive Orders Review

I. Background Information

The first air quality standards for $PM_{2.5}$ were established on July 16, 1997 (62 FR 38652, July 18, 1997). The EPA promulgated an annual standard at a level of 15 micrograms per cubic meter ($\mu g/m^3$), based on a three-year average of annual mean $PM_{2.5}$ concentrations (the 1997 annual $PM_{2.5}$ standard). In the same rulemaking action, the EPA promulgated a 24-hour standard of 65 $\mu g/m^3$, based on a three-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006 (71 FR 61144), the EPA retained the annual average standard at 15 $\mu g/m^3$, but revised the 24-hour standard to 35 $\mu g/m^3$, based again on the three-year average of the 98th percentile of 24-hour concentrations (the 2006 24-hour $PM_{2.5}$ standard or daily standard). On November 13, 2009, the EPA published designations for the 2006 24-hour $PM_{2.5}$ NAAQS, which became effective on December 14, 2009 (74 FR 58688). In that rulemaking action, the EPA designated the Tacoma area as nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS (see 77 FR 58774 and 40 CFR 81.348).

On September 4, 2012, the EPA determined that the Tacoma area had attained the 2006 24-hour $PM_{2.5}$ NAAQS based upon complete, quality-controlled, certified 2009–2011 ambient air monitoring data available in the EPA's Air Quality System database (77 FR 53772). Pursuant to 40 CFR 51.1004(c), in effect at that time, the requirements for the Tacoma area to submit an attainment demonstration and associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to the attainment of the 2006 24-hour $PM_{2.5}$ NAAQS are suspended until such time as: The area is redesignated to attainment, at which time the requirements no longer apply; or the EPA determines that the area has again violated the standard, at which time such plans are required to be submitted. On September 19, 2013, the EPA finalized a subsequent determination of attainment, updated with 2010–2012 data, considering the effect of the D.C. Circuit Court's January 4, 2013 decision to remand the implementation rule containing the provisions of 40 CFR 51.1004(c) on the area (78 FR 57503). *Natural Resources Defense Council* v. *EPA*, 706 F.3d 428 (2013). A full description of the EPA's rationale for the determination of attainment is contained in the proposal for that action (78 FR 42095, July 18, 2013).

A determination of attainment does not relieve a state from submitting, and the EPA from approving, certain planning SIP revisions for the 2006 $PM_{2.5}$ NAAQS. On November 28, 2012, Washington submitted a 2008 baseline emissions inventory for direct $PM_{2.5}$ and precursors to the formation of $PM_{2.5}$ including nitrogen oxides (NO_X), volatile organic compounds (VOCs), ammonia (NH_3), and sulfur dioxide (SO_2) to meet the comprehensive emissions inventory requirement of Clean Air Act (CAA) section 172(c) for the 2006 24-hour $PM_{2.5}$ NAAQS. Also included in Washington's submittal were SIP strengthening rules to implement the recommendations of the Tacoma-Pierce County Clean Air Task Force, an advisory committee of community leaders, citizen representatives, public health advocates, and other affected parties, formed to develop $PM_{2.5}$ reduction strategies. These SIP strengthening rules were focused on controlling $PM_{2.5}$ emissions from residential wood combustion, which at that time comprised 74% of direct $PM_{2.5}$ emissions on winter days when 24-hour $PM_{2.5}$ NAAQS exceedances were most likely. The EPA approved the 2008 baseline emissions inventory and SIP strengthening rules on May 29, 2013 (78 FR 32131).

On November 3, 2014, Ecology submitted a request to redesignate the Tacoma area from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS. The submittal included a maintenance plan as a SIP revision to ensure continued attainment of the standard over the next 10 years. On December 11, 2014, the EPA proposed to redesignate the entire Tacoma area, including tribal trust and non-trust lands, from nonattainment to attainment for the 2006 24-hour $PM_{2.5}$ NAAQS (79 FR 73525).[1] The EPA also proposed to approve the associated maintenance plan, including motor vehicle emission budgets for 2017 and 2026. An explanation of the CAA requirements, a detailed explanation of the revisions, and the EPA's reasons for approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for the proposed rule ended on January 12, 2015. We did not receive any comments on the proposal.

II. Final Action

The EPA is changing the official designation of the Tacoma area for the 2006 24-hour $PM_{2.5}$ NAAQS found at 40 CFR part 81, from nonattainment to

[1] Control measures on tribal trust land will continue to be regulated pursuant to 40 CFR part 49, which includes the Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon and Washington (70 FR 18074, April 8, 2005) and Review of New Sources and Modifications in Indian Country (76 FR 38748, July 1, 2011).

attainment, because the area meets the criteria set forth in CAA section 107(d)(3)(E). This final action was reached after offering consultation to the Puyallup Tribe of Indians and after reviewing technical analyses, emissions inventories, and monitoring data covering the entire area, including tribal trust and non-trust lands as described in the proposed rule. The EPA is also approving and incorporating into the Washington SIP the associated maintenance plan ensuring continued attainment of the 2006 24-hour $PM_{2.5}$ NAAQS in the area for the next 10 years. For transportation conformity purposes, the EPA is approving the 2017 and 2026 motor vehicle emissions budgets included in Washington's maintenance plan for $PM_{2.5}$ and nitrogen oxides.

III. Statutory and Executive Orders Review

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, the EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. 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 Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land in Washington except for as specifically noted below and is also not approved to apply in any other area where the 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law. Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989,* 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the EPA provided a consultation opportunity to the Puyallup Tribe in a letter dated September 8, 2014. The EPA did not receive a request for consultation.

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. The 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 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

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: January 28, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR parts 52 and 81 are 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 WW—Washington

■ 2. In § 52.2470, in paragraph (e), Table 2, is amended by adding at the end of the table a section heading entitled ''Recently Approved Plans'' followed by the entry entitled ''Particulate Matter ($PM_{2.5}$) Maintenance Plan'' to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(e) * * *

TABLE 2—ATTAINMENT, MAINTENANCE, AND OTHER PLANS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA Approval date	Comments
*	*	*	*	*
Recently Approved Plans				
Particulate Matter ($PM_{2.5}$) Maintenance Plan.	Tacoma, Pierce County	11/03/14	2/10/15 [insert **Federal Register** citation].	

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. In § 81.348 amend in the table entitled ''Washington—2006 24-Hour $PM_{2.5}$ NAAQS'' by revising the entry for ''Tacoma, WA'' and footnote 2 to read as follows:

§ 81.348 Washington.

* * * * *

WASHINGTON—2006 24-HOUR $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
Tacoma, WA				
Pierce County (part)	3/12/15	Attainment.		

WASHINGTON—2006 24-HOUR $PM_{2.5}$ NAAQS—Continued

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
Starting from where an extension of Kennedy Road Northeast would intersect Commencement Bay, proceed north to the intersection of Marine View Drive (State Route 509) and Kennedy Road Northeast. Proceed south on Marine View Drive to Hylebos Creek. Proceed south along Hylebos Creek to 12th Street East. Proceed east on 12th Street East to 70th Avenue East. Proceed south on 70th Avenue East to State Route 99 (S.R. 99). Proceed north on S.R. 99 0.1 mile north of Birch Street to a driveway to the east. Proceed east along the driveway and continue east along the same alignment to the Pierce County Line/Comprehensive Urban Growth Area (CUGA) boundary. Proceed east along the Pierce County Line/CUGA boundary to the eastern boundary of Edgewood. Proceed south along the eastern boundary of Edgewood to eastern boundary of the Sumner Urban Service Area. Proceed south along eastern boundary of the Sumner Urban Service Area to the eastern boundary of the Puyallup Urban Service Area. Proceed south along the eastern boundary of the Puyallup Urban Service Area to the eastern boundary of Puyallup/CUGA boundary. Proceed south and then west along the CUGA boundary to the eastern boundary of McChord Air Force Base. Proceed north along the eastern boundary of McChord Air Force Base to the northernmost point on the eastern boundary. Proceed from the northernmost point on the eastern boundary of McChord Air Force Base to the south right-of-way of S.R. 512. Proceed west along the south right-of-way of S.R. 512 to the south right-of-way of I–5. Proceed south along the south right-of-way to I–5 to the point opposite the boundary between Lakewood and Camp Murray. Proceed north across I–5 to the boundary between Lakewood and Camp Murray. Proceed north along the western boundary of Lakewood to the point where the western boundary coincides with the CUGA boundary. Proceed north along the CUGA boundary to the southern boundary of Point Defiance Park. Proceed east along the southern boundary of Point Defiance Park to Commencement Bay/CUGA boundary. Proceed southeast, then northeast, and finally northwest along the CUGA boundary to the starting point.				
* * * * * * *				

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 30 days after November 13, 2009, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2015–02619 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101–42, 101–45, and 102–40

[FMR Change–2015–01; FPMR Case 2003–101–1; FMR Case 2003–102–4; Docket 2007–0001; Sequence 6]

RIN 3090–AH21

Federal Management Regulation; Utilization and Disposition of Personal Property With Special Handling Requirements

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Final rule.

SUMMARY: GSA is amending the Federal Property Management Regulations (FPMR) by revising coverage regarding hazardous materials and certain categories of personal property, removing existing regulatory provisions from the FPMR, and moving coverage into the Federal Management Regulation (FMR). Upon issuance of this final rule, the FMR will address all types of personal property requiring special handling. A cross-reference is added to the FPMR to direct readers to the coverage in the FMR.

DATES: *Effective:* This final rule is effective February 10, 2015.

FOR FURTHER INFORMATION CONTACT: The Regulatory Secretariat, 1800 F Street NW., Washington, DC 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Robert Holcombe, Director, Personal Property Policy (MAD), at (202) 501–3828. Please cite FPMR Case 2003–101–1.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule updates, streamlines, and clarifies content currently in FPMR part 101–42 and moves it into the FMR as part 102–40. This final rule also removes FPMR sections 101–45.001, 101–45.002, and 101–45.004. The subject matter of these sections is addressed in FMR sections 102–40.195 (disposal of items requiring demilitarization); 102–40.50 (handling of property reported to GSA so as to preserve civilian utility as far as possible); 102–40.225 (disposal of precious metals); and 102–40.140 (disposal of all-terrain vehicles (ATV)).

In addition, this final rule removes FPMR section 101–45.003 regarding vehicle reconditioning. This section contains provisions that the Federal fleet community considers standard business practices, and is more prescriptive of specific tasks than is intended by this Governmentwide regulation.

The final rule is written in a plain language question and answer format. This style uses an active voice, shorter sentences, and pronouns. A question and its answer combine to establish a regulation.

The amended FMR part 102–40 includes the following specific changes from FPMR part 101–42:

1. Section 102–40.30 revises definitions previously included in FPMR part 101–42, and includes the following terms and definitions not found in section 101–42.001:

(a) Ammunition
(b) Ammunition Components
(c) Commerce Control List Item (CCLI)
(d) Demilitarization
(e) Electronic Product
(f) Safety Data Sheet (SDS)
(g) Medical device
(h) Munitions List Item
(i) Perishable
(j) Precious metals
(k) Radiation Safety Performance Standards
(l) Universal Waste(s)

2. Section 102–40.55 introduces the requirements for the disposal of perishables.

3. Section 102–40.100 revises and replaces FPMR section 101–42.401, Sales responsibilities for hazardous material, by allowing agencies to sell property with special handling requirements through Sales Centers.

4. Section 102–40.140 updates the policy on disposal of all-terrain vehicles (ATVs) and includes a certification statement to be used when donating ATVs.

5. Section 102–40.145 includes the topic of disposal of ammunition. The disposition of ammunition and ammunition components are combined in new part 102–40. The policy contained in part 102–40 allows for the sale of non-expended ammunition and ammunition components (both expended and non-expended) only to companies licensed to perform manufacturing/remanufacturing, or companies allowed to recover basic material content of the ammunition or ammunition components in accordance with Federal, state, and local laws and regulations. In addition to being sold as just described, expended ammunition cartridge cases may also be transferred or donated when the recipient certifies that the cartridge case will be reloaded and used only for law enforcement purposes.

6. Section 102–40.150 provides the requirements for handling live animals and plants. Live animals and plants should be reported to GSA for transfer, donation, or sale, except when specific exceptions apply.

7. Section 102–40.165 is revised to remove obsolete requirements for a letter of clearance by the Food and Drug Administration (FDA) for the donation of surplus drugs, biologicals, and reagents to the state agency or designated donee and removing the requirement for the state agency or designated donee to obtain samples of surplus drugs, biologicals, and reagents from the holding agency for laboratory examination by the FDA.

8. Section 102–40.175 is revised to align policy on the disposal of surplus firearms with policy contained in part 102–36, where GSA may donate certain classes of surplus firearms to state and local government activities whose primary function is the enforcement of applicable Federal, state, and/or local laws whose compensated law enforcement officers have the authority to apprehend and arrest. It also aligns with the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) policy for the disposal of firearms subject to the National Firearms Act. The definition of ''firearm'' in Section 102–40.30 was revised to reflect the definition in 18 U.S.C. 921(a).

9. Section 102–40.190 has procedures for the disposal of medical devices. Medical devices are subject to the laws and regulations administered by the FDA.

10. Section 102–40.200 has special requirements for handling Commerce Control List Items.

11. Section 102.40–205 provides guidance on where to find procedures for handling national stockpile material. Materials acquired for the national stockpile, the supplemental stockpile, or material or equipment acquired under Section 303 of the Defense Production Act of 1950, as amended, are not covered by the FMR.

12. Section 102–40.215 provides the provision for handling ozone depleting substances (ODSs). An overview of laws and regulations covering the use and disposal of ODSs is found at the Environmental Protection Agency (EPA) Web site.

13. Section 102–40.225 includes a revision to the policy regarding the sale of precious metals. The policy requiring precious metals to be sold only under a sealed bid sale has been removed, and

the language to require a bid deposit has been relaxed to remove prescriptive restrictions.

14. Section 102–40.230 provides for the handling of universal wastes (UW). An overview of the laws and regulations covering the use and disposal of UWs is found at the EPA Web site (*http://www.epa.gov/wastes/hazard/wastetypes/universal/*).

15. Section 102.40–235 prescribes the policy for the disposal of Government-owned vehicles not suitable for highway use. Such vehicles may only be disposed of as salvage or scrap, either by donation or sale.

16. Part 102–40 also incorporates topics that appeared in 41 CFR part 101–45; specifically, the provisions appearing at section 101–45.001, ''Demilitarization and decontamination''; section 101–45.002, ''Gold''; and section 101–45.004, ''All terrain vehicles.'' The subject matter of these sections is addressed in sections 102–40.195 (disposal of items requiring demilitarization); 102–40.50 (handling of property reported to GSA so as to preserve civilian utility as far as possible); 102–40.225 (disposal of precious metals); and 102–40.140 (disposal of ATVs).

Governmentwide regulations that migrate from the FPMR to the FMR are intended to be less prescriptive. For part 102–40, that means that the ''how'' of a task may not be specified in any detail, unless the specific task is critical for safety, security or the protection of the environment.

A proposed rule was published in the **Federal Register** on May 7, 2007 (72 FR 25723), to allow public comment for a period of 30 days. There were seven responses to this proposed rule, many of which had multiple comments and/or suggestions. All comments from agencies were included in this final rule. Comments include: A better description of how to dispose of ODSs (section 102–40.215 was updated); a clarification as to how this final rule relates to the revision of FMR part 102–38 regarding sale of Federal assets (section 102–40.100 was updated); an updated and more definitive policy related to the disposal of electronic products (a definition was added to section 102–40.30, and in section 102–40.170, the policy was strengthened); and a clarification regarding the disposal of spent ammunition cartridges (section 102–40.145 was updated). In addition, since the publication of the proposed rule, GSA continued its internal review which prompted additional changes that help to clarify policy or ensure the policy contained in this final rule is clear and consistent with other Federal law and regulations, and the policies contained in the current FPMR. Official comments may be viewed at *www.regulations.gov.*

B. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This final rule is not a significant regulatory action, and therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* This final rule is also exempt from the Administrative Procedure Act per 5 U.S.C. 553(a)(2) because it applies to agency management and public property.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is exempt from Congressional review under 5 U.S.C. 801 since it does not substantially affect the rights or obligations of non-agency parties.

List of Subjects in 41 CFR Parts 101–42, 101–45, and 102–40

Government property management.

Dated: January 28, 2015.

Dan Tangherlini,

Administrator of General Services.

For the reasons set forth in the Preamble, GSA amends 41 CFR chapters 101 and 102 as follows:

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

PART 101–42—DISPOSITION OF PERSONAL PROPERTY WITH SPECIAL HANDLING REQUIREMENTS

■ 1. Revise the citation authority for part 101–42 to read as follows:

Authority: 40 U.S.C. 121(c).

■ 2. Revise the heading for part 101–42 as set forth above.

■ 3. Revise § 101–42.000 to read as follows:

§ 101–42.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102–1 through 102–220).

For information on the disposition of personal property with special handling requirements previously contained in this part, see FMR part 102–40 (41 CFR part 102–40), Disposition of Personal Property With Special Handling Requirements.

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

■ 4. The authority citation for part 101–45 continues to read as follows:

Authority: 40 U.S.C. 545 and 121(c).

■ 5. Amend § 101–45.000 by adding a second sentence to the paragraph text to read as follows:

§ 101–45.000 Cross-reference to the Federal Management Regulation (FMR) (41 CFR chapter 102, parts 102–1 through 102–220).

* * * For information on demilitarization and decontamination; gold; and all-terrain vehicles previously contained in this part see FMR part 102–40 (41 CFR part 102–40).

§ 101–45.003 [Removed]

■ 6. Section 101–45.003 is removed.

CHAPTER 102—FEDERAL MANAGEMENT REGULATIONS

SUBCHAPTER B—PERSONAL PROPERTY

■ 7. Part 102–40 is added to subchapter B of chapter 102 to read as follows:

PART 102–40—UTILIZATION AND DISPOSITION OF PERSONAL PROPERTY WITH SPECIAL HANDLING REQUIREMENTS

Subpart A—General Provisions

Sec.

102–40.5 What does this part cover?
102–40.10 What is the governing authority for this part?
102–40.15 Who must comply with the provisions in this part?

102–40.20 To whom do ''we'', ''you'', and their variants refer?
102–40.25 How do we request a deviation from these requirements and who can approve it?

Definitions

102–40.30 What definitions apply to this part?

Subpart B—Responsibilities

102–40.35 What types of personal property require special handling?
102–40.40 What are our responsibilities concerning personal property requiring special handling?
102–40.45 What must we do when we have identified personal property with special handling requirements?
102–40.50 What must we do when we no longer need personal property with special handling requirements?
102–40.55 Do we report all excess personal property with special handling requirements to GSA?
102–40.60 May we reassign hazardous materials?
102–40.65 Who is responsible for the custody of hazardous materials and property requiring special handling?
102–40.70 Who is responsible for the care and handling of hazardous materials and property requiring special handling?

Subpart C—Transfer and Donation of Personal Property With Special Handling Requirements

102–40.75 What must we do when reporting excess personal property with special handling requirements?
102–40.80 Is personal property requiring special handling available for transfer or donation?
102–40.85 Is donee certification required for the donation of personal property requiring special handling?
102–40.90 Must we establish additional requirements for the inspection of personal property with special handling requirements?
102–40.95 Who pays for the costs incident to the transfer of personal property with special handling requirements?

Subpart D—Sale of Personal Property With Special Handling Requirements

102–40.100 May we sell personal property with special handling requirements?
102–40.105 May we use any sales method to sell personal property that requires special handling?
102–40.110 What must we include in the sales terms and conditions when selling personal property with special handling requirements?
102–40.115 Are certifications required from the purchaser when selling personal property with special handling requirements?
102–40.120 What precautions must we take during the sales process for personal property requiring special handling?
102–40.125 May we dispose of personal property requiring special handling by abandonment or destruction?

Subpart E—Categories of Personal Property With Special Handling Requirements

102–40.130 What categories of personal property require special handling?
102–40.135 How do we manage acid-contaminated and explosive-contaminated property?
102–40.140 How do we handle all-terrain vehicles (ATVs)?
102–40.145 How do we handle ammunition and ammunition components?
102–40.150 How do we handle animals and plants?
102–40.155 How do we handle asbestos?
102–40.160 How do we handle controlled substances?
102–40.165 How do we handle drugs, biologicals, and reagents other than controlled substances?
102–40.170 How do we handle electronic products?
102–40.175 How do we handle firearms?
102–40.180 How do we handle hazardous materials?
102–40.185 How do we handle lead-containing paints and items bearing lead-containing paint?
102–40.190 How do we handle medical devices?
102–40.195 How do we handle Munitions List Items (MLIs)?
102–40.200 How do we handle Commerce Control List Items (CCLIs)?
102–40.205 How do we handle national stockpile material?
102–40.210 How do we handle Nuclear Regulatory Commission-controlled materials?
102–40.215 How do we handle ozone depleting substances (ODSs)?
102–40.220 How do we handle polychlorinated biphenyls (PCBs)?
102–40.225 How do we handle precious metals?
102–40.230 How do we handle universal waste(s) (UWs)?
102–40.235 How do we handle motor vehicles not suitable for highway use?

Appendix A to Part 102–40—Federal Supply Classes (FSC) Composed Predominantly of Hazardous Items
Appendix B to Part 102–40—Federal Supply Classes and Groups Which Contain a Significant Number of Hazardous Items

Authority: 40 U.S.C. 121(c).

Subpart A—General Provisions

§ 102–40.5 What does this part cover?

This part provides guidance regarding the utilization, transfer, donation, sale, and other disposal of Government personal property with special handling requirements (*i.e.,* hazardous materials, dangerous property, etc.) located in the United States, the District of Columbia, the U.S. Virgin Islands, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, Federated States of Micronesia, the Marshall Islands, and Palau. For guidance regarding the disposal of personal property located outside of these areas, see §§ 102–36.380 through 102–36.400 of this subchapter; however, the disposal of personal property located outside of these areas should conform to the provisions in this part, whenever feasible, in the interest of promoting safety, security, and environmental stewardship.

§ 102–40.10 What is the governing authority for this part?

40 U.S.C. 121(c) authorizes the Administrator of General Services to prescribe regulations necessary to perform functions under this part.

§ 102–40.15 Who must comply with the provisions in this part?

All executive agencies must comply with the provisions of this part unless authorized by specific, separate statutory authority to do otherwise. Also, pursuant to 40 U.S.C. 549(b)(1), state agencies for surplus property (SASPs) must comply with the provisions of this part related to the donation of surplus property with special handling requirements. Legislative and judicial agencies are encouraged to follow these provisions.

§ 102–40.20 To whom do ''we,'' ''you,'' and their variants refer?

The pronouns ''we,'' ''you,'' and their variants throughout this part refer to the executive agency, or other entity using these regulations, unless otherwise indicated.

§ 102–40.25 How do we request a deviation from these requirements and who can approve it?

See §§ 102–2.60 through 102–2.110 of this chapter to request a deviation from the requirements of this part.

Definitions

§ 102–40.30 What definitions apply to this part?

The following definitions apply to this part:

Acid-contaminated property means property that may cause burns or toxicosis when improperly handled due to acid residues adhering to or trapped within the material.

Ammunition as defined in 18 U.S.C. 921(a)(17), means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

Ammunition components means the individual parts of ammunition, including cartridge cases, primers, bullets/projectiles, and propellant powder.

Biologicals means hazardous materials associated with the products and operations of applied biology and/or biochemistry, especially serums,

vaccines, etc., produced from microorganisms.

Certified electronic product means any electronic product which bears the manufacturer's certification label or tag (21 CFR 1010.2) indicating that the product meets applicable radiation safety performance standards prescribed by the Food and Drug Administration (FDA) under 21 CFR part 1020.

Commerce Control List Item (CCLI) means property identified on the Commerce Control List (15 CFR part 774, supp. 1) subject to export controls under the Export Administration Act of 1979, as amended (50 App. U.S.C. 2401–2420) and implemented by the Export Administration Regulations (15 CFR part 730). Items may be placed on the list for reasons including, but not limited to, technology transfer, scarcity of materials, crime control, and national security.

Controlled substances means—

(1) Any narcotic, depressant, stimulant, or hallucinogenic drug, or any other drug or substance included in Schedules I, II, III, IV, or V of section 202 of the Controlled Substances Act (21 U.S.C. 812), except exempt chemical preparations and mixtures and excluded substances contained in 21 CFR part 1308; or

(2) Any other drug or substance that the Attorney General determines to be subject to control under Subchapter I of the Controlled Substances Act (21 U.S.C. 801, *et seq.*); or

(3) Any other drug or substance that by international treaty, convention, or protocol is to be controlled by the United States.

Demilitarization means, as defined by the Department of Defense (DOD) in the Defense Material Disposition Manual, DOD 4160.21–M, to be the act of destroying the military offensive or defensive advantages inherent in certain types of equipment or material. The term includes mutilation, dumping at sea, scrapping, melting, burning, or alteration designed to prevent the further use of this equipment and material for its originally intended military or lethal purpose and applies equally to material in unserviceable or serviceable condition that has been screened through an Inventory Control Point and declared excess or foreign excess.

Electronic Product means any item powered by electricity that has logic circuitry enabling the item to perform its intended function.

Explosive-contaminated property means property that may ignite or explode when exposed to shock, flame, sparks, or other high temperature sources due to residual explosive material in joints, angles, cracks, or around bolts.

Extremely hazardous material means property hazardous to the extent that it generally requires special handling such as licensing and training of handlers, protective clothing, and special containers and storage. Because of its extreme flammability, toxicity, corrosivity or other perilous qualities, it could constitute an immediate danger or threat to life and property and which usually have specialized uses under controlled conditions. It is also material which have been determined by the holding agency to endanger public health and safety or the environment if released to the general public.

Firearm, as defined in 18 U.S.C. 921(a)(3), means:

(1) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(2) The frame or receiver of any such weapon;

(3) Any firearm muffler or firearm silencer; or

(4) Any destructive device. Such term does not include an antique firearm.

Hazardous material means property that is deemed a *hazardous material,* chemical substance or mixture, or hazardous waste under the Federal *hazardous materials* transportation law (49 U.S.C. 5101, *et seq.*), the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901, *et seq.*), or the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601, *et seq.*). Generally, *hazardous materials* have one or more of the following characteristics:

(1) Are carcinogens (according to Occupational Safety and Health Administration (OSHA) regulations at 29 CFR part 1910), toxic or highly toxic agents, reproductive toxins, irritants, corrosives, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoietic system, and agents that damage the lungs, skin, eyes, or mucous membranes;

(2) Are combustible liquids, compressed gases, explosives, flammable liquids, flammable solids, organic peroxides, oxidizers, pyrophorics, unstable (reactive) or water-reactive;

(3) Are radioactive to the extent it requires special handling;

(4) Identify hazards on associated SDS, MSDS, or HMIS documentation;

(5) Possess special characteristics which, in the opinion of the holding agency, could be hazardous to health, safety, or the environment if improperly handled, stored, transported, disposed of, or otherwise improperly used.

(6) Materials that, in the course of normal handling, use or storage, may produce or release dusts, gases, fumes, vapors, mists or smoke having any of the above characteristics.

Hazardous waste means those materials or substances, the handling and disposal of which are governed by 40 CFR part 261. Hazardous materials generally become *hazardous wastes* when they are no longer suitable for their intended or valid alternate purpose, or for resource recovery. Some solid (non-hazardous) wastes are predetermined *hazardous wastes* upon generation (40 CFR part 261, subpart D); some are determined *hazardous wastes* when they exhibit ignitability, corrosivity, reactivity, or extraction procedure toxicity. Hazardous materials having an expired shelf life should be reclassified as *hazardous waste* if required by Federal and/or state environmental laws or regulations. Before reclassification, the shelf life may be extended if supported by results of tests and recertification performed by authorized personnel in accordance with applicable regulations.

Lead-containing paint means paint or other similar surface coating material containing lead or lead compounds in excess of 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film.

Medical device means any health-care product that does not achieve its principal intended purposes by chemical action in or on the body or by being metabolized. *Medical devices* are categorized in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301, *et seq.*). Potential hazards of these devices include chemical and heavy metal hazards, and biohazards.

Munitions List Item (MLI) means property and related technical data designated as defense articles and defense services pursuant to sections 2778 and 2794(7) of the Arms Export Control Act (22 U.S.C. 2778 and 2794(7)).

Noncertified Electronic Product means any electronic product for which there is an applicable radiation safety performance standard prescribed or hereafter prescribed by the FDA under 21 CFR part 1020, and which the manufacturer has not certified as meeting such standard. The non-certification may be due to either:

(1) Manufacture of the product before the effective date of the standard; or

(2) The product was exempted from the applicable standard and is so labeled.

Nuclear Regulatory Commission-Controlled Material means material subject to the controls of the Nuclear

Regulatory Commission (NRC) pursuant to the Energy Reorganization Act of 1974. The materials are defined as follows:

(1) *Byproduct material.* Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation, incident to the process of producing or utilizing special nuclear material. (See 10 CFR part 30).

(2) *Source material.* Uranium or thorium, or any combination thereof, in any physical or chemical form or ores which contain by weight, one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination thereof. Source material does not include special nuclear material. (See 10 CFR part 40).

(3) *Special nuclear material.* Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, any other materials which the NRC, pursuant to the Atomic Energy Act of 1954 (42 U.S.C. 2011, *et seq.*), including any amendments thereto, determined to be special nuclear material, or any material artificially enriched by any of the foregoing, but does not include source material. (See 10 CFR part 70).

Perishable means an item subject to rapid deterioration, spoilage or death, when removed from special storage conditions or care, such as fresh food, animals, and plants.

Precious metal means gold, silver, and platinum group metals (platinum, palladium, iridium, rhodium, osmium, and ruthenium).

Radiation Safety Performance Standards. Certain electronic items or components emitting hazardous electronic radiation are subject to performance standards (21 CFR part 1020). You must follow FDA policies related to acquisition, use, and disposal of items identified by the FDA or other authority for which performance standards are established. See 21 CFR 1000.15 for examples of electronic items that are required to follow *radiation safety performance standards.* Several types of electronic radiation (and examples of items that may emit that type of radiation) include: ionizing electromagnetic radiation (television receivers); ultraviolet electromagnetic radiation (tanning and therapeutic lamps); infrared and microwave electromagnetic radiation (certain alarm systems); and, laser emissions (certain cauterizing, burning, and welding devices).

Reagent means any hazardous material used to detect or measure another substance or to convert one substance into another by means of the reactions it causes.

Safety Data Sheet (SDS) means the documentation, as required by 29 CFR 1910.1200, identifying the potential hazards associated with the specific category of product or property. Sources of SDS information may be the manufacturer, distributor, or the procuring agency. Related documentation, such as a Material Safety Data Sheet (MSDS) may also provide information on hazards associated with assets handled under this part.

Universal Waste(s) mean(s) any of the following hazardous waste that is/are managed under the universal waste requirements of 40 CFR part 273:

(1) Batteries as described in 40 CFR 273.2;

(2) Pesticides as described in 40 CFR 273.3;

(3) Mercury-containing equipment (including thermostats) as described in 40 CFR 273.4 and as defined at 40 CFR 273.9; and

(4) Light bulbs containing mercury (such as fluorescent bulbs) as described in 40 CFR 273.5.

Subpart B—Responsibilities

§ 102–40.35 What types of personal property require special handling?

Personal property requiring special handling includes property containing hazardous materials or property which exhibits dangerous characteristics such that improper use, storage, transportation or disposal may lead to potential safety, health, environmental, economic, or national security risks. In many situations, the use, storage, transportation or disposal of these items is governed by Federal, state, and local laws. Personal property requiring special handling may also include animals and plants which may perish if not handled appropriately, as well as perishable products that may lose their utility if not handled appropriately.

§ 102–40.40 What are our responsibilities concerning personal property requiring special handling?

You are responsible for—

(a) Identifying and accounting for property with special handling requirements;

(b) Complying with applicable Federal, state, and local laws and regulations concerning the handling, storage, labeling, use, and final disposition of such property;

(c) Ensuring adequate storage and safeguarding of such property, *e.g.,* secured or limited access storage areas, warning signs, and protective clothing and equipment; and

(d) Transporting materials requiring special handling in accordance with Department of Transportation (DOT), EPA, state and local regulations.

§ 102–40.45 What must we do when we have identified personal property with special handling requirements?

You must properly mark, tag, or label personal property with special handling requirements in accordance with applicable Federal law, including the Occupational Safety and Health Administration requirements (29 CFR 1910.1200), regarding the actual or potential hazard associated with the property, and ensure that such information is maintained and perpetuated in the official agency property records. Labeling requirements for substances that are excluded from the requirements of 29 CFR 1910.1200 are found in the references listed in 29 CFR 1910.1200(b)(5) and (6).

§ 102–40.50 What must we do when we no longer need personal property with special handling requirements?

Except for the items listed in § 102–40.55, you must report excess personal property with special handling requirements that you no longer need to GSA for Federal and donation screening (see § 102–36.215 of this subchapter for how to report excess personal property to GSA). The report to GSA must clearly identify property requiring special handling, and all related hazards, precautions, and handling requirements related to this property. You must dispose of property not required to be reported to GSA in accordance with applicable Federal, state, and local laws and regulations, and your agency procedures. See § 102–40.125 for policy regarding disposal of property requiring special handling by abandonment or destruction. Disposal must be accomplished so as to preserve as much as possible, any civilian utility or commercial value of the property.

§ 102–40.55 Do we report all excess personal property with special handling requirements to GSA?

No. Because of their characteristics, certain items are not subject to the usual disposal procedures. You are not required to report to GSA excess personal property with special handling requirements in any of the following categories listed below.

(a) *Extremely hazardous personal property.* You must dispose of extremely hazardous personal property not reported to GSA in accordance with applicable demilitarization requirements, EPA regulations, state and local laws or regulations, and other Federal laws, regulations or guidelines.

However, if time and circumstances permit, this material may be reported to GSA to optimize use of this already-acquired material. When an item that is determined to be extremely hazardous property becomes excess, the holding agency should notify the appropriate GSA regional personal property office, which will determine if the property should be reported using Report of Excess Personal Property, Standard Form (SF) 120 or another method. At a minimum, you must identify the item, and describe the actual or potential hazard(s) associated with the handling, storage, or use of the item(s). This GSA regional office will determine the utilization, donation, sales or other disposal requirements, and provide appropriate guidance to the holding agency.

(b) *Hazardous wastes.* You must dispose of hazardous wastes not reported to GSA in accordance with applicable demilitarization requirements, EPA regulations, state and local laws or regulations, and other Federal laws, regulations or guidelines.

(c) *Perishables.* You may dispose of perishables with no further utility by abandonment or destruction when it is not detrimental to public health or safety (see the abandonment/destruction provisions in § 102–40.125 and in part 102–36 of this subchapter). Although there is no requirement to report perishables to GSA if their spoilage is imminent (see § 102–36.220), perishables that have a longer time before spoilage and are clearly able to be used may be reported to GSA in accordance with part 102–36. When reporting perishables to GSA, you should annotate the Report for Excess Personal Property, SF 120 or electronic reporting form to show whether there is a specific expiration date for the perishable item and whether such date is an original or extended date.

(d) *EPA research and cleanup materials.* The EPA, under its independent authority, may transfer accountability for hazardous materials deemed by EPA to be research materials to Federal, state, and local agencies, research institutions, or commercial businesses to conduct research or to clean-up a contaminated site.

§ 102–40.60 May we reassign hazardous materials?

Yes, when hazardous materials are reassigned within an executive agency, information on the actual or potential hazard must be included in the documentation effecting the reassignment, and the recipient organization must perpetuate in the inventory or control records visibility of the nature of the actual or potential hazard.

102–40.65 Who is responsible for the custody of hazardous materials and property requiring special handling?

The holding agency is responsible for the custody of hazardous materials and property requiring special handling. Custody of these items may be transferred in whole or in part to another Federal agency with that receiving agency's consent.

§ 102–40.70 Who is responsible for the care and handling of hazardous materials and property requiring special handling?

(a) The holding agency is responsible for the care and handling of hazardous materials and property requiring special handling until the time the property has:

(1) Completed the disposal process; and

(2) Been transferred, donated, sold or destroyed, as authorized by this part. The nature of this material may require extra precautions, processes or equipment, thereby increasing the cost of care and handling. The costs associated with performing care and handling may be charged to the Federal agency or donation recipient in accordance with § 102–40.95.

(b) When transferring personal property to another federal agency, failure to disclose hazards or special handling requirements may result in the transferring agency being liable for additional costs incurred by the recipient agency, when authorized by applicable law and policy.

Subpart C—Transfer and Donation of Personal Property With Special Handling Requirements

§ 102–40.75 What must we do when reporting excess personal property with special handling requirements?

You must include with your report of excess personal property a complete description of the characteristics of the property, use or disposal restrictions, and the actual or potential hazard(s) associated with the use, handling, or storage of the item. You should include a Safety Data Sheet (SDS), Material Safety Data Sheet (MSDS), or Hazardous Material Information System (HMIS) record (or equivalent) if available. The physical item which requires special handling must also be marked so as to identify its special characteristic(s).

§ 102–40.80 Is personal property requiring special handling available for transfer or donation?

Generally, yes, with the exceptions contained in this part, personal property requiring special handling is available for transfer or donation in accordance with parts 102–36 and 102–37 of this subchapter, respectively. Surplus personal property identified as hazardous material not required for transfer as excess personal property to Federal agencies should normally be made available for donation. However, state agencies should not acquire hazardous materials without first ensuring that there are known eligible donees for such property. Moreover, all transfer and donation documents must include a complete description of the actual or potential hazard(s) associated with the handling, storage, use, or disposal of the item. Also, any continuing restrictions or instructions must be clearly identified on these documents.

§ 102–40.85 Is donee certification required for the donation of personal property requiring special handling?

Yes, the transfer document must contain a full description of the actual or potential hazard(s) and restriction(s) associated with the handling, storage, use, transportation or disposal of the item. GSA will not approve a donation to a State Agency for Surplus Property (SASP) unless an eligible donee has been identified. This subpart does not prohibit a SASP from bringing an item requiring special handling into its warehouse or other place of storage, provided that this storage is of a temporary nature, that the storage arrangement is agreeable to all parties involved in the donation, and that the storage location has the necessary facilities, gear, and trained personnel to handle, store, protect, and transport the property. In addition, the following certification (or an equivalent) must be signed by the donee:

I (We), the undersigned, hereby certify that the donee has knowledge and understanding of the nature of the property hereby donated which requires special handling, and will comply with all applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, shipment, and disposal of the property. The donee agrees and certifies that the United States shall not be liable for personal injuries to, disabilities of, or death of the donee or the donee's employees, or any other person arising from or incident to the donation of the property, its use, or its final disposition. Additionally, the donee agrees and certifies to hold the United States harmless from and shall indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

Name and title of Donee (print or type)

Signature of Donee

§ 102–40.90 Must we establish additional requirements for the inspection of personal property with special handling requirements?

Yes, you are responsible for establishing appropriate safeguards and providing instructions for personal protection to screeners who are inspecting property with special handling requirements. Also, it is the responsibility of the state agency and/or donee to comply with DOT regulations (49 CFR parts 171 through 177) when transporting hazardous material. Any costs incident to repacking or recontainment will be borne by the state agency and/or donee. Also, state agencies and/or donees will comply with EPA's Resource Conservation and Recovery Act (40 CFR parts 261 through 265) including its application to transporters, storers, users, and permitting of hazardous wastes.

§ 102–40.95 Who pays for the costs incident to the transfer of personal property with special handling requirements?

You may charge the Federal agency or the SASP any costs you incur in packing, preparing for shipment, and transporting property with special handling requirements (see parts 102–36 and 102–37 of this subchapter).

Subpart D—Sale of Personal Property With Special Handling Requirements

§ 102–40.100 May we sell personal property with special handling requirements?

Generally, yes, you may sell personal property with special handling requirements through an authorized Sales Center, provided that the property has been reported in accordance with subpart B and C of this part, when you:

(a) Comply with applicable Federal, state, and local laws and regulations, including part 102–38 of this subchapter; and

(b) Follow applicable precautions including but not limited to proper packaging of the property, labeling with appropriate warning signs, and allowing for inspection of the property with proper safeguards.

§ 102–40.105 May we use any sales method to sell personal property that requires special handling?

Yes, unless specifically restricted as to sales methods by provisions in subpart E of this part, you may use any of the sales methods provided in part 102–38 of this subchapter, but you must:

(a) Advertise and conduct sales of such property separately from other sales;

(b) Store and display such property in a safe and controlled manner as required by applicable statutes and/or regulations;

(c) Indicate if the property is being sold only for scrap, and/or if there are any use requirements or restrictions;

(d) Comply with the requirements of other Federal, state, and local laws and regulations; and

(e) Conduct the sale through an agency authorized to sell Federal property in accordance with part 102–38 of this subchapter.

§ 102–40.110 What must we include in the sales terms and conditions when selling personal property with special handling requirements?

In addition to the recommended sales terms and conditions contained in part 102–38 of this subchapter, when selling personal property with special handling requirements you must include the following in the sales terms and conditions:

(a) A full description of the actual or potential hazard(s) associated with handling, storage, or use of the item, as well as any use requirements, restrictions, or limitations;

(b) An SDS, MSDS, or HMIS when available;

(c) A certification, executed by a duly authorized agency official, that the item is appropriately labeled and packaged in accordance with applicable regulatory and statutory requirements;

(d) Any additional requirements the purchaser must comply with prior to removal, *e.g.,* demilitarization on-site;

(e) The necessary steps the purchaser must take in the handling and transportation of the property when the property is sold; and

(f) A statement that it is the purchaser's responsibility to comply with all applicable Federal, state, local, and export laws and regulations to ensure the proper registration, licensing, possession, transportation, and subsequent use, resale or disposal of the property. You must use the following certification (or an equivalent certification) when offering for sale an item requiring special handling. Failure to sign the certification may result in the bid being rejected as nonresponsive:

The undersigned bidder hereby certifies that if awarded a contract under this invitation for bids, the bidder will comply with all applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, shipment, resale, export, or other use of the material hereby purchased. The bidder will hold the United States harmless from and indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or other claims of any nature arising from or incident to the handling, use, storage, shipment, resale, export, or other disposition of the items purchased.

Name of bidder (print or type)

Signature of bidder

§ 102–40.115 Are certifications required from the purchaser when selling personal property with special handling requirements?

Yes, in addition to receiving a certification that the purchaser will comply with all Federal, state, and local laws and regulations with respect to the care, handling, storage, shipment, and disposal of personal property with special handling requirements (see certification at § 102–40.110), you must obtain from the purchaser a certification that the purchaser will comply with any additional requirements associated with the property, such as demilitarization, export controls on CCLI, or mutilation requirements for flight safety critical aircraft parts. These additional requirements may be imposed by any law, regulation, or policy.

§ 102–40.120 What precautions must we take during the sales process for personal property requiring special handling?

(a) It is your responsibility to prepare items with special handling requirements for sale, provide all necessary information to ensure that prospective bidders are informed of hazards and special processing requirements, and identify precautions that bidders should take to protect themselves while inspecting, packing or moving items with special handling requirements. You must make any safety gear or equipment needed during the sales process available to prospective bidders and others involved in the inspection, packing or moving of these items.

(b) Unless authorized by the appropriate GSA regional office, you must not sell extremely hazardous property unless the property is rendered innocuous or adequate safeguards are provided. Such property must be rendered innocuous in a manner so as to preserve the utility or commercial value of the property.

§ 102–40.125 May we dispose of personal property requiring special handling by abandonment or destruction?

Yes, you may dispose of personal property requiring special handling by abandonment or destruction. However, in addition to the requirements for the

abandonment or destruction of property in §§ 102–36.305 through 102–36.330 of this subchapter, you must also satisfy applicable Federal, state, and local waste disposal and air and water pollution control standards, laws, and regulations. You must ensure that such property, including empty hazardous material containers, not be abandoned until made safe, demilitarized, reduced to scrap, or otherwise made innocuous. You should also preserve, as much as possible, any civilian utility or commercial value of the property (see § 102–40.50.) National security classified items must be declassified or destroyed in accordance with holding agency regulations.

Subpart E—Categories of Personal Property With Special Handling Requirements

§ 102–40.130 What categories of personal property require special handling?

Many categories of personal property have special handling requirements in compliance with applicable Federal, state, and local regulations and ordinances for their handling, transportation, storage, disposal and use. See appendix A to this part for a listing of Federal Supply Classifications (FSCs) containing predominately hazardous items and appendix B to this part for a listing of FSCs containing a significant number of hazardous items. See §§ 102–40.130 through 102–40.235 for special handling instructions for some categories of property for which Federal property managers are likely to have responsibility.

§ 102–40.135 How do we manage acid-contaminated and explosive-contaminated property?

(a) Acid-contaminated or explosive-contaminated property is considered extremely hazardous property and is not reported to GSA for subsequent transfer or donation. However, you should notify GSA of this property in accordance with § 102–40.55. If the property is not transferred or donated, you may dispose of such property by sale, in accordance with subpart D of this part and with the condition that the purchaser sufficiently decontaminates the property to the degree that it is no longer extremely hazardous. Also, such property must be properly labeled in accordance with § 102–40.45 and should not be abandoned. When destroyed, such destruction should be accomplished under § 102–40.125.

(b) When selling acid or explosive contaminated property, the sales terms and sales documentation must both include the following certification, or an equivalent certification, which must be signed by the successful bidder.

It is hereby certified that the undersigned purchaser will comply with all the applicable Federal, state, and local laws, ordinances and regulations with respect to the care, handling, storage, and shipment, resale, export, and other use of the materials, hereby purchased, and that he/she is a user of, or dealer in, said materials. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures.

_____

Name of purchaser (print or type)

_____

Signature of purchaser

§ 102–40.140 How do we handle all-terrain vehicles (ATVs)?

(a) Three-wheeled and four-wheeled all-terrain vehicles (ATVs) can be exchanged with a dealer under the provisions of part 102–39 of this subchapter. Three-wheeled ATVs not exchanged must be mutilated in a manner to prevent operational use and may be sold only as salvage or scrap. Four-wheeled ATVs not exchanged may be offered for transfer and donation only when documented in accordance with §§ 102–40.75 and 102–40.80. In addition, any transfer or donation documentation for four-wheeled ATVs must require the recipient to acknowledge that the recipient will follow regulations and guidelines published by the Consumer Product Safety Commission related to these items, including age recommendations, restrictions on usage, and operator training. Four-wheeled ATVs not exchanged, transferred, or donated may be offered for sale as either salvage or scrap only after they have been mutilated in a manner to prevent operational use. Four-wheeled ATVs must not be released to the public after donee use, nor may they be released to the public after Federal use if the ATVs are not donated.

(b) A donation transfer document must contain a full description of the actual or potential hazard(s) and restriction(s) associated with the handling, storage, use, transportation or disposal of the item. In addition, the following certification (or an equivalent) must be signed by the donee:

I (We), the undersigned, hereby certify that the donee has knowledge and understanding of the nature of the property hereby donated which requires special handling, and will comply with all applicable Federal, state, and local laws, ordinances, and regulations with respect to the care, handling, storage, shipment, and disposal of the property. The donee agrees and certifies that the United States shall not be liable for personal injuries to, disabilities of, or death of the donee or the donee's employees, or any other person arising from or incident to the donation of the property, its use, or its final disposition. Additionally, the donee agrees and certifies to hold the United States harmless from and shall indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the property, its use, or final disposition.

_____

Name and title of Donee (print or type)

_____

Signature of Donee

§ 102–40.145 How do we handle ammunition and ammunition components?

(a) Report usable ammunition to GSA for possible transfer to a Federal agency. You must not donate surplus ammunition, but you may donate surplus ammunition components to eligible donation recipients. You may sell non-expended ammunition and ammunition components (expended and non-expended) only to companies licensed to perform manufacturing/remanufacturing processes under the provisions of 18 U.S.C. 923 or other Federal law or regulation or to companies allowed to purchase ammunition components under local and state laws. If the ammunition is regulated pursuant to the National Firearms Act (NFA) or any other Federal regulation, then the ammunition can only be disposed of in accordance with applicable regulation. Ammunition greater than .50 caliber can, in some instances, be regulated under the NFA. You must follow any demilitarization requirements. When selling ammunition and ammunition components, the sales terms and sales documentation must both include the following certification, or an equivalent certification, which must be signed by the successful bidder:

Item No. ____contains ammunition or ammunition components offered for sale in this invitation. The undersigned certifies that he/she will comply with all applicable local, state, and Federal laws and regulations concerning ammunition or ammunition components.

If the item being sold is scrap ammunition, the undersigned certifies that he/she is licensed to perform manufacturing/remanufacturing under the provisions of 18 U.S.C. 923 or other Federal law or regulation.

If the item being sold is a scrap ammunition component, the undersigned certifies that these scrap ammunition components will not be used for the original manufactured purpose.

_____

License issuing authority and license number

_____

Name of bidder (print or type)

_____

Signature of bidder

(b) In addition to sales as described in paragraph (a) of this section, expended ammunition cartridge cases may also be transferred or donated when the recipient certifies that the spent brass will be reloaded and used only for law enforcement purposes. If there is no Federal or state donation interest in the cases, and a sale of the scrap is not feasible, cartridge cases may be disposed of using abandonment or destruction procedures under § 102–40.125. The recipient must certify that the expended cartridge cases will not be used for the original manufactured purpose.

(c) The transportation of primers or propellant powder is governed by 49 CFR parts 171 through 180.

§ 102–40.150 How do we handle animals and plants?

(a) Whenever possible, you should report live animals and plants to GSA for transfer, donation or sale. They are, however, considered perishables and may be disposed of by abandonment or destruction procedures in accordance with the authority contained in § 102–40.125. Abandonment or destruction procedures may be used for animals other than those specifically addressed below, where warranted for humane purposes.

(b) Unfit horses and mules may be humanely euthanized or put out to pasture in accordance with 40 U.S.C. 1308 and agency policies. Transfers of unfit horses or mules to Federal agencies must be conducted in accordance with part 102–36 of this subchapter. In the event that a transfer of these animals can be made to a humane organization, the transfer may be conducted under procedures contained in part 102–37 of this subchapter.

(c) Under 40 U.S.C. 555, you may transfer canines formerly used in the performance of law enforcement duties to an individual experienced in handling canines in the performance of those duties, in accordance with agency policy and procedures. For example, the ''individual'' may be the current handler of that canine or a previous handler.

§ 102–40.155 How do we handle asbestos?

(a) Items with asbestos content must be handled in accordance with the EPA regulations found at 40 CFR part 61, subpart M. Further information on laws and regulations related to asbestos may be found at *www.epa.gov/asbestos.*

(b) Report to GSA excess personal property containing nonfriable asbestos, as defined in 40 CFR 61.141, for subsequent transfer, donation or sale in accordance with parts 102–36 through 102–38 of this subchapter. Nonfriable asbestos materials cannot:

(1) When dry, be crumbled, pulverized, or reduced to powder by hand pressure; or

(2) Contain asbestos which is bonded or otherwise rendered unavailable for release into the atmosphere through normal usage. All disposal documentation related to personal property containing nonfriable asbestos, such as exchange/sale, reporting, transfer, donation, and sales documents, must include a warning statement that the item may contain asbestos and must not be cut, crushed, sanded, disassembled or otherwise altered. The property must also be labeled or marked with such warning statements.

(c) You must use a warning such as the following on the documentation reporting or requesting the exchange/sale, transfer, donation or sale of an item containing asbestos:

WARNING

This property contains asbestos. Inhaling asbestos fibers may cause cancer. Do not release fibers by cutting, crushing, sanding, disassembling, or otherwise altering this property. End users and new owners, if transferred, should be warned. OSHA standards for personnel protection are codified at 29 CFR 1910.1001. EPA disposal standards are codified at 40 CFR part 61. State and local authorities may have additional restrictions on the disposal of items containing asbestos.

(d) Property containing asbestos should be labeled with a warning such as the following:

WARNING

This property contains asbestos. Inhaling asbestos fibers may cause cancer. Do not release fibers by cutting, crushing, sanding, disassembling, or otherwise altering this property.

(e) Nonfriable asbestos that is not transferred, donated, or sold may be abandoned as provided in § 102–40.125 and part 102–36 of this subchapter. If destroyed by burial, items containing friable or nonfriable asbestos must be disposed of by burial at a site that meets the requirements of 40 CFR 61.154.

(f) Friable asbestos materials that contain more than one percent asbestos by weight and can, by hand pressure, be crumbled, pulverized, or reduced to powder, thus allowing for potential release of asbestos fibers into the air. Property containing friable asbestos normally is not to be transferred, donated or sold. Notwithstanding these provisions, holding agencies, on a case-by-case basis, may request approval from GSA Central Office, with consultation from the EPA, to transfer, donate or sell such property if in the judgment of the holding agency, special circumstances warrant such action.

(g) Excess personal property known to contain friable asbestos shall neither be reported to GSA nor transferred among Federal agencies excepted as noted in paragraph (f) of this section.

(h) Surplus property containing friable asbestos is to be neither donated nor sold. Such property is disposed of under paragraph (i) of this section.

(i) Excess and surplus property containing friable asbestos is to be disposed of by burial in a site that meets the EPA requirements of 40 CFR 61.156. Holding agencies should contact the nearest office of the EPA for assistance with regard to the disposal of materials containing asbestos, with the exception of DOD, who should contact the Defense Logistics Agency (DLA).

§ 102–40.160 How do we handle controlled substances?

(a) You are not required to report excess controlled substances to GSA, but you should make reasonable efforts to transfer them to Federal agencies in accordance with Drug Enforcement Administration (DEA) regulations (21 CFR part 1307). The recipient agency must certify that it is authorized to procure the particular controlled substance and provide the registration number on the Certificate of Registration, issued by the DEA. See the transfer procedures in FMR part 102–36 (41 CFR part 102–36).

(b) You must not donate controlled substances.

(c) In accordance with sales procedures specified in part 102–38 of this subchapter, and under the conditions specified in this paragraph, you may sell controlled substances by sealed bid only, to bidders who have registered with the DEA to manufacture, distribute, or dispense of the particular controlled substance. As a condition of sale, the bidder must submit verification of DEA registration. Prior to finalizing the sale, you must obtain confirmation from the DEA of the bidder's status as a registered manufacturer, distributor or dispenser of controlled substances.

(1) The invitation for bids for controlled substances must list only controlled substances and must only be distributed to bidders who are registered with the DEA, Department of Justice, to manufacture, distribute or dispense of the controlled substances being sold. In addition, the following statement, or an equivalent statement, must be included in the sales terms and conditions when selling controlled substances:

The bidder shall complete, sign, and return with his/her bid, the certificate as contained

in this invitation. No award will be made or sale consummated until after this agency has obtained from the Drug Enforcement Administration, Department of Justice, verification that the bidder is registered to manufacture, distribute, or dispense those controlled substances which are the subject of the award.

(2) The following certification, or an equivalent certification, must be made a part of the invitation for bids and contract to be completed and signed by the bidder and returned with the bid. Failure to sign the certification may result in the bid being rejected as nonresponsive:

The undersigned bidder certifies that he/she is Registered with the Drug Enforcement Administration, Department of Justice, as a manufacturer, distributor, or dispenser of the controlled substances for which a bid is submitted and the registration number is: ____.

This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, United States Code, Crime and Criminal procedures.

_____
Name of bidder (print or type)

_____
Signature of bidder

_____
Address of bidder (print or type)

_____
City, State, Zip code

(d) As a condition precedent to making an award for the sale of surplus controlled substances, holding agencies should follow procedures provided by the DEA in 21 CFR part 1310.

(e) You must not abandon controlled substances. You must destroy controlled substances in such a manner as to ensure total destruction to preclude any further use, and ensure such destruction is in compliance with DEA regulations, 21 CFR part 1307, or other procedures approved by DEA, and coordinate with local air and water pollution control authorities when required. Destruction must be witnessed and certified by two employees of your agency, unless DEA directs otherwise. The following certification, or an equivalent certification, must be used to document the destruction of controlled substances:

We, the undersigned, have witnessed the destruction of the (controlled substance(s)) described herein and in the manner of destruction and on the date stated herein:

Certification of destruction of: _____

_____
Manner in which destruction was performed

_____
Date

_____
Witness

_____
Date

_____
Witness

_____
Date

§ 102–40.165 How do we handle drugs, biologicals, and reagents other than controlled substances?

(a) Drugs, biologicals, and reagents other than controlled substances may be transferred to another Federal agency for official purposes under procedures specified in part 102–36 of this subchapter. For donation of drugs, biologicals, or reagents other than controlled substances, follow the procedures in part 102–37 of this subchapter, and paragraph (c) of this section.

(b) Drugs, biologicals, and reagents other than controlled substances must be clearly identified when they are unfit for human use. As a general rule, you must destroy drugs, biologicals, and reagents unfit for human use, with destruction performed by an agency employee and witnessed and certified by two additional representatives of your agency. Similarly, destruction of this property held by a SASP or donee must be destroyed by a SASP employee and witnessed by two additional SASP employees. Destruction shall be coordinated with local air and water pollution control authorities, when required. However, you may report such property to GSA for subsequent transfer or donation for the purpose of animal experimental use when the property is unfit due to expired shelf life. The following certification, or an equivalent certification, must be used and retained by the Federal agency or SASP to document the destruction of drugs, biologicals, and reagents:

We, the undersigned, have witnessed the destruction of the (drugs, biologicals, and reagents) described in the foregoing certification in the manner of destruction and on the date stated herein:

Certification of destruction of: _____

_____
Manner in which destruction was performed

_____
Date

_____
Witness

_____
Date

_____
Witness

_____
Date

(c) When donating drugs, biologicals, or reagents other than controlled substances, the SASP shall obtain a certification from the donee indicating that the items donated will be safeguarded, dispensed, and administered under competent supervision and in accordance with Federal, state, and local laws and regulations. Surplus drugs, biologicals, and reagents requested for donation by state agencies will not be transported by the state agency or stored in its warehouse prior to distribution to donees. Arrangements will be made by the state agency for the donee to make direct pickup at the holding agency after approval by GSA and after notification by the holding agency that the property is ready for pickup. Additionally, Transfer Order Surplus Personal Property, SF 123 from a state agency requesting surplus drugs, biologicals, and reagents for donation will not be processed or approved by GSA until it has been determined by the GSA donation representative that the specific donee is legally licensed to administer, dispense, store, or distribute such property. A copy of the donee's license, registration, or other legal authorization to administer, dispense, store, or distribute such property should be attached and made a part of the SF 123. The administration or use of drugs, biologicals, and reagents must be in compliance with the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301, *et seq.*).

(d) The sale of any unexpired drugs, biologicals, or reagents must be in accordance with rules published by the Food and Drug Administration (FDA). You may sell drugs, biologicals, and reagents other than controlled substances, only to those entities legally qualified to engage in the sale, manufacture or distribution of such items and a certification or evidence of licensing must accompany the bids. An entity is legally qualified when a Federal agency (*e.g.,* the Department of Health and Human Services, the DEA, or the Department of Agriculture) or state agency having legal or regulatory oversight over that commodity has approved the entity to engage in the designated activity.

(1) When selling drugs, biologicals, and reagents other than controlled substances, the following condition of sale (or an equivalent condition of sale) must be used:

The bidder shall complete, sign, and return with his/her bid the certification as contained in this invitation. No award will be made or sale consummated until after this agency has determined that the bidder is legally licensed to engage in the manufacture, sale, or distribution of drugs.

(2) The following certification, or an equivalent certification, must be made a

part of the invitation for bids (and contract), to be completed and signed by the bidder, and returned with the bid with a copy of his/her license. Failure to sign the certification may result in the bid being rejected as nonresponsive.

The undersigned bidder certifies that he/she is legally licensed to engage in the manufacture, sale, or distribution of drugs, and proof of his/her license to deal in such materials is furnished with this bid. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, United States Code, Crime and Criminal procedures.

Name of bidder (print or type)

Signature of bidder

Address of bidder (print or type)

City, State, Zip code

§ 102–40.170 How do we handle electronic products?

(a) Additional guidance regarding the disposal and reporting of Federal electronic products is found under FMR part 102–36 (41 CFR part 102–36).

(b) Excess electronic products, certified and noncertified, meeting radiation safety performance standards or electronic products which are not required to meet such performance standards must be reported to GSA for transfer to Federal agencies in accordance with part 102–36 of this subchapter and may be donated or sold in accordance with parts 102–37 and 102–38 of this subchapter, respectively.

(c) Excess electronic products NOT meeting radiation safety performance standards must be reported to GSA for transfer to Federal agencies in accordance with FMR part 102–36 (41 CFR part 102–36) and may be donated or sold in accordance with parts 102–37 and 102–38 of this subchapter, respectively. The report to GSA, and any subsequent transfer, donation, or sales documents, must include a statement that the items are not in compliance with applicable radiation safety performance standards and specify the standard which is not being met. Additionally, the recipient must acknowledge that they are aware of the potential danger in handling or using such items.

(d) Donation documentation for items not meeting radiation safety performance standards must contain the following certification, or an equivalent certification, signed by the donee before release:

I (We), the undersigned, hereby certify that the donee has knowledge and understanding of the potential danger in using the product without a radiation test to determine the acceptability for use and/or modification to bring it into compliance with the radiation safety performance standards prescribed for the item under 21 CFR parts 1010 through 1050, and agrees to accept the item from the holding agency for donation under those conditions. The undersigned further agrees that the Government shall not be liable for personal injuries to, disabilities of, or death of the donee or the donee's employees, or any other person arising from or incident to the donation of the item, its use, or its final disposition. The undersigned also agrees to hold the Government harmless from any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the donation of the item, its use, or its final disposition.

Name of Donee (print or type)

Signature of Donee

(e) Sales documents listing electronic products not meeting safety performance standards must also clearly warn purchasers that the items may not be in compliance with FDA radiation safety performance standards prescribed pursuant to 21 CFR parts 1010 through 1050 and that the purchaser assumes all risks associated with the use or resale of the items. The following type of warning will be placed on the sales documentation:

WARNING

Purchasers are warned that the item purchased herewith may not be in compliance with Food and Drug Administration radiation safety performance standards prescribed pursuant to 21 CFR parts 1010 through 1050, and use may result in personal injury unless modified. The purchaser agrees that the United States shall not be liable for personal injuries to, disabilities of, or death of the purchaser, the purchaser's employees, or to any other persons arising from or incident to the purchase of this item, its use, or disposition. The purchaser shall hold the United States harmless from and shall indemnify the United States against any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the purchase, use or resale of this item. The purchaser agrees to notify any subsequent purchaser of this property of the potential for personal injury in using this item without a radiation survey to determine the acceptability for use and/or modification to bring it into compliance with the radiation safety performance standards prescribed for the item under 21 CFR parts 1010 through 1050, unless authorized by 21 CFR 1002.4 to have the dealer or distributor hold and preserve.

(f) You must dispose of all electronic products in accordance with all Federal and state laws, including the Solid Waste Disposal Act (42 U.S.C. 6901, *et seq.*) and Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management. You should also be aware of the prohibitions and liabilities contained in 42 U.S.C. 9607.

(g) When donating or selling electronic products, the sales terms and sales documentation, or donation document, must include the following certification, or an equivalent certification, which must be signed by the donee or successful bidder:

It is hereby certified that the undersigned purchaser or donee will comply with all the applicable Federal, state, and local laws, ordinances and regulations with respect to the care, handling, storage, disposal, and shipment, resale, export, or other use of the electronic products, hereby purchased or donated, and that he/she is a user of, or dealer in, said products. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures.

When recycling electronic products, purchaser or donee should use any national standards, best management practices, or existing certification programs for recyclers in addition to Federal, state, and local laws, ordinances and regulations. In the absence of national standards, best management practices, or a national certification program for recyclers, the purchaser/donee should use ''EPA's Guidelines for Materials Management'' found at *http://www.epa.gov/epawaste/index.htm*

Name of purchaser or donee (print or type)

Signature of purchaser or donee

(h) Additionally, noncertified and certified electronic products must be abandoned under the provisions of § 102–40.125.

§ 102–40.175 How do we handle firearms?

(a) You must submit reports and transfer documents on excess firearms to GSA (8QSC), Denver, CO 80225–0506. GSA will approve transfers of firearms only to those Federal agencies authorized to acquire firearms for official use, and may require additional written justification from the requesting agency.

(b) GSA may donate only surplus hand guns, rifles, shotguns, and individual light automatic weapons previously used by the Federal Government, with less than .50 caliber in Federal Supply Classification (FSC) 1005, and rifle and shoulder fired grenade launchers in FSC 1010, with a disposal condition code of 4 or better (see condition codes in § 102–36.240 of this subchapter). Only eligible law enforcement entities whose primary

function is the enforcement of applicable Federal, state, and/or local laws, and whose compensated law enforcement officers have powers to apprehend and arrest, may obtain these donated firearms for law enforcement purposes.

(c)(1) For purposes of donation under paragraph (b) of this section, each Transfer Order Surplus Personal Property SF 123 must be accompanied by a conditional transfer document, signed by both the intended donee agency and the SASP, which includes the special terms, conditions, restrictions, and other forms or information required for the transfer of the donated firearms. Restrictions on donated firearms are perpetual and may not be amended by the SASP without prior written approval from GSA. Donated firearms must be released or shipped directly from the Federal donor agency to the designated donee.

(2) If the firearms to be donated are subject to the National Firearms Act, 26 U.S.C. Chapter 53, (*e.g.,* machineguns, silencers, short-barrel rifles, short-barrel shotguns, firearms over .50 caliber or with a bore diameter of more than ½ inch, and destructive devices) the SF 123 must be accompanied by an ATF Form 10, Application for Registration of Firearms Acquired by Certain Governmental Entities, completed by the donee agency as specified in 27 CFR 479.104. Upon approval of the donation by the SASP, the Form 10 shall be forwarded in accordance with the form's instructions. The Chief, National Firearms Act Branch, shall notify the donee agency of ATF registration of the donated firearms by returning the approved Form 10 to the donee agency. The donee agency shall provide a copy of the approved Form 10 to the SASP who shall retain a copy of the approved Form 10 and attach it to the SF 123. Firearms shall not be released for shipment until the ATF Form 10 has been approved by the ATF and a copy provided to the SASP. The registration of any firearms on ATF Form 10 is for official use only and subsequent transfers will be approved only to other Governmental entities for official use and in accordance with paragraph (e)(2) of this section. If you have questions concerning whether particular firearms are subject to the National Firearms Act, contact the Firearms Technology Industry Services Branch, ATF, at (304) 616–4300 or *FIRE_TECH@atf.gov.*

(d) When authorized by circumstances described in paragraphs (e), (f), (g), or (i) of this section, the destruction of firearms must be performed by an entity authorized by your agency head or designee. The destruction must be witnessed by two additional agency employees authorized by the agency head or designee.

(e)(1) When the approved donee agency no longer needs the donated firearms, the donee agency must notify the SASP. The SASP may, with GSA approval and in accordance with paragraph (e)(2) of this section, reassign firearms to another donee agency within the state or to a donee agency in another state through the appropriate SASP. In such a case, transfer of the firearms must be between eligible donee agencies only. No SASP is eligible to take custody of the firearms. If the firearms are not sought for reassignment, the donee agency and a representative from the SASP, or designee, must witness destruction of the firearms and complete and sign a certificate of destruction, which will be maintained by the SASP. If firearms subject to the National Firearms Act are destroyed, the SASP shall notify the Chief, National Firearms Act Branch, ATF, so the destruction can be noted in the National Firearms Registration and Transfer Record.

(2) If the firearms sought for reassignment are subject to the National Firearms Act, the firearms must be transferred in accordance with 27 CFR 479.90. This regulation requires that the donor agency submit an ATF Form 5, Application for Tax Exempt Transfer and Registration of Firearm, which must be approved prior to transfer of the firearms. Donor agencies wishing to reassign firearms subject to the National Firearms Act shall submit a completed ATF Form 5 to the SASP along with the request to reassign the firearms to another donee agency. The SASP shall forward the ATF Form 5 to the Chief, National Firearms Act Branch. If transfer is approved by the ATF, the donor agency will receive a copy of the Form 5, with approval noted thereon, from the Chief, National Firearms Act Branch, ATF. The donor agency shall provide a copy of the approved Form 5 to the SASP at which time the reassignment shall be approved.

(f) You must not abandon firearms. You must destroy unneeded firearms by crushing, cutting, breaking, or deforming each firearm in a manner to ensure that each firearm is rendered completely inoperative and incapable of being made operable for any purpose except the recovery of basic material content. Destruction of firearms must be performed as stated in paragraphs (d) and (e) of this section.

(g) You must not dispose of functional or repairable firearms under an exchange/sale transaction or by sale. Surplus firearms may be sold only for scrap after total destruction as described in paragraph (f) of this section to ensure that the firearms are rendered completely inoperative and to preclude their being made operative. Such sale shall be conducted under part 102–38 of this subchapter.

(h)(1) Except as provided in paragraph (h)(2) of this section, firearms received as foreign gifts may be offered for transfer to Federal agencies or sold to the gift recipient in accordance with part 102–42 of this subchapter. If sold to the gift recipient, a certification signed by the gift recipient certifying compliance with all Federal, state, and local laws regarding purchase and possession of firearms must be received by the gift recipient's agency and the agency conducting the sale prior to the sale and release of such firearm to the gift recipient.

(2) Firearms subject to the National Firearms Act, 26 U.S.C. Chapter 53 that are received as foreign gifts cannot be lawfully transferred to an individual gift recipient. These firearms must remain the property of the United States or may be transferred to a donee agency in accordance with paragraphs (b) and (c) of this section. In addition, all firearms must also be transferred, shipped, received, and possessed in accordance with the Gun Control Act of 1968. Persons having questions concerning compliance with the Gun Control Act should contact the nearest ATF field office.

(i) Firearms that are forfeited, voluntarily abandoned, or unclaimed as described in 40 U.S.C. 1306 and 40 U.S.C. 552, must be reported to GSA for disposal in accordance with § 102–41.195 of this subchapter. GSA will direct the disposition of these firearms under this section.

§ 102–40.180 How do we handle hazardous materials?

(a) You may use any of the following methods for the identification of hazardous materials:

(1) As part of the process under current acquisition standards, manufacturers must provide SDSs or similar documentation to identify potential hazards. SDSs are also prescribed by OSHA under 29 CFR part 1910.

(2) An automated database maintained by GSA Federal Acquisition Service contains MSDSs for all GSA-procured hazardous materials. To request an MSDS, you may send an email to *MSDS@gsa.gov,* or call, Toll Free: 866–588–7659, DSN: 465–5097, or Commercial: 816–926–5097.

(3) A collection of hazard-related information in DOD's HMIS provides transportation and disposal information.

(4) Appendix A to this part contains a list of the Federal Supply Classes (FSC) of property that are composed predominantly of hazardous items.

(5) When information is not available under paragraphs (a)(1), (2), (3), or (4) of this section, contact the manufacturer, the procuring agency, or your technical staff for assistance in obtaining the SDS, MSDS, or HMIS information.

(b) You must verify items with an expired shelf life or reclassify them as hazardous wastes when required by Federal, state, or local environmental laws or regulations. If the item has been determined hazardous, the owning Federal agency must document the accountable inventory record accordingly. If the item has not been appropriately labeled by the manufacturer or distributor, the owning agency must appropriately label, mark, or tag the item in accordance with OSHA requirements (29 CFR 1919.1200) regarding the actual potential hazard associated with the handling, storage, or use of the item.

(c) For transportation of hazardous materials, see 49 CFR parts 171 through 180.

(d) For disposal of hazardous materials, see §§ 102–40.35 through 102–40.125.

(e) Unless authorized by GSA, extremely hazardous property may not be sold unless it is rendered innocuous, mutilated or otherwise made safe. You should, however, render such property innocuous in a manner so as to preserve the maximum utility or commercial value of the property when possible.

§ 102–40.185 How do we handle lead-containing paints and items bearing lead-containing paint?

(a) You may transfer, donate or sell such items in compliance with restrictions and requirements found in the Consumer Product Safety Commission regulations set forth in 16 CFR part 1303. The transfer, donation or sales documents must clearly describe these leaded items and why they require special handling, and identify the danger inherent in the use or disposal of such paint and items bearing lead-containing paint. You must not abandon such items or their containers. You must destroy them in a way that will prohibit future acquisition and use, and in a manner authorized by law and regulation. Any removal (stripping) of lead paint incident to disposal must be accomplished in conformance with Federal regulations and industry guidelines such as those promulgated by the EPA (*http://www.epa.gov*) or OSHA (*http://www.osha.gov*).

(b) If disposal of the items described in paragraph (a) of this section is allowable, the following must be placed on the items:

(1) The following warning:

WARNING

Contains Lead. Dried Film of This Paint May be Harmful if Eaten or Chewed.

(2) The following additional statement or its practical equivalent on their labels:

Do not apply on toys and other children's articles, furniture or interior surfaces of any dwelling or facility which may be occupied or used by children. Do not apply on exterior surfaces of dwelling units, such as window sills, porches, stairs or railings, to which children may be commonly exposed.

Keep Out of Reach of Children

(c) Donation documentation (including the SF 123) must contain the following certification, or an equivalent certification:

The property requested herein shall be used only as specified in 16 CFR part 1303 and in no case shall be in contact with children. I, the undersigned, agree the United States shall not be liable for personal injuries to, disabilities of or death of the donee's employees, or any other person arising from or incident to the donation of this property, its use or its final disposition; and to hold the United States harmless from, and shall indemnify the United States against, any or all debts, liabilities, judgments, costs, demands, suits, actions or claims of any nature arising from or incident to the donation of this property, its use or its final disposition.

_____

Name of donee (print or type)

_____

Signature of donee

(d) When selling lead-containing paint or items bearing lead-containing paint, the sales terms and sales documentation must include this certification, or an equivalent certification. Failure to sign the certification where it appears as a sales term may result in the bid being rejected as nonresponsive:

I, the undersigned, certify that I have read and fully comprehend the aforementioned terms and conditions of this sale. I shall comply with the applicable Consumer Product Safety Commission regulations set forth in 16 CFR part 1303 if I am the successful bidder. I further agree the United States shall not be liable for personal injuries to, disabilities of, or death of any persons arising from or incident to the sale of this property, its uses or its final disposition; and to hold the United States harmless from, and shall indemnify the United States against, any or all debts, liabilities, judgments, costs, demands, suits, actions, or claims of any nature arising from or incident to the sale of this property, its use, or its final disposition.

_____

Name of bidder (print or type)

_____

Signature of bidder

§ 102–40.190 How do we handle medical devices?

(a) Medical devices are subject to the laws and regulations administered by FDA. Provisions of the governing statute, the Federal Food, Drug, and Cosmetic Act, appear in 21 U.S.C. 301, *et seq*. FDA regulations covering medical devices are found in 21 CFR chapter I, subpart H. The Act prohibits the movement in interstate commerce of medical devices that are adulterated or misbranded (21 U.S.C. 331). The Act authorizes FDA to initiate civil proceedings to seize or enjoin the distribution of such items (21 U.S.C. 334), and to report any violations to a U.S. Attorney for prosecution, after such individual is given notice and a hearing (21 U.S.C. 335).

(b) Prescription devices are subject to additional Federal, state, local, and other applicable laws. Federal law requires that prescription devices be in the possession of either: Persons lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such device; or, practitioners licensed by their states. Federal law also requires that prescription devices be sold only to, or on the prescription or order of, a licensed practitioner for use in the course of his or her professional practice, and that the devices are labeled in a specific manner.

(c) Non-Federal recipients must certify in writing that such property will be used, resold or transported in conformance with FDA regulations. Any proposed destruction of medical equipment must be coordinated with local health and sanitation officials.

§ 102–40.195 How do we handle Munitions List Items (MLIs)?

(a) Munitions List Items (MLIs) are listed in 22 CFR part 121. A system of demilitarization codes identifies the extent of alteration or destruction necessary when transferring or selling MLIs. The appropriate code is normally assigned to items when they enter the supply system of the Department of Defense (DOD) or a civilian agency. Refer to DOD 4160.21–M–1 (Change No. 1) for a complete description of the DOD program and the requirements to be followed for property owned, procured by or under the control of DOD. The DOD manual is available from the Defense Logistics Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060. If your agency uses another system of identifying items requiring

demilitarization, you must provide a detailed description of that system to the General Services Administration, Mail Code MA, 1800 F Street NW., Washington, DC 20405, Attn: Director, Personal Property Policy.

(b) When disposing of MLIs, you must perpetuate these demilitarization codes; alert those to whom you are transferring or selling property that the item may require demilitarization; and perform any required demilitarization, or provide any documentation or certifications in accordance with the DOD demilitarization manual, DOD 4160.21–M–1 (Change No. 1), or other agency policy manual if the MLIs are not governed by the DOD demilitarization manual.

(c) Disposal of MLIs will follow the provisions of parts 102–36, 102–37, and 102–38 of this subchapter unless different disposal procedures are required by law or your agency regulation issued in support of 22 U.S.C. 2778.

§ 102–40.200 How do we handle Commerce Control List Items (CCLIs)?

(a) CCLIs are subject to the controls of 15 CFR parts 738 and 774. Export licenses are required for transfer of items to the countries listed in 15 CFR part 738, supp. 1. CCLIs may also be identified by the demilitarization code assigned to the item in the DOD supply system.

(b) When disposing of CCLIs, you must notify the recipient that the item may be subject to Department of Commerce export licensing requirements when transported out of the U.S., for reasons of national security, crime control, technology transfer, and scarcity of materials. Furthermore:

(1) The recipient must be informed that this notification must pass to all subsequent recipients of the item.

(2) When being sold, completed end-use certificates are required of all bidders. An end-use certificate is a statement signed by a prospective recipient indicating the intended designation and disposition of CCLIs to be acquired, and acknowledging U.S. export licensing requirements.

(3) All disposal activity must conform to the requirements of 15 CFR, chapter VII, subchapter C.

§ 102–40.205 How do we handle national stockpile material?

In accordance with 40 U.S.C. 113(e)(6), materials acquired for the national stockpile, the supplemental stockpile, or materials or equipment acquired under section 303 of the Defense Production Act of 1950, as amended (50 App. U.S.C. 2093), are not covered by the Federal Management Regulation. The disposal of these assets is governed by 50 U.S.C. 98d, 98e, and 98f.

§ 102–40.210 How do we handle Nuclear Regulatory Commission-controlled materials?

The Nuclear Regulatory Commission (NRC) has exclusive control over licensing, use, transfer, and disposition of NRC-controlled materials. Direct all inquiries to the U.S. Nuclear Regulatory Commission, Washington, DC 20555.

§ 102–40.215 How do we handle ozone depleting substances (ODSs)?

Handle ODSs in accordance with Federal and state laws and regulations. Prior to disposal of ODSs removed or reclaimed from facilities or equipment, including disposal as part of a contract, trade or donation, coordinate with the Defense Ozone Depleting Substances Reserve Program Office to determine if the recovered ODS is a critical requirement for DOD missions. Direct inquiries to the Defense Ozone Depleting Substances Reserve Program Office, Defense Supply Center, Richmond, Virginia; email: *DSCR.ODSReserve@dla.mil;* phone: (804) 279–3064. Additional guidance is available from EPA at: *http://www.epa.gov/ozone/title6/608/608fact.html#overview*.

§ 102–40.220 How do we handle polychlorinated biphenyls (PCBs)?

(a) In accordance with EPA regulations (40 CFR 761.1 and 761.3), property defined by EPA as excluded polychlorinated biphenyl (PCB) products may be transferred, donated or sold in accordance with parts 102–36, 102–37, or 102–38 of this subchapter. For additional guidance on PCB classifications and other Federal restrictions, contact: Director, National Program Chemicals Division (NPCD), (7404), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Avenue NW., Washington, DC or visit the EPA's Web site at: *http://www.epa.gov/waste/hazard/tsd/pcbs/index.htm.* You should also contact state regulatory agencies since some states regulate at a stricter level than the Federal Government.

(b) Property defined by the EPA in 40 CFR 761.3 as either a PCB item or PCB must be labeled or marked with a warning statement that the item contains PCB and must be handled and disposed of in accordance with EPA regulations (40 CFR part 761), DOT regulations (49 CFR parts 171 through 180), and applicable state laws.

(1) PCB items and PCBs may be transferred or donated, provided:

(i) The items are intact, non-leaking, and totally enclosed.

(ii) All transfers orders or transfer documents must cite the specific provision in 40 CFR part 761 that permits continued use of the item, and contains a certification that the property has been inspected by the transferee and complies with all the use, inspection, labeling, and other provisions of 40 CFR part 761.

(iii) The recipient must annotate its property accountability records to reflect the nature and extent of the PCB content and must provide the specific authorization covering the use of this item from 40 CFR part 761. If tests are conducted to ascertain the nature and extent of PCB contamination, the recipient must furnish the GSA regional office with a copy of the test results. This information will be perpetuated on any notification or release document when the agency disposes of the property.

(iv) If PCBs or PCB items are donated to service educational activities or to public airports, the Department of Defense and the Federal Aviation Administration, respectively, must obtain the warning and certification as described in paragraph (e) of this section.

(v) The recipient certifies to you that the item will be handled and disposed of in accordance with EPA regulation 40 CFR part 761, DOT regulations 49 CFR parts 171 through 180, and other applicable Federal and state laws.

(2) PCB and PCB items not transferred or donated must be destroyed or otherwise disposed of under EPA regulations and applicable state laws. You must not sell any PCB or PCB item unless 40 CFR part 761 authorizes the sale and continued use of the specific item.

(c) You must not transfer, donate, or sell items with an unknown level of concentrations of PCBs.

(d) Property containing PCBs and PCB items should be labeled with a warning such as the following:

> Caution—This item contains PCBs (polychlorinated biphenyls), a toxic environmental contaminant requiring special handling and disposal in accordance with the U.S. Environmental Protection Agency regulations (40 CFR part 761), applicable state laws, and 41 CFR 102–40.215. For proper disposal information, contact the nearest EPA office. For transportation requirements, see 49 CFR parts 171 through 180.

(e) The SASP must have the following certification, or an equivalent certification, on all transfer paperwork where PCBs are involved.

WARNING AND CERTIFICATION

The undersigned donee is aware that the item(s) listed as containing polychlorinated biphenyls (PCBs), a toxic environmental contaminant, require(s) special handling and disposal in accordance with U.S. Environmental Protection Agency regulation (40 CFR part 761) and U.S. Department of Transportation regulations codified in 49 CFR parts 171 through 180. The donee certifies that this item (or these items) will be handled and disposed of in accordance with applicable Federal statutes and regulations and applicable state laws. This certification is made in accordance with and subject to the penalties of Title 18, Section 1001, the United States Code, Crime and Criminal Procedures.

_____

Name and title of donee (print or type)

_____

Signature of donee

§ 102–40.225 How do we handle precious metals?

(a) You must identify activities in your organization that generate precious metals; recover precious metals created from work processes, such as photographic film developing, and identify equipment or materials containing recoverable precious metals; and adequately control precious metals in your custody. Federal civil agencies may participate in the DOD Precious Metal Recovery Program (PMRP) in accordance with this subpart, and have an Inter-Agency Service Agreement (ISA) in effect between the Defense Logistics Agency (DLA) and individual Federal civil agencies. You may acquire recovered fine precious metals as Government Furnished Material or for other authorized uses by submitting a request to the Commander, Defense Supply Center, Philadelphia (DSCP), 700 Robbins Avenue, Philadelphia, Pennsylvania 19111–5096.

(b) Precious metals will be sold in accordance with this subpart and part 102–38 of this subchapter.

(c) Sales of precious metals will be processed as follows:

(1) Require a bid deposit appropriate to the circumstances of the sale;

(2) Certify all forms of bid deposit and payments; and

(3) Include in the invitation for bids only precious and semiprecious materials as may be available for sale at that time.

(d) Each agency generating scrap precious metals and also having a continuing need for fine precious metals may arrange for the acceptance of scrap precious metals for fine precious metals with a private contractor or the DLA.

§ 102–40.230 How do we handle universal waste(s) (UWs)?

When disposing of universal waste, follow the instructions on the Web sites below, which contain descriptions of the commodities addressed, as well as the handling and disposal requirements from the relevant sections of 40 CFR part 273:

(a) *Batteries. http://www.epa.gov/osw/hazard/wastetypes/universal/batteries.htm;*

(b) *Pesticides. http://www.epa.gov/epawaste/hazard/wastetypes/universal/pesticides.htm;*

(c) *Mercury-containing equipment. http://www.epa.gov/epawaste/hazard/wastetypes/universal/mce.htm;* and

(d) *Mercury-containing light bulbs (such as fluorescent bulbs). http://www.epa.gov/osw/hazard/wastetypes/universal/lamps/index.htm.*

§ 102–40.235 How do we handle motor vehicles not suitable for highway use?

Refer to subpart H of part 102–34 of this subchapter for the general policies regarding disposal of motor vehicles. Some Government-owned motor vehicles might receive such extensive damage as a result of an accident, event or other activity, that they are no longer suitable for utilization, donation, or sale for highway use. Such vehicles may only be donated or sold for salvage or scrap. Prior to disposal of damaged motor vehicles, you must evaluate known damage to determine their suitability for continued highway use. When a determination is made that a vehicle is unfit for continued highway use, you must include such information in the property record and subsequent reports. When selling such vehicles, provide an appropriate warning statement in the solicitation regarding vehicle condition that the vehicle cannot be titled for highway use. See § 102–34.305 of this subchapter (note to § 102–34.305(a)(2)) if the vehicle is not designed or not legal for operation on highways.

Appendix A to Part 102–40—Federal Supply Classes (FSC) Composed Predominantly of Hazardous Items

FSC	Nomenclature
6810	Chemicals.
6820	Dyes.
6830	Gases: Compressed & liquefied.
6840	Pest control agents & disinfectants.
6850	Misc. chemical specialties.
7930	Cleaning & polishing compounds & preparations.
8010	Paints, dopes, varnishes, & related products.
8030	Preservative & sealing compounds.
8040	Adhesives.
9110	Fuels, solid.
9130	Liquid propellants & fuels, petroleum base.
9135	Liquid propellant fuels & oxidizers, chemical base.
9140	Fuel oils.
9150	Oils & greases: cutting, lubricating, & hydraulic.
9160	Misc. waxes, oils, & fats.

Appendix B to Part 102–40—Federal Supply Classes and Groups Which Contain a Significant Number of Hazardous Items

Note: If an item is determined to be hazardous material as defined in § 102–40.30, a Material Safety Data Sheet (or equivalent) should accompany the item even though the Federal Supply Class or Group is not listed in this table.

Federal supply class/ group	Title	Examples of hazardous materials requiring identification
1370	Pyrotechnics	Warning fuse, fire starter.
1375	Demolition materials	Explosive device.
2520	Vehicular power transmission components	Items containing asbestos.
2530	Vehicular brake, steering, axle, wheel, and track components.	Items containing asbestos.
2540	Vehicular furniture and accessories	Items containing asbestos.
2640	Tire rebuilding and tire and tube repair materials.	Items containing flammable or toxic compounds.
Group 28	Engines, turbines, and components	Engine valves containing metallic sodium.
Group 29	Engine accessories	Engine valves containing metallic sodium.
Group 30	Mechanical power transmission equipment	Equipment containing hazardous hydraulic fluid, including PCBs.
Group 34	Metalworking machinery	Equipment containing hazardous hydraulic fluids, including PCBs.
3433	Gas welding, heat cutting, and metalizing equipment.	Compressed gases.
3439	Miscellaneous welding, soldering, and brazing supplies and accessories.	Hazardous items such as cleaners, acids, flux, and supplies that contain or produce hazardous fumes.
3610	Printing, duplication, and bookbinding equipment.	Flammable or toxic lithographic solutions.
3655	Gas generating and dispensing systems, fixed or mobile.	Items that produce hazardous fumes.
3680	Foundry machinery, related equipment and supplies.	Flammable or toxic casting compounds.
4240	Safety and rescue equipment	Items which involve oxygen, compressed gases, or contain emitting charges.
5610	Mineral construction materials, bulk	Hazardous items such as cutback asphalt, deck and floor covering, deck and surface underlay compound, sealing compound, flight deck compound.
5660	Wallboard, building paper, and thermal insulation materials.	Asbestos cloth which has loose fibers or particles that may become airborne and materials containing formaldehyde.
5820	Radio and television communication equipment, except airborne.	Circuit cooler items that contain gases that are regarded as hazardous to the earth's ozone layer.
5835	Sound recording and reproducing equipment	Recording tape cleaners that contain hazardous cleaning fluids.
5910	Capacitors	Items that contain polychlorinated biphenyls (PCBs) or sulfuric acid.
5915	Filters and networks	Items that contain polychlorinated biphenyls (PCBs).
5920	Fuses and lighting arresters	Items containing radioactive material.
5925	Circuit breakers	Items containing radioactive material.
5930	Switches	Items containing radioactive material.
5935	Connectors, electrical	Kits that contain flammable chemicals.
5950	Coils and transformers	Items containing polychlorinated biphenyls (PCBs).
5960	Electron tubes and associated hardware	Tubes that contain radioactive isotopes and require warning labels and magnetron tubes, which require special precautions when being prepared for air shipment.
5965	Headsets, handsets, microphones, and speakers.	Items containing magnetic material.
5970	Electrical insulators and insulating materials	Items containing flammable solvents.
5975	Electrical hardware and supplies	Items containing asbestos.
5985	Antennas, waveguides, and related equipment	Kits that contain flammable chemicals.
5999	Miscellaneous electrical and oxide electronic components.	Contact plates that contain beryllium.
Group 61	Electric wire and power and distribution equipment.	Power factor capacitors containing PCBs.
6120	Transformers: Distribution and power station	Transformers containing PCBs.
6135	Batteries, primary	Lead-acid, lithium, and mercury batteries and alkaline (with electrolyte).
6140	Batteries, secondary	Items that are wet or moist containing corrosive or other hazardous compounds.
6145	Wire and cable, electrical	Insulated wire containing asbestos.
6220	Electric vehicular lights and fixtures	Items that contain mercury.
6230	Electric portable and hand lighting equipment	Items that contain wet batteries.
6240	Electric lamps	Items that contain mercury.
6260	Nonelectrical lighting fixtures	Items that contain mercury.
6350	Miscellaneous signal and security detection systems.	Items that contain wet batteries or radioactive material.
6505	Drugs, biologicals, and official reagents	Hazardous items as defined in Sec. 102–40.30.
6508	Medicated cosmetics and toiletries	Hazardous items as defined in Sec. 102–40.30, subject to DOT Hazardous Materials Regulations.
6510	Surgical dressing materials	Items containing flammable solvents.
6520	Dental instruments, equipment, and supplies	Items containing flammable solvents, mercury or asbestos.
6525	X-ray equipment and supplies: medical, dental, veterinary.	Items containing hazardous chemicals, solvents.
6625	Electrical and electronic properties measuring and testing instruments.	Items containing radioactive materials.
6640	Laboratory equipment and supplies	Items containing flammable compounds, mercury or asbestos.

Federal supply class/ group	Title	Examples of hazardous materials requiring identification
6685	Pressure, temperature, and humidity measuring and controlling instruments.	Items containing mercury or compressed gases.
6740	Photographic	Items containing radioactive compounds.
6750	Photographic supplies	Items containing hazardous chemicals, solvents, thinners, and cements.
6780	Photographic sets, kits, and outfits	Items containing hazardous chemicals, solvents, thinners, and cements.
7360	Sets, kits, and outfits; food preparation and serving.	Items containing compressed gases such as fire extinguishers.
7510	Office supplies	Hazardous items, such as thinners, cleaning fluids, flammable inks, and varnishes.
8405	Outerwear, men's	Maintenance kits containing flammable solvents.
8410	Outerwear, women's	Maintenance kits containing flammable solvents.
8415	Clothing, special purpose	Maintenance kits containing flammable solvents.
8465	Individual equipment	Maintenance kits containing flammable solvents.
8510	Perfumes, toilet preparations, and powders	Shipping containers and pressurized containers with flammable or nonflammable propellants.
8520	Toilet soap, shaving preparations, and dentifrices.	Shipping containers and pressurized containers with flammable or nonflammable propellants.
8720	Fertilizers	Items containing weed and pest control or other harmful ingredients or because of their composition, are hazardous.
9390	Miscellaneous fabricated nonmetallic materials.	Items containing flammable solvents or asbestos.
9920	Smokers' articles and matches	Lighter fuel and matches only.
9930	Memorials; cemeteries and mortuary equipment and supplies.	Items containing formaldehyde or its solutions.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1305

RIN 0970–AC46

Head Start Program

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Final rule.

SUMMARY: This rule will ensure the neediest children and families in our country benefit from Head Start services first.

DATES: This final rule becomes effective March 12, 2015.

FOR FURTHER INFORMATION CONTACT: Colleen Rathgeb, Office of Head Start, 202–205–7378 (not a toll-free call). Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 between 8 a.m. and 7 p.m. Eastern Time.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

The national Head Start program funds local organizations to provide comprehensive school readiness services to preschool-age children from low-income families. These services enhance children's social and cognitive development, through health, educational, nutritional and other social services. These services also are designed to respond to children's ethnic, cultural, and linguistic heritages. Many Head Start programs also provide Early Head Start, which serves infants, toddlers, and pregnant women whose families have incomes below the Federal poverty level.

II. Background

We published a Notice of Proposed Rulemaking (NPRM) on March 18, 2011 to propose provisions that ensure only the neediest families receive Head Start services first.[1] We received great feedback during the 30-day comment period and, in response, made changes, where appropriate. These changes clarify Head Start's eligibility procedures and enrollment requirements, and reinforce Head Start's overall mission to support low-income families and early learning. We believe this final rule, which is published under the authority granted to the Secretary of Health and Human Services under the Head Start Act (Act)[2] at sections 644(c), 645(a)(1)(A), and 645A(c), provides a balanced approach to program administration, improves overall program effectiveness, and better aligns us with current practices in the field.

III. General Comments and the Final Rule

We received comments in general about this rule. Below, we summarized the comments and responded to them accordingly.

Comment: Many commenters supported the notice of proposed rulemaking. They believe the rule strengthens Head Start programs and program accountability. Some programs currently verify eligibility in a similar manner to what we proposed. In addition, a national organization asked us to consider five guiding principles—accountability, efficiency, clarity, do no harm, and flexibility.

Response: We appreciate the positive comments, and we believe we have met the five guiding principles. In this final rule, we include provisions that improve Federal oversight and ensure accountability for purposes consistent with the Act. We make the process programs must use to determine eligibility more efficient and clear so there is less room for programs to err. The ''do no harm'' principle derives from medical ethics. It reminds health care providers to consider the possible harm that any intervention might do. We carefully considered any possible harm that this regulation might do. Finally, we are less prescriptive so as to

[1] *See* a copy of the NPRM at *https://www.federalregister.gov/articles/2011/03/18/2011-6326/head-start-program.*

[2] *See* The Improving Head Start for School Readiness Act of 2007, Public Law 110–134, December 12, 2007 at *http://www.govtrack.us/congress/bills/110/hr1429/text* .

allow programs flexibility to better accomplish program and statutory goals.

Comment: Some respondents believed the rule is unnecessary and overreaching. Others suggested that it did not go far enough to effectively ensure families with incomes below the poverty level are served first. One commenter thought the measures seemed excessive and contrary to current trends in other Federal programs that serve similar populations. Other commenters were concerned the regulation will impose time and cost burdens on programs.

Response: We believe this rule does not overreach; but is rather necessary to support Head Start's overall mission. Furthermore, other Federal programs that serve similar populations have more rigorous and exhaustive regulatory requirements than what we proposed here. Moreover, we have struck the appropriate balance between reasonable cost burden and effective oversight. In fact, some Head Start programs currently conduct processes similar to what we require here with existing staff and resources. For example, programs currently collect and retain documents they use to determine family eligibility. Programs also already contact third parties to verify family eligibility.

Comment: Some respondents believed the rule will reduce enrollment, particularly for Latino and dual language learner children. Others stated the provisions for programs to document and certify eligibility are too restrictive. A commenter stated that if we required families to provide documents that are not always readily available, we may create an environment where the neediest families may not receive services.

Response: We believe the rule establishes reasonable expectations for families without causing unnecessary burdens. For example, if a family cannot prove income or homelessness, the family can declare its eligibility in writing. If so, we require program staffs to make reasonable efforts to verify the family's eligibility. In addition to verifying eligibility, staffs must also create eligibility determination records for each participant. We also require programs to train and to monitor staffs who make eligibility decisions. We believe these requirements are enough to ensure staffs only enroll eligible children. We removed requirements for staffs to certify that they have made reasonable efforts to verify information.

Comment: A few commenters asked us to reference Migrant or Seasonal Head Start each time we refer to Head Start and Early Head Start programs and to use the term *party* rather than the term *entity* throughout the rule when we refer to third parties.

Response: Unless otherwise specified, when we mention Head Start, we mean Head Start, Early Head Start, and Migrant or Seasonal Head Start. We use the word *party,* when appropriate.

Comment: Commenters asked us to clarify what *enrolled child* means and how programs should report end of the month enrollment. Other commenters suggested that we include all eligibility requirements from Head Start guidance materials in this regulation.

Response: We define *enrolled* and we believe the definition clarifies how programs report end of the month enrollment. We also redefined *enrollment,* in an effort to be consistent with the definition used for reporting. We did not include eligibility requirements from Head Start guidance materials; because once this regulation becomes final, it will supersede all other previously issued guidance. The definitions for *enrolled* and *enrollment* in this regulation are consistent with current guidance and practice.

Comment: Some commenters were concerned about: (1) Linking to the service area in which a family lives, rather than where a parent works; (2) questions about disability determinations related to enrollment; (3) setting priorities for enrollment and selection including over-income requirements; (4) attendance regulations at § 1305.8; and (5) under enrollment.

Response: We did not make any changes based on these concerns because they are outside the scope of this regulation. This regulation is narrow in scope. It only revises § 1305.2 Definitions and § 1305.4 Eligibility. It does not address recruitment, selection, enrollment and attendance, which are addresses in other sections of 45 CFR 1305.

Comment: Respondents asked whether this regulation, when it becomes effective, will apply to families on Head Start waiting lists.

Response: Programs must determine each wait listed families' eligibility, according to this regulation when it becomes effective, before the family is enrolled.

Comment: Respondents suggested that we allow a phase-in period so programs can receive technical support; issue a national Head Start application and standardized forms to minimize varying interpretations; and create a toll-free technical assistance hotline.

Response: We do not believe an additional phase-in period is necessary. We provided notice with the proposed rule. And, the final rule will not become effective until 30 days after it is published. This should give programs ample time to adjust their practices. However, we will continue to provide technical support. We also issued a standard checklist to help programs navigate the verification process.[3] We will not issue any national applications. We would rather allow programs to develop applications appropriate for their communities and services, provided they meet Head Start requirements.

IV. Section-by-Section Discussion and the Final Rule

We received comments about changes we proposed to specific sections in the regulation. Below, we identified each section, summarized the comments, and responded to them accordingly.

Section 1305.2—Definitions

We show how this entire section will look below. We removed paragraph designations and we added new definitions for: *accepted, enrolled, foster care, homeless children, Migrant or Seasonal Head Start Program, participant, relevant time period,* and *verify.* We also revised these current definitions: *enrollment, family,* and *Head Start eligible.* We believe our efforts here make the regulation easier to understand.

Comment: One commenter suggested that we clarify who is authorized to apply for Head Start Services on behalf of a child.

Response: We redefined *family* for this purpose. Any *family* member may apply for Head Start services on a child's behalf.

Comment: Commenters suggested we define *family, parent,* and *guardian* for the purposes of determining income.

Response: As stated above, we redefined *family* to clarify who could apply for Head Start services. The revised definition also clarifies for programs whose income to consider when they determine whether a pregnant woman or a child is eligible for services. For example, in the case of a pregnant woman, the definition requires programs to consider income from those who financially support the woman. In the case of a child, the definition requires programs to consider income from the child's family. We define *family,* for a child, to mean all persons that live with child, who are financially supported by the child's parents or guardians and who are related to the child by blood marriage or adoption, or the child's authorized caregiver or

[3] *See http://eclkc.ohs.acf.hhs.gov/hslc/standards/PIs/2010/Head%20Start%20Eligibiliy%20Verification%20Form,%20expires%2002-28-2013.pdf.*

legally responsible party. We did not define *parent* because the term has no special meaning for Head Start purposes. Moreover, we did not define *guardian* because we believe our revised definition for *family* is broad enough to include various situations.

Comment: A commenter requested that we define *foster care,* so programs will not have to cross reference child welfare regulations. Similarly, other commenters suggested we consult with tribal leadership to determine if the definition should be adjusted for tribal populations. Some commenters asked that we revise *Head Start eligible* to include *Migrant or Seasonal Head Start Program.* Other commenters suggested that we define *Migrant or Seasonal Head Start Program.*

Response: We added the *foster care* definition used by Federal child welfare programs. This definition encompasses all children that fall under this definition, tribal or otherwise. We revised *Head Start eligible* to include Migrant or Seasonal Head Start Program. We also defined *Migrant or Seasonal Head Start Program.*

Comment: We received comments about the phrase ''is eligible for or, in the absence of child care, would be potentially eligible for public assistance.'' Commenters asked us to define *average daily attendance* and *eligibility period.* We also received comments about *trailer parks* as proposed in the *homeless children* definition.

Response: We did not define the phrase ''is eligible for or, in the absence of child care, would be potentially eligible for public assistance.'' We took the phrase directly from section 645(a)(1)(B)(i) of the Act.[4] As always, we expect programs to continue to enroll the neediest families first. We did not define *average daily attendance* because attendance is beyond the scope of this regulation. This regulation focuses on eligibility. It does not address attendance, which is addressed in another section of 45 CFR 1305. We did not define *eligibility period,* but we clarified how long a participant remains eligible in § 1305.4(k). We defined *relevant time period* to alleviate any confusion. We did not define *trailer parks* because we changed our proposed *homeless children* definition to correspond with section 637(11) of the Act.[5]

Comment: One commenter asked why we require a child to attend at least one day of classes to be considered enrolled when the current definition for *enrollment* does not mention anything about attendance.

Response: In light of this comment, we redefined *enrollment.* And we defined *enrolled* and *accepted.* We referred to the PIR for guidance. In the PIR, a child or a pregnant woman is *enrolled* once they have attended class or received a service. A child or pregnant woman is considered *accepted* when they have met the eligibility criteria and have completed the process for enrolling in the program. Consequently, persons on Head Start waiting lists have been accepted but are not yet enrolled.

Comment: Overwhelmingly, commenters were pleased that we used the definition of ''homeless children'' from the McKinney-Vento Homeless Assistance Act, but believed we should provide additional guidance and technical assistance on homeless children. In addition, a few commenters asked how the definition applies to migrant or seasonal farm worker populations.

Response: We will continue to provide training and technical assistance on homeless children. The McKinney-Vento Homeless Assistance Act does not specifically define homelessness for migrant or seasonal populations. However, the definition in this regulation also applies to Migrant or Seasonal Head Start programs.

Section 1305.4—Determining, Verifying, and Documenting Eligibility

This section focuses on eligibility requirements, procedures for how programs determine eligibility, and staff training. Based on comments, we reorganized this section to make it easier to understand by adding new paragraphs: (a) *Process Overview;* (d) *Additional allowances for programs;* (g) *Migrant or Seasonal eligibility requirements;* and (k) *Eligibility Duration.*

Section 1305.4(a)

This paragraph describes overall how programs must determine families' eligibility. This is a new paragraph. We did not propose a similar paragraph in the NPRM.

Comment: An organization stated that the proposed structure of this section may be confusing because programs must determine age before any other eligibility requirements.

Response: We reorganized the section. Paragraph (a) provides an overview of the eligibility process and paragraph (b) now speaks to age eligibility requirements.

Comment: A few commenters were concerned the in-person interview may be burdensome for families.

Response: We allow programs to waive the in-person interview for a telephonic interview, if the in-person interview poses a burden for families. In these instances, programs are required to note in the eligibility determination record the reasons why an in-person interview was not possible. Incidentally, we did not specify where program staffs must conduct the in-person interview. Programs may conduct the in-person interview at a mutually agreed upon location.

Comment: One commenter expressed concern that the proposed rule did not state what qualified as an ''official document.''

Response: We removed the term *official* as it related to documents. However, program staffs must create an eligibility determination record in accordance with paragraph (l) of this section for each enrolled participant. Paragraph (l) describes what each eligibility determination record must contain and for how long it must be kept.

Comment: Commenters asked us to clarify who is authorized to apply for program services. They suggested we change the phrase ''. . . the pregnant woman or the child's parent, guardian, or other person (s) seeking services for the child who has knowledge of the family's finances'' to ''. . . the pregnant woman or the child's parent, guardian, authorized caregiver, or legally responsible party.''

Response: We replaced the phrase ''. . . the pregnant woman or the child's parent, guardian, or other person (s) seeking services for the child who has knowledge of the family's finances'' with the term *family.* As stated above, we redefined *family.* For a child, *family* means ''all persons living in the same household who are: Supported by the child's parent(s)' or guardian(s)' income, and related to the child's parent(s) or guardian(s) by blood, marriage, or adoption; or the child's authorized caregiver or legally responsible party. For a pregnant woman, *family* means all persons who financially support the pregnant woman. We believe this change makes the regulation easier to understand and clarifies who is authorized to apply for services.

Section 1305.4(b)

This paragraph outlines Head Start and Early Head Start age requirements. It was proposed as paragraph (a) *Age Eligibility* in the NPRM.

Comment: Commenters offered edits to titles and language in this paragraph

[4] *See* 42 U.S.C. 9840(a)(1)(B)(i).

[5] *See* 42 U.S.C. 9832(11).

in order to reduce confusion. Commenters also recommended that we summarize section 645(a)(2) of the Act because we reference it in the introductory paragraph.

Response: We changed the title to, ''Age eligibility requirements,'' and we removed the reference to section 645(a)(2) of the Act.

Comment: Many commenters asked us to define age eligibility specifically for Migrant or Seasonal Head Start programs.

Response: We defined age requirements for Migrant or Seasonal Head Start programs under paragraph (b)(3).

Comment: Commenters wanted to know how programs could verify age eligibility particularly in relation to the date used by the school district in the community where the Head Start program operates. One respondent suggested that we use ''the date used to determine eligibility for public school'' language in Early Head Start as well as Head Start.

Response: We reinforced in paragraph (h) that program staffs must verify a child's age according to program policies and procedures. We emphasize that these policies cannot require staffs to collect documents if doing so prevents a family from enrolling an otherwise eligible child. We did not add the ''public school'' eligibility date to the Early Head Start description because it does not apply. Generally, eligible children transition from Head Start programs to public school. Consequently, ''the date used to determine eligibility for public school'' applies for Head Start not Early Head Start, which serves children birth to age three.

Comment: One commenter was concerned that basing age requirements on public school criteria could delay a child from moving to Head Start for an entire year, rather than beginning the transition six months before his third birthday. Respondents asked how to address situations when a public school district uses a date to determine eligibility that is after the date Head Start classes begin. Other commenters wanted flexibility to enroll children who are old enough to attend kindergarten in their school districts, but have Individualized Education Plans (IEP) that state they need another year of preschool. Another commenter suggested that if we allow programs to enroll infants, we should require that infants not attend group care for at least four to six weeks.

Response: We exempt children who transition from Early Head Start to Head Start from age eligibility requirements. Current regulations at § 1304.41(c)(2) require ''As appropriate, a child may remain in Early Head Start, following his or her third birthday, for additional months until he or she can transition into Head Start or another program.'' Even though age eligibility requirements do not apply when a child transitions from Early Head Start to Head Start, programs must verify the family's income again. We added children that are ''at least three years old or will turn three by the date used to determine eligibility for public school'' in paragraph (b)(2) to allow programs to enroll children who are slightly younger, as appropriate. Section 645A(c)(2) of the Act [6] specifies that ''children under three'' may be eligible to participate in Early Head Start programs; the Act also requires Early Head Start programs to serve children from birth to age three. Programs do not have flexibility to enroll children who are old enough to attend kindergarten in their school districts, but have IEPs that state they need another year of preschool. If a program intends to enroll a child with an IEP, it must ensure the child meets Head Start age requirements. We do not have a minimum age requirement for infants to enroll in group care; however, programs that provide infant group care must comply with state licensing requirements regarding the age at which infants can enter group care.

Comment: One commenter asked us to reimburse programs for obtaining birth certificates.

Response: We did not make any changes to address this comment because we do not require programs to collect birth certificates.

Section 1305.4(c)

This paragraph describes income eligibility requirements. It was proposed as paragraph (b) *Income Eligibility* in the NPRM.

Comment: Commenters found this paragraph rather confusing, because it contained program requirements and program options. Other commenters asked us to explain when programs can enroll children with disabilities and children whose family incomes are over the poverty line.

Response: In order to make this paragraph clearer, we removed program options and placed them under new paragraph (d) *Additional allowances for programs.* We hope this clarifies that a program can enroll families under paragraph (d) options only after it has satisfied requirements listed here in paragraph (c) or requirements in paragraph (f). We also removed migrant or seasonal family eligibility requirements and placed them under paragraph (g) *Migrant or Seasonal eligibility requirements.* We also removed language that describes how long participants remain eligible for services and placed it under paragraph (k) *Eligibility Duration.* We believe these changes make the regulation easier to read.

Section 1305.4(d)

We created this new paragraph with language from proposed paragraph (b) *Income Eligibility.* We believe this new paragraph will clarify conditions under which programs may enroll families who do not otherwise qualify for services. A program can only use these options after it has enrolled homeless children, or pregnant women and children whose family incomes fall below the poverty line, or pregnant women and children whose families are eligible for, or in the absence of child care, would be potentially eligible for public assistance.

Comment: An organization suggested we include specific language from the Act that describes what programs are required to report annually if they choose to enroll families between 100 and 130 percent of the poverty line. Another commenter requested that the rule state when the report is due, what annual cycle should be used for the report, and where and to whom should the report be submitted. A commenter suggested that we allow 12.5 percent of participants to be over-income and remove all ''35 percent'' regulations.

Response: We included specific language from the Act that describes what a program is required to report if it chooses to enroll families under the eligibility option allowing for inclusion of families between 100 and 130 percent of the poverty line. We also indicated when these reports are due and where they must be submitted. However, we do not have authority to remove all ''35 percent regulations.'' These regulations are required by statute.

Section 1305.4(e)

This paragraph lists additional options specifically for tribes operating Head Start programs. It was proposed as paragraph (d) *Special Rule for Indian Tribes* in the NPRM.

Comment: One commenter suggested the special rule for Indian tribes be used for all programs.

Response: We have not made any changes in response to this comment because the Act specifically applies these allowances to Indian tribes.

[6] *See* 42 U.S.C. 9832(11).

Section 1305.4(f)

This paragraph identifies what makes a family categorically eligible for services. It was proposed as paragraph (c) *Categorical Eligibility* in the NPRM.

Comment: We received comments about families experiencing homelessness. Many were concerned about how to identify and actually provide services to these families.

Response: We defined *homeless children* at § 1305.2 and we added language that aligned with the Act to help programs better serve these families.

The Act identifies homeless children as categorically eligible for Head Start services. In light of the Act, we add homelessness as category for eligibility at § 1305.4(f). We also offer several methods, from service provider statements to self-declarations that programs can use to verify a family's circumstances.

The Act also requires programs to allow homeless children to attend Head Start classrooms, without birth certificates, proof of residency, or immunization records. Congress recognizes that sporadic living conditions can make it difficult for these families to track information. It does not want to bar homeless families from enrolling in Head Start programs just because they do not have these documents.

Here, we require programs to allow families of homeless children to apply to, enroll in, and attend Head Start programs, even if they do not have proof of residency, immunization and other medical records, and birth certificates. We require programs to give these families reasonable time to collect these and other required documents. Head Start is based on the premise that all children share certain needs, and that children from low-income families can benefit from comprehensive developmental services to meet those needs. Homeless children are particularly vulnerable and need the services that a Head Start program can offer.

Comment: Numerous respondents asked us to define *public assistance.* Some commenters suggested that we include child-care, Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) and Medicaid rather than TANF and SSI in the definition.

Response: Public assistance includes TANF and SSI. We believe this is consistent with longstanding Head Start guidance. We appreciate the suggestion that we to extend the *public assistance* definition to include Medicaid, SNAP, child care and other benefits. However, we have narrowly construed public assistance in the past and believe that our interpretation of public assistance is consistent with the overall thrust of the eligibility requirements, which emphasize serving children from families in the lowest income brackets. Some forms of public assistance such as Medicaid, SNAP and child care have eligibility levels higher than the Head Start eligibility level. For example, SNAP eligibility is 130 percent of the poverty line and child-care eligibility in some states is higher than 150 percent of poverty. Further, when Congress expanded eligibility to include the ability for grantees to serve families with incomes between 100 and 130 percent of the poverty level, they provided very narrow authority to do so. This indicates that Congress's intent was not to broadly expand eligibility to higher incomes. Therefore, Head Start considering TANF and SSI as public assistance is consistent with the statute and the intent of Congress that Head Start programs should serve families with the lowest income and the greatest need.

Comments: Some commenters asked us to explain how programs can determine a family's potential eligibility for public assistance.

Response: If a family gives written consent, the program could verify the family's potential eligibility for public assistance with third parties, like TANF or SSI officials. Moreover, if a family does not have proof of income, the program can accept a family member's written declaration that states the family is potentially eligible for public assistance. In these instances, program staffs are required to verify the family's eligibility.

Comment: Commenters asked us to clarify how children in foster care are considered categorically eligible for services.

Response: We believe our categorical eligibility discussion is sufficient. However, to clarify what it means for a child to be in foster care, we defined *foster care* in § 1305.2. Our *foster care* definition is consistent with the definition used by ACF's Children's Bureau at 45 CFR 1355.20.

Comment: One commenter urged us to expand the definition of *homeless* and the income eligibility guidelines to include families with medically fragile and autistic children because they often face financial and emotional struggles and unstable living situations.

Response: While we are sensitive to these concerns, we lack the authority to modify either the statutory definition of *homeless* or the income eligibility requirements for Head Start that are specified in the Act. Furthermore, programs can fill at least 10 percent of their enrollment with disabled or medically fragile children, even if their families' incomes are above the poverty guideline. Consequently, these children may be served, if the program has slots available.

Section 1305.4(g)

This is a new paragraph. It describes eligibility requirements for migrant or seasonal families.

Section 1305.4(h)

This is a new paragraph. It reinforces that staffs must verify a child's age according to program policies and procedures.

Section 1305.4(i)

We proposed the language here under paragraph (e) *Income Verification* in the NPRM. This paragraph explains how program staffs verify family income. It also describes the documents families can present to prove income eligibility.

Comment: Commenters asked what to do when families do not have 12 months of pay stubs readily available. Commenters also asked how programs could judge whether a family's income accurately reflects current circumstances.

Response: When families are missing any pay stubs or other documentation to prove income, programs may use the information provided to calculate total annual income by using appropriate multipliers. To do this, the program will multiply the family's income earned in a certain time period by the number of weeks or months the family worked during the time period being considered. We also revised the regulation to provide that if the family can demonstrate a significant change in income, such as job loss, the program may consider the family's current income circumstances.

Comment: Respondent asked us to clarify the parameters programs have to investigate families' circumstances when they report no income. Other commenters stated that SNAP and Medicaid have much higher income guidelines than Head Start and as a result they should not be used to determine eligibility.

Response: We intentionally did not provide examples of how to verify that a family has no income. We believe our silence in this instance will afford programs greater flexibility in their efforts to make informed eligibility decisions.

Comment: We received comments from program managers about using

third parties to verify whether families are categorically eligible for services. They asked us to clarify who, *i.e.* what third party, could verify whether a family is homeless. These commenters believed that homeless families often lack close ties with family members who potentially could verify the family's circumstances. Consequently, programs would have to exert tremendous ''man hours'' to verify a family's circumstances. Other commenters recommended that we allow families, who do not have income or who are unable to prove income, to attest to their eligibility in writing, either as an alternative to, or in addition to third party verification.

Response: Programs may use third parties to verify a family's circumstances, if the family gives written consent. In these cases, programs may contact family members, shelter workers, employers, and social workers. We do not prescribe who programs should use as third parties to verify a family's circumstances. Instead, we afford programs flexibility to determine which third parties they could rely on to get information about the families they serve. Moreover, we allow programs to accept written declarations from families who do not have income or who cannot prove income. However, in this and in all other instances, we require program staffs to make reasonable efforts to verify the family's eligibility.

Comment: Commenters were concerned about how long it could take to verify income, noting that programs are working with limited funds, and may require more staff.

Response: We do not believe these requirements will cause undue burdens for program staff. Programs currently verify family income with existing staffs. They collect supporting documents and contact third parties when necessary.

Comment: A commenter wanted to know how to determine income eligibility for various household situations, including custody and incarceration.

Response: We believe the definition for *family* addresses this concern.

Comment: Commenters asked how often programs must verify whether a migrant family's income comes primarily from agricultural work.

Response: We did not address income verification for Migrant or Seasonal Head Start (MSHS) programs in the NPRM and we do not address the issue here in the final rule. We realize MSHS programs verify family income eligibility annually in order to ensure children from migrant or seasonal farm worker families receive services that are specifically designed to address the needs of families that perform agricultural work. However, MSHS programs are not exempt from the two year eligibility requirement in the Act. Due to the Act's two year eligibility requirement, if an MSHS program determines a child is no longer eligible for its services after the first year, the child can be enrolled in a non-MSHS program in the community for a second year. But if the child cannot be enrolled in a non-MSHS program, the MSHS program must continue to serve him.

Section 1305.4(j)

We proposed language here under paragraph (f) *Verification of categorical eligibility* in the NPRM. This paragraph explains how programs must verify categorical eligibility.

Comment: A few commenters stated that this paragraph is inconsistent with the requirement that authorizes, ''In place of the foregoing documents, the program can substitute a written statement of a program staff member certifying that the staff member has made reasonable efforts to confirm a child is homeless.'' Commenters were concerned that proving homelessness would be particularly difficult for some populations and sought guidance on the meaning of ''reasonable efforts'' to confirm that a child is homeless. One organization recommended that we require families experiencing homelessness to present additional documents to establish eligibility under this category. Another commenter believed the process of verifying homelessness should mirror the processes used by the local education authorities in the community and the National Center for the Education of Homeless Children.

Response: We removed requirements for staffs to certify that they have made reasonable efforts to verify family eligibility. Consequently, we removed: ''In place of the foregoing documents, the program can substitute a written statement of a program staff member certifying that the staff member has made reasonable efforts to confirm a child is homeless.'' We specify the types of documents programs are required to use in order to verify homelessness. However, in cases where these documents are not available, the family may declare in writing that the child or pregnant woman is homeless. In these instances, we require staff to verify the family's status and to describe the child's living situation. We did not specify how programs should inquire about a family's housing status. However, we will continue to provide best practices tips through training and technical assistance. We believe the phrase ''reasonable efforts'' is clear. But we also provide training and technical assistance on what constitutes ''reasonable efforts'' on the Head Start Early Childhood Learning & Knowledge Center Web site and other resources.

Comment: One commenter explained that trying to verify homelessness as a categorical eligibility factor and to document the income of the same family may result in undue pressure on program staff. Staff may fear repercussions despite having made reasonable efforts to collect accurate documentation.

Response: We did not require programs to verify both income and homelessness. Programs are required to verify whether a family is either ''income eligible'' or ''categorically eligible.''

Comment: A commenter noted that in proposed paragraph (f)(2), the phrase ''to prove a claim that a pregnant woman or family has no income'' should read ''to prove a claim that a pregnant woman or family is homeless.''

Response: This was an error. But we grammatically restructured this paragraph in a way so that it is clear we are referring to categorical eligibility and not income eligibility. We also clarified that a program may use third parties to prove a claim that a family is categorically eligible.

Comment: We received comments, concerns, and recommendations about using third parties to verify a family's categorical eligibility. While some commenters supported this provision, many more were concerned that the use of third parties could create unintended consequences such as deterring enrollment or making families and Head Start staff uncomfortable. Some commenters wanted us to offer more guidance on who could serve as a third party contact and whether it had to be someone in a professional capacity or if the program has discretion to decide. Numerous respondents questioned the value of using other family members and friends as third party verifiers. Commenters asked us to explain how to collect acceptable information from third parties, and what documents are considered appropriate. Another respondent asked us to clarify whether programs that already have self-declaration procedures are required to use third party verification as well. One commenter suggested that we do not require families to consent to third party verification when third party verification could prove detrimental.

Response: We believe third parties may be helpful to verify eligibility in

cases where families lack documentation. Programs should only use third party verification if the family consents and if other verification methods are not feasible. Beyond what is specified in the rule, programs may use their own process for verifying information, keeping in mind the purpose, goals, and other rules related to eligibility. Furthermore, throughout the verification process, we require program staff to adhere to program safety and privacy policies outlined in 45 CFR 1304.52(h).

Comment: Commenters supported having program staff certify that he or she made reasonable efforts to confirm that a child is homeless. They suggested programs use this method to verify income and other forms of categorical eligibility as well.

Response: As we mentioned above, we removed requirements for staffs to certify that they have made reasonable efforts to verify a family's eligibility. However, if a family declares that it is either income or categorically eligible for services, we require staffs to make reasonable efforts to verify the family's situation and to describe the family's living situation.

Section 1304(k)

This is a new paragraph. It explains how long participants remain eligible for services.

Section 1305.4(l)

This paragraph describes what eligibility determination records must contain and how long they must be kept. It was proposed as (g) *Records and Certification* in the NPRM.

Comment: Some commenters recommended we require programs to store data and eligibility determination records electronically. One commenter asked us to explain what an ''eligibility determination record'' is as used in proposed paragraph (g), and how long these records must be kept.

Response: We clarified in paragraph (l) that eligibility determination records may be maintained either electronically or in hard copy. Programs may choose whichever system is appropriate for their needs so long as the system provides accurate information and ensures confidentiality. We believe the term ''eligibility determination record'' defines itself. However, we describe what eligibility determination records must contain. Programs must keep these records according to 45 CFR 74.53 and 45 CFR 92.42. These are general HHS rules on records retention that stem from Office of Management and Budget Circulars A–110 and A–102 respectively.

Comment: Numerous commenters recommended that the language in proposed paragraph (g)(1) that states ''copies of all documents submitted . . .'' be changed to ''all documents used to verify eligibility'' to limit the scope. Commenters also wanted to know how programs are supposed to copy documents when recruiting and intake usually take place where there is no access to photocopy machines.

Response: A program must be able to show in the eligibility determination record what documents it used to find a participant eligible for services. However, if a staff does not have access to a copier, he may review documents and verify their contents. He can then allow the family to present those documents up until the child's first day of class, when he can make copies.

Comment: One commenter proposed changing proposed paragraph (g)(1) to remove reference to ''any staff member's notes recording any other information'' believing the term is difficult to define, implement uniformly or monitor for compliance. Another commenter related to ''staff member's notes'' questioned whether staff notes are considered valid documentation, and if so, what rules govern them.

Response: We removed the reference to ''staff member's notes.'' Even without staff member notes, program staffs should be able to capture all pertinent information as they determine family eligibility.

Comment: Commenters recommended that we remove proposed paragraph (g)(4)(ii), which required programs to maintain documents related to third party verification.

Response: We require programs to keep documents related to third party verification in paragraph (l)(2)(C). Third party verification allows programs more flexibility and families more options to prove eligibility. However, we reinforce that staff limit the scope of verifying to that which is relevant to prove eligibility and adhere to program safety and security policies.

Comment: A commenter was concerned about the requirement in proposed paragraph (g)(5) to maintain ''a record of the eligibility criterion under which the pregnant woman or the child was determined eligible.'' The commenter explained this may be particularly difficult in the over-income categories. For example, the program may verify a family's income level throughout the spring and summer recruiting season, but enroll and assign them to either paragraph (g)(5)(v) (10 percent allowed over-income category) or paragraph (g)(5)(vi) (over 100 percent but below 130 percent of poverty category) in the fall.

Response: If a program enrolls a child whose family is over income under one of the two over income categories, in paragraph (l)(2)(iii), we require staff to say as much in a written statement and to make that statement a part of the eligibility determination record. However, we do not require staff to specify which of the two over-income eligibility categories applies or when, *i.e.* when the family is determined eligible for services or when the family is enrolled. Programs must, however, make this distinction for reporting purposes.

Comment: We received a few comments about proposed paragraph (g)(6) that requires ''a signed and dated statement by the program staff person.'' Supporters believe this will strengthen the integrity of Head Start programs nationwide and increase accountability. Another commenter was concerned about this requirement because her program uses multiple staffs to collect eligibility information, but only one staff to determine eligibility.

Response: We removed this requirement as proposed in paragraph (g)(6). However, in (l)(2)(ii), we require staffs to provide a statement that he or she made reasonable efforts to verify information. We do not prescribe any particular method for how programs may collect eligibility information. We want to make it clear that we hold program management ultimately responsible for each eligibility determination.

Comment: We received a comment about proposed paragraph (g)(7), which required programs to maintain eligibility determination records for three years. The commenter recommended that these records be kept only as long as the child or pregnant woman is enrolled in the program.

Response: We took the three-year record retention requirement from 45 CFR 74.53 and 45 CFR 92.42. These regulations require grantees to keep financial records, supporting documents, statistical records, and all other records pertinent to their grant for three years. Eligibility determination records do not fit these criteria. Therefore, we require programs to keep eligibility determination records for those currently enrolled, for as long as they are enrolled, and for one year after they have stopped receiving services or are no longer enrolled.

Section 1305.4(m)

This paragraph requires programs to establish policies and procedures that describe what happens when staffs

violate this rule. It was proposed as (h) *Establishment of agency policies regarding violation of eligibility determination regulations, policies, and procedures* in the NPRM.

Comment: Commenters expressed concern about requiring programs to establish policies that describe actions taken against staffs who intentionally violate Federal and program eligibility regulations. They believe this requirement is overreaching. Other respondents recommended that programs must have a general policy against fraud.

Response: We do not believe this requirement is overreaching. Current regulations require programs to establish and implement written staff personnel policies that describe appropriate penalties for violating standards of conduct. Programs that already have related policies in place will be in compliance with these new rules as long as their policies cover what is specified in this rule.

Comment: One commenter applauds our efforts to inform the Head Start workforce about fraud, and the consequences for committing fraud. However, the commenter does not believe we have articulated what it means to commit fraud clearly. In order to avoid a ''chilling effect on hiring.'' the commenter suggested we discuss ''intent'' more in the preamble.

Response: We believe we are quite clear about who is eligible for Head Start services and about how a program must determine eligibility. Staffs that intentionally enroll ineligible families should be held accountable. We believe the intent requirement as stated should be sufficient to weed out inadvertent or mistaken enrollments.

Section 1305.4(n)

We initially proposed this language under paragraph (i) *Training* in the NPRM. This paragraph details training requirements for staff and others responsible for making eligibility decisions.

Comment: Many commenters were concerned 30 days after the effective date of the rule was not enough time for programs to design and conduct training. Some respondents acknowledged the importance of their roles, but explained that governing body and policy council members should have more time to implement procedures because they are not involved directly in the eligibility verification process. A few commenters suggested that training should be ongoing for some staff.

Response: Programs are required to train program management and all staffs who make eligibility determinations, within 90 days after the effective date of this rule. After the initial training, programs must train each newly hired staff member as soon as possible, but within 90 days of hire. Programs must train all governing body and policy council members, within 180 days of the rule being effective. Or, after the initial training, programs must train a new governing body member or a new policy council member, within 180 days of his or her term. We have not added specific flexibility for programs with shorter operating periods because we believe programs will be able to complete the training requirements in the time allowed. We require programs to develop their own policies on how often training is provided, after the initial training, to allow flexibility in training frequency.

Comment: A commenter recommended that we require training to include consequences for families who commit or attempt to commit fraud by providing false documents or eligibility information.

Response: We agree. We require program training to include consequences for families who commit or attempt to commit fraud by providing false documents or eligibility information.

Comment: Commenters suggested that we provide training and technical assistance materials, such as webinars, PowerPoint presentations, and guidelines with consistent goals, measures, or outcomes for training.

Response: We did not make any changes to the rule as a result of these comments. However, the National Center on Program Management and Fiscal Operations will develop training assistance to help programs implement these new training requirements. We believe these requirements are reasonable and will not cause undue burdens. In addition, we allow programs flexibility to determine appropriate training for their operational needs. We do not specify exactly how training must be delivered, the length of training, or specific content beyond what topics must be covered.

V. Impact Analyses

Paperwork Reduction Act

This rule establishes new information collection requirements in § 1305.4(c), (f), (g), (h), (i), and (j). As required by the Paperwork Reduction Act of 1995, codified at 44 U.S.C. 3507, the Administration for Children and Families will submit a copy of these sections to the Office of Management and Budget (OMB) for review and they will not be effective until they have been approved and assigned a clearance number.

Requirement	Respondents	Annual	Average burden per respondent (hours)	Total burden hours
§ 1305.4(d)(2)	20	1	2	40
§ 1305.4(h)(i), and (j)	1,600	*(should reflect info collections for each applicant).*	15	24,000
§ 1305.4(l)	1,600	*(should reflect info collections for each applicant).*	15	24,000

We estimate costs to implement these requirements will be approximately $1,103,959 annually. We used the average hourly salary for an assistant teacher, which is closest to the salary for a family worker, who would be doing this work. The estimated hourly salary for a family worker including overhead and fringe benefits is $22.98. We multiplied this hourly rate by the estimated total burden hours, 48,040, to get the total estimated cost. We reevaluated the cost burden and the cost burden increased in both the hours of burden and the cost to each program. We also determined that the family services coordinator would not be the staff person who would verify family eligibility. Instead, the family service worker would conduct intake and determine eligibility. The average salary for a family service worker is closest to that of an assistant teacher. When we adjusted the family service worker's

salary, we included fringe benefits which we did not include in our original estimate.

Regulatory Flexibility Act

The Secretary certifies that, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), this rule will not result in a significant economic impact on a substantial number of small entities. This rule primarily is intended to ensure accountability for Federal funds consistent with the purposes of the Head Start Act and is not duplicative of other requirements. We believe this rule implements the aims of the Head Start Act, as amended, to improve the effectiveness of Head Start programs while preserving the ability of Head Start grantees to continue using creativity and innovation to promote the school readiness of low-income children.

Respondents commented that they thought the estimated costs of $85 per grantee were too low, considering the new costs of maintaining copies of documents; revamping agency polices and systems; creating additional human resource procedures and policies to address violations of regulations, keeping and filing additional documents in the file, and training on these elements. One organization that commented said that it did not have exact numbers to confirm or refute the amount, but asked HHS to reconsider this estimate. Other respondents shared calculations of their estimated costs of implementing these new requirements. In response to these comments, we have adjusted the number of burden hours and the total calculation of the cost of meeting the new requirements.

Specifically, as noted under the Paperwork Reduction Act section of this preamble, we estimate the cost of implementing the new reporting requirements will be approximately $1,103,959 annually, which when applied to all 1,600 grantees nationally, results in a cost per grantee of less than $1,236. In developing this estimate, we assumed that each of the 1,600 Head Start and Early Head Start grantees would spend an additional 30 hours beyond what they spend currently to verify eligibility. The total burden hours for each program would be 30 additional hours for the expanded requirements on verifying eligibility (15) and record keeping (15) as noted in the chart. We anticipate that some of the additional 30 hours would include time needed for grantees to training staff, ensuring record keeping systems complied with the new requirements and maintaining records. We included in our estimated annual costs minimal costs incurred by those grantees that choose to serve additional pregnant women and children per the authority granted at section 645(a)(1)(B)(iii)(II) in the Act, and therefore would be required to comply with the annual reporting requirements described in section 645(a)(1)(B)(iv) of the Act and paragraph (c)(3)(ii) of this rule. Since no grantees have taken the opportunity to serve additional pregnant woman and children per the authority granted at section 645(a)(1)(B)(iii)(II) in the Act to date, our reasonable expectation is that approximately 20 grantees per year might choose to use this authority in the future, at a total estimated cost of $1,236 per year.

Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this Final Rule is consistent with these priorities and principles. These regulations incorporate statutory changes to the Head Start program enacted in the Act and strengthens procedures by which programs determine who is eligible for Head Start services. We have consulted with OMB and determined that these rules meet criteria for a significant regulatory action under Executive Order 12866.

We do not believe there will be a significant economic impact from this regulatory action. Based on our estimate described under the Paperwork Reduction Act section of this preamble, the total cost will fall well below the $100 million threshold. The estimated total cost of implementation of these rules for all grantees is approximately $1,103,959 annually.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If an agency must prepare a budgetary impact statement, section 205 requires that it select the most cost-effective and least burdensome alternative that achieves the objectives of the rule consistent with the statutory requirements. Section 203 requires a plan for informing and advising any small government that may be significantly or uniquely impacted. The Department has determined that this rule will not impose a mandate that will result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year.

Congressional Review

This regulation is not a major rule as defined in 5 U.S.C. chapter 8.

Executive Order 13132

Executive Order 13132, Federalism, requires that Federal agencies consult with state and local government officials in the development of regulatory policies with federalism implications. This rule will not have substantial direct impact 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, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Treasury and General Government Appropriations Act of 1999

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

List of Subjects in 45 CFR Part 1305

Education of disadvantaged, Grant programs/social programs, Individuals with disabilities.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: January 14, 2015.

Mark H. Greenberg,

Acting Assistant Secretary for Children and Families.

Approved: January 27, 2015.

Sylvia M. Burwell,

Secretary.

For the reasons set forth in the preamble, part 1305 of 45 CFR chapter XIII is amended to read as follows:

PART 1305—ELIGIBILITY, RECRUITMENT, SELECTION, ENROLLMENT, AND ATTENDANCE IN HEAD START

■ 1. The authority citation for part 1305 is revised to read as follows:

Authority: 42 U.S.C. 9801 *et seq.,* 5 U.S.C. 553(b).

■ 2. Revise § 1305.2 to read as follows:

§ 1305.2 Definitions.

Accepted means a child or pregnant woman has met the eligibility criteria and has completed the enrollment process.

Children with disabilities means children with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities who, by reason thereof need special education and related services. The term ''children with disabilities'' for children aged three to five, inclusive, may, at a state's discretion, include children experiencing developmental delays, as defined by the state and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and who, by reason thereof, need special education and related services.

Enrolled means a child has been accepted and attended at least one class, has received at least one home visit, or has received at least one direct service while pending completion of necessary documentation for attendance in a center, based on state and local licensing requirements. For Early Head Start, enrollment includes all pregnant women that have been accepted and received at least one direct service.

Enrollment means the number of participants in an Early Head Start, a Head Start, a Migrant or Seasonal, or an American Indian Alaska Native Head Start program.

Enrollment opportunities mean vacancies that exist at the beginning of the enrollment year, or during the year because of children who leave the program, that must be filled for a program to achieve and maintain its funded enrollment.

Enrollment year means the period of time, not to exceed twelve months, during which a Head Start program provides center or home-based services to a group of children and their families.

Family, for a child, means all persons living in the same household who are:

(1) Supported by the child's parent(s)' or guardian(s)' income; and

(2) Related to the child's parent(s) or guardian(s) by blood, marriage, or adoption; or

(3) The child's authorized caregiver or legally responsible party.

Family, for a pregnant woman, means all persons who financially support the pregnant woman.

Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is Federal matching of any payments that are made.

Funded enrollment means the number of children which the Head Start grantee is expected to serve, as indicated on the grant award.

Head Start eligible means a child or pregnant woman who meets the requirements for age and family income or categorical eligibility or, if applicable, the requirements established by a grantee under section 645(a)(2) of the Head Start Act or by a Head Start program operated by an Indian tribe under 45 CFR 1305.4(e). Unless otherwise noted, references to Head Start eligible include Early Head Start and Migrant or Seasonal Head Start programs.

Head Start program means a Head Start grantee or its delegate agency(ies).

Homeless children means the same as *homeless children and youths* in section 725(2) of the McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11434a(2). The definition in this regulation also applies to Migrant or Seasonal Head Start programs.

Income means gross cash income and includes earned income, military income (including pay and allowances), veterans' benefits, Social Security benefits, unemployment compensation, and public assistance benefits. Additional examples of gross cash income are listed in the definition of ''income'' which appears in U.S. Bureau of the Census, Current Population Reports, Series P–60–185.

Income guidelines means the poverty line specified in section 637(19) of the Act (42 U.S.C. 9832).

Indian Tribe means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Native village described in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)) or established pursuant to such Act (43 U.S.C. 1601 *et seq.*), that is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

Low-income family means a family whose total income before taxes is equal to, or less than, the income guidelines.

Migrant family means, for purposes of Head Start eligibility, a family with children under the age of compulsory school attendance who changed their residence by moving from one geographic location to another, either intrastate or interstate, within the preceding two years for the purpose of engaging in agricultural work that involves the production and harvesting of tree and field crops and whose family income comes primarily from this activity.

Migrant or Seasonal Head Start Program means:

(1) With respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from one geographic location to another in the preceding 2-year period; and

(2) With respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period.

Participant means a pregnant woman or a child who is enrolled in and receives services from a Head Start, an Early Head Start, a Migrant Seasonal Head Start, or an American Indian Alaska Native Head Start program.

Recruitment means the systematic ways in which a Head Start program identifies families whose children are eligible for Head Start services, informs them of the services available, and encourages them to apply for enrollment in the program.

Recruitment area means that geographic locality within which a Head Start program seeks to enroll Head Start children and families. The recruitment area can be the same as the service area or it can be a smaller area or areas within the service area.

Relevant time period means:

(1) The 12 months preceding the month in which the application is submitted; or

(2) During the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application.

Responsible HHS official means the official of the U.S. Department of Health and Human Services having authority to make Head Start grant awards, or his or her designee.

Selection means the systematic process used to review all applications for Head Start services and to identify those children and families that are to be enrolled in the program.

Service area means the geographic area identified in an approved grant application within which a grantee may provide Head Start services.

Vacancy means an unfilled enrollment opportunity for a child and family in the Head Start program.

Verify or any variance of the word means to check or determine the correctness or truth by investigation or by reference.

■ 3. Revise § 1305.4 to read as follows:

§ 1305.4 Determining, verifying, and documenting eligibility.

(a) *Process overview.* (1) Program staff must:

(i) Conduct an in-person interview with each family, unless paragraph (a)(2) of this section applies;

(ii) Verify information as required in paragraphs (h) through (j) of this section; and,

(iii) Create an eligibility determination record for each enrolled participant according to paragraph (l) of this section.

(2) Program staff may interview the family over the telephone if an in-person interview is not possible. In addition to meeting the criteria provided in paragraph (a)(1) of this section, program staff must note in the eligibility determination record reasons why the in-person interview was not possible.

(b) *Age eligibility requirements.* (1) For Early Head Start, except when the child is transitioning to Head Start, a child must be an infant or a toddler younger than three years old. A pregnant woman may be any age.

(2) For Head Start, a child must:

(i) Be at least three years old; or,

(ii) Turn three years old by the date used to determine eligibility for public school in the community in which the Head Start program is located; and,

(iii) Not be older than compulsory school age.

(3) For Migrant or Seasonal Head Start, a child must be younger than compulsory school age by the date used to determine public school eligibility for the community in which the program is located.

(c) *Income eligibility requirements.* (1) A pregnant woman or a child is eligible, if:

(i) The family's income is equal to or below the poverty line; or,

(ii) The family is eligible or, in the absence of child care, would be potentially eligible for public assistance.

(2) If the family's income is above the poverty line, a program may enroll a pregnant woman or a child who would benefit from services. These participants can only make up to 10 percent of a program's enrollment in accordance with paragraph (d) of this section.

(d) *Additional allowances for programs.* (1) A program may enroll an additional 35 percent of participants whose families are neither income nor categorically eligible and whose family incomes are below 130 percent of the poverty line, if the program:

(i) Establishes and implements outreach, and enrollment policies and procedures to ensure it is meeting the needs of income or categorically eligible pregnant women, children, and children with disabilities, before serving ineligible pregnant women or children; and

(ii) Establishes criteria that ensures eligible pregnant women and children are served first.

(2) If a program chooses to enroll participants, who are neither income nor categorically eligible, and whose family incomes are between 100 and 130 percent of the poverty line, it must be able to report to the Head Start Regional Program Office:

(i) How it is meeting the needs of low-income families or families potentially eligible for public assistance, homeless children, and children in foster care, and include local demographic data on these populations;

(ii) Outreach and enrollment policies and procedures that ensure it is meeting the needs of income eligible or categorically eligible children or pregnant women, before serving over-income children or pregnant women;

(iii) Efforts, including outreach, to be fully enrolled with income eligible or categorically eligible pregnant women or children;

(iv) Policies, procedures, and selection criteria it uses to serve eligible children;

(v) Its current enrollment and its enrollment for the previous year;

(vi) The number of pregnant women and children served, disaggregated by whether they are either income or categorically eligible or meet the over-income requirements of paragraph (c)(2) of this section; and,

(vii) The eligibility criteria category of each child on the program's waiting list.

(e) *Additional Allowances for Indian tribes.* (1) Notwithstanding paragraph (c)(2) of this section, a tribal Head Start or Early Head Start program may fill more than10 percent of its enrollment with participants whose family incomes exceed the low-income guidelines or who are not categorically eligible, if:

(i) The program has served all pregnant women or children who wish to be enrolled from Indian and non-Indian families living on the reservation who either meet low-income guidelines or who are categorically eligible;

(ii) The program has served all pregnant women or children who wish to be enrolled from income-eligible or categorically-eligible Indian families native to the reservation, but living in non-reservation areas the tribe has approved as part of its service area;

(iii) The tribe has resources within its grant or from other non-Federal sources, without using additional funds from HHS intended to expand Early Head Start or Head Start services, to enroll pregnant women or children whose family incomes exceed low-income guidelines or who are not categorically eligible; and,

(iv) At least 51 percent of the program's participants are either income or categorically eligible.

(2) If another Early Head Start or Head Start program does not serve a non-reservation area, the program must serve all income-eligible and categorically-eligible Indian and non-Indian pregnant women or children who wish to enroll before serving over-income pregnant women or children.

(3) A program that meets the conditions of this paragraph must annually set criteria that are approved by the policy council and the tribal council for selecting over-income pregnant women or children who would benefit from Early Head Start or Head Start services.

(f) *Categorical eligibility requirements.* (1) A family is categorically eligible for Head Start, if:

(i) The child is homeless, as defined in § 1305.2; or,

(ii) The child is in foster care, as defined in § 1305.2.

(2) If a program determines a child is categorically eligible under paragraph (f)(1)(i) of this section, it must allow the child to attend a Head Start program, without immunization and other medical records, proof of residency, birth certificates, or other documents.

The program must give the family reasonable time to present these documents.

(g) *Migrant or Seasonal eligibility requirements.* A child is eligible for Migrant or Seasonal Head Start, if:

(1) The family meets an income eligibility requirement in paragraph (c) of this section; or

(2) The family meets a categorical requirement in paragraph (f) of this section; and

(3) The family's income comes primarily from agricultural work.

(h) *Verifying age.* Program staff must verify a child's age according to program policies and procedures. A program's policies and procedures cannot require staff to collect documents that confirm a child's age, if doing so creates a barrier for the family to enroll the child.

(i) *Verifying income.* (1) If the family can provide all W–2 forms, pay stubs, or pay envelopes for the relevant time period, program staff must:

(i) Use all family income for the relevant time period to determine eligibility according to income guidelines;

(ii) State the family income for the relevant time period; and

(iii) State whether the pregnant woman or child qualifies as low-income.

(2) If the family cannot provide all W–2 forms, pay stubs, or pay envelopes for the relevant time period, program staff may accept written statements from employers for the relevant time period and use information provided to calculate total annual income with appropriate multipliers.

(3) If the family reports no income for the relevant time period, a program may:

(i) Accept the family's signed declaration to that effect, if program staff:

(A) Describes efforts made to verify the family's income; and,

(B) Explains how the family's total income was calculated; or,

(ii) Seeks information from third parties about the family's eligibility, if the family gives written consent. If a family gives consent to contact third parties, program staff must adhere to program safety and privacy policies and procedures and ensure the eligibility determination record adheres to paragraph (l)(2)(ii)(C) in this section.

(4) If a child moves from an Early Head Start program to a Head Start program, program staff must verify the family's income again.

(5) If the family can demonstrate a significant change in income for the relevant time period, program staff may consider current income circumstances.

(j) *Verifying categorical eligibility.* (1) A family can prove categorical eligibility, with:

(i) A court order or other legal or government-issued document or a written statement from a government child welfare official demonstrating the child is in foster care;

(ii) A written statement from a homeless services provider, school personnel, or other service agency attesting that the child is homeless or any other documentation that indicates homelessness, including documentation from a public or private agency, a declaration, information gathered on enrollment or application forms, or notes from an interview with staff to establish the child is homeless, as defined in § 1305.2 or,

(iii) Any other document that establishes categorical eligibility.

(2) If a family can provide one of documents described in paragraph (j)(1) of this section, program staff must:

(i) Describe efforts made to verify the accuracy of the information provided; and,

(ii) State whether the family is categorically eligible.

(3) If a family cannot provide one of the documents described in paragraph (j)(1) of this section to prove the child is homeless, a program may accept the family's signed declaration to that effect, if, in a written statement, program staff:

(i) Describes the efforts made to verify that a child is homeless, as defined in § 1305.2; and,

(ii) Describes the child's living situation, including the specific condition described in § 1305.2 under which the child was determined to be homeless.

(4) Program staff may seek information from third parties who have first-hand knowledge about a family's categorical eligibility, if the family gives consent. If the family gives consent to contact third parties, program staff must adhere to program safety and privacy policies and procedures and ensure the eligibility determination record adheres to paragraph (l) (2)(ii)(C) in this section.

(k) *Eligibility duration.* (1) If a child is determined eligible under this section and is participating in a Head Start program, he or she will remain eligible through the end of the succeeding program year.

(2) If a program operates both an Early Head Start and a Head Start program, and the parents wish to enroll their child who has been enrolled in the program's Early Head Start, the program must ensure, whenever possible, the child receives Head Start services until enrolled in school.

(l) *Records.* (1) A program must keep eligibility determination records for each participant and on-going training records for program staffs. A program may keep these records electronically.

(2) Each eligibility determination record must include:

(i) Copies of any documents or statements, including declarations, that are deemed necessary to verify eligibility under paragraphs (h) through (j) of this section;

(ii) A statement that program staff has made reasonable efforts to verify information by:

(A) Conducting either an in-person, or a telephonic interview with the family as described under paragraph (a) of this section;

(B) Describing efforts made to verify eligibility, as required under paragraphs (h) through (j) of this section; and,

(C) Collecting documents required for third party verification under paragraphs (i)(3)(ii) and (j)(4) of this section, that includes:

(*1*) The family's written consent to contact each third party;

(*2*) The third parties' names, titles, and affiliations; and,

(*3*) Information from third parties regarding the family's eligibility.

(iii) A statement that identifies whether:

(A) The family's income is below income guidelines for its size, and lists the family's size;

(B) The family is eligible for or, in the absence of child care, potentially eligible for public assistance;

(C) The child is homeless child, as defined at § 1305.2 including the specific condition described in § 1305.2 under which the child was determined to be homeless;

(D) The child is in foster care;

(E) The family meets the over-income requirement in paragraph (c)(2) of this section; or,

(F) The family meets alternative criteria under paragraph (d) of this section.

(3) A program must keep eligibility determination records:

(i) For those currently enrolled, as long as they are enrolled; and,

(ii) For one year after they have either stopped receiving services; or,

(iii) Are no longer enrolled.

(m) *Program policies and procedures on violating eligibility determination regulations.* A program must establish policies and procedures that describe all actions taken against staff who intentionally violate Federal and program eligibility determination regulations and who enroll pregnant women and children that are not eligible to receive Early Head Start or Head Start services.

(n) *Training.* (1) A program must train all governing body, policy council, management, and staff who determine eligibility on applicable Federal regulations and program policies and procedures. Training must, at a minimum:

(i) Include methods on how to collect complete and accurate eligibility information from families and third party sources;

(ii) Incorporate strategies for treating families with dignity and respect and for dealing with possible issues of domestic violence, stigma, and privacy; and,

(iii) Explain program policies and procedures that describe actions taken against staff, families, or participants who intentionally attempt to provide or provide false information.

(2) A program must train management and staff members who make eligibility determinations within 90 days following the effective date of this rule, and as soon as possible, but within 90 days of hiring new staff after the initial training has been conducted.

(3) A program must train all governing body and policy council members within 180 days following the effective date of this rule, and within 180 days of the beginning of the term of a new governing body or policy council member after the initial training has been conducted.

(4) A program must develop policies on how often training will be provided after the initial training.

[FR Doc. 2015–02491 Filed 2–9–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 130321272–5109–03]

RIN 0648–XC589

Listing Endangered or Threatened Species: Amendment to the Endangered Species Act Listing of the Southern Resident Killer Whale Distinct Population Segment

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

ACTION: Final rule.

SUMMARY: On January 25, 2013, we, NMFS, received a petition submitted by the People for the Ethical Treatment of Animals Foundation to remove the exclusion of captive animals from the endangered species listing of Southern Resident killer whale DPS, as well as, recognize the captive killer whale (*Orcinus orca*) ''Lolita'' as a protected member of the endangered Southern Resident killer whale Distinct Population Segment (DPS). We completed a status review and published a proposed rule, and we are now amending the regulatory language of the Endangered Species Act (ESA) listing of the DPS by removing the exclusion for captive members of the population. We have further determined that Lolita, a female killer whale captured from the Southern Resident killer whale population in 1970 who resides at the Miami Seaquarium in Miami, Florida, is not excluded from the Southern Resident killer whale DPS due to her captive status.

We proposed to amend the regulatory language of the ESA listing to remove the exclusion for captive whales from the Southern Resident killer whale DPS on January 27, 2014. Additionally, we solicited scientific and commercial information pertaining to the proposed rule and also conducted a peer review of the status review information on Lolita that informed the proposed rule. We have determined that captive members of the Southern Resident killer whale population should be included in the listed Southern Resident killer whale DPS. This rule amends the regulatory language of the listing to remove the exclusion for captive members of the DPS.

DATES: This final rule becomes effective on May 11, 2015.

ADDRESSES: Information supporting this final rule can be found on our Web site at: *http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_whale/lolita_petition.html.*

Or in our office at:

• Protected Resources Division, NMFS, Northwest Region, Protected Resources Division, 7600 Sand Point Way NE., Attention Lynne Barre, Branch Chief.

FOR FURTHER INFORMATION CONTACT: Lynne Barre, NMFS Northwest Region, (206) 526–4745; Marta Nammack, NMFS Office of Protected Resources, (301) 427–8469.

SUPPLEMENTARY INFORMATION:

ESA Statutory Provisions and Policy Considerations

On January 25, 2013, we received a petition submitted by the People for the Ethical Treatment of Animals Foundation on behalf of the Animal Legal Defense Fund, Orca Network, Howard Garrett, Shelby Proie, Karen Munro, and Patricia Sykes to remove the exclusion of captive whales from the SRKW DPS ESA listing and to include the killer whale known as Lolita in the ESA listing of the Southern Resident killer whales. Lolita is a female killer whale captured from the Southern Resident population in 1970, who currently resides at the Miami Seaquarium in Miami, Florida. Copies of the petition are available upon request (see **ADDRESSES**, above).

In accordance with section 4(b)(3)(A) of the ESA, to the maximum extent practicable within 90 days of receipt of a petition to list, reclassify, or delist a species, the Secretary of Commerce is required to make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). The Secretary of Commerce has delegated this duty to NMFS. If we find that the petition presents substantial information indicating that the petitioned action may be warranted, we must commence a review of the status of the species concerned, during which we will conduct a comprehensive review of the best available scientific and commercial information. On April 29, 2013 we made a finding (78 FR 25044) that there was sufficient information indicating that the petitioned action may be warranted and requested comments to inform a status review.

After accepting a petition and initiating a status review, within 12 months of receipt of the petition we must conclude the review with a determination that the petitioned action is not warranted, or a proposed determination that the action is warranted. Under specific facts, we may also issue a determination that the action is warranted but precluded. On January 27, 2014 we made a finding (79 FR 4313) that the petitioned action to remove the exclusion of captive killer whales from the ESA listing of the Southern Resident killer whale DPS and to include captive killer whales in the ESA listing of the Southern Resident killer whale DPS was warranted and proposed to amend the regulatory language describing the DPS by removing the current exclusion for captive whales. Within 12 months of issuing a proposed rule on a listing determination, we must publish a final regulation to implement the determination or publish a notice extending the 12-month period. This notice is a final rule to implement our

determination that the petitioned action is warranted and to amend the language describing the endangered listing of the Southern Resident killer whale DPS by removing the exclusion for captive whales.

Under the ESA, the term ''species'' means a species, a subspecies, or a DPS of a vertebrate species (16 U.S.C. 1532(16)). A joint NMFS-U.S. Fish and Wildlife (USFWS) policy clarifies the Services' interpretation of the phrase ''Distinct Population Segment,'' or DPS (61 FR 4722; February 7, 1996). The DPS Policy requires the consideration of two elements when evaluating whether a vertebrate population segment qualifies as a DPS under the ESA: (1) Discreteness of the population segment in relation to the remainder of the species/taxon, and, if discrete; (2) the significance of the population segment to the species/taxon.

A species is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Thus, we interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened species and an endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened). Pursuant to the ESA and our implementing regulations, we determine whether a species is threatened or endangered based on any one or a combination of the following section 4(a)(1) factors: the present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

We make listing determinations based on the best available scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species.

Background

Three distinct forms or ecotypes of killer whales, termed residents, transients, and offshores, are recognized in the northeastern Pacific Ocean. Resident killer whales in U.S. waters are distributed from Alaska to California, with four distinct populations: Southern, Northern, Southern Alaska, and Western Alaska (Krahn *et al.,* 2002; 2004). Resident killer whales are fish eaters and live in stable matrilineal pods. The West Coast transient killer whales have a different social structure, are found in smaller groups, and eat marine mammals. Offshore killer whales are found in large groups, and their diet is presumed to consist primarily of fish, including sharks. While the ranges of the different ecotypes of whales overlap in the northeastern Pacific Ocean, available genetic data indicate that there is a high degree of reproductive isolation among residents, transients, and offshores (Krahn *et al.,* 2004; NMFS, 2013).

The Southern Resident killer whale population consists of three pods, identified as J, K, and L pods, that reside for part of the year in the inland waterways of Washington State and British Columbia (Strait of Georgia, Strait of Juan de Fuca, and Puget Sound), principally during the late spring, summer, and fall (NMFS, 2008). Pods visit coastal sites off Washington and Vancouver Island, and travel as far south as central California and as far north as Southeast Alaska (Ford *et al.,* 2000; NMFS, 2008; Department of Fisheries and Oceans, unpublished data).

In 2001 we received a petition to list the Southern Resident killer whale population as threatened or endangered under the ESA (CBD, 2001) and we formed a Biological Review Team (BRT) to assist with a status review (NMFS, 2002). After conducting the status review, we determined that listing the Southern Resident killer whale population as a threatened or endangered species was not warranted because the science at that time did not support identifying the Southern Resident killer whale population as a DPS as defined by the ESA (67 FR 44133; July 1, 2002). Because of the uncertainties regarding killer whale taxonomy (*i.e.,* whether killer whales globally should be considered as one species or as multiple species and/or subspecies), we announced that we would reconsider the taxonomy of killer whales within 4 years. Following the determination, the Center for Biological Diversity and other plaintiffs challenged our ''not warranted'' finding under the ESA in U.S. District Court. The U.S. District Court for the Western District of Washington issued an order on December 17, 2003, which set aside our ''not warranted'' finding and remanded the matter to us for redetermination of whether the Southern Resident killer whale population should be listed under the ESA (*Center for Biological Diversity* v. *Lohn,* 296 F. Supp. 2d. 1223 (W.D. Wash. 2003)). The court found that where there is ''compelling evidence that the global *Orcinus orca* taxon is inaccurate,'' the agency may not rely on ''a lack of consensus in the field of taxonomy regarding the precise, formal taxonomic redefinition of killer whales.'' As a result of the court's order, we co-sponsored a Cetacean Taxonomy workshop in 2004, which included a special session on killer whales, and reconvened a BRT to prepare an updated status review document for Southern Resident killer whales (NMFS, 2004).

The BRT agreed that the Southern Resident killer whale population likely belongs to an unnamed subspecies of resident killer whales in the North Pacific, which includes the Southern and Northern Residents, as well as the resident killer whales of Southeast Alaska, Prince William Sound, Kodiak Island, the Bering Sea and Russia (but not transients or offshores). The BRT concluded that the Southern Resident killer whale population is discrete from other populations within the North Pacific Resident taxon and significant with respect to the North Pacific Resident taxon and therefore should be considered a DPS. In addition, the BRT conducted a population viability analysis, which modeled the probability of species extinction under a range of assumptions. Based on the findings of the status review and an evaluation of the factors affecting the DPS, we published a proposed rule to list the Southern Resident killer whale DPS as threatened on December 22, 2004 (69 FR 76673). After considering public comments on the proposed rule and other available information, we reconsidered the status of the Southern Resident killer whale DPS and issued a final rule to list the Southern Resident killer whale DPS as endangered on November 18, 2005 (70 FR 69903). The regulatory language in the listing limited the DPS to whales from J, K and L pods, wherever they are found in the wild, and not including Southern Resident killer whales placed in captivity prior to listing or their captive born progeny.

Following the listing, we designated critical habitat, completed a recovery plan, and conducted a 5-year review for

the Southern Resident killer whale DPS. We issued a final rule designating critical habitat for the Southern Resident killer whale DPS on November 29, 2006 (71 FR 69055). After engaging stakeholders and providing multiple drafts for public comment, we announced the Final Recovery Plan for the Southern Resident killer whale DPS on January 24, 2008 (73 FR 4176). We have continued working with partners to implement actions in the recovery plan. In March 2011, we completed a 5-year review of the ESA status of the Southern Resident killer whale DPS, concluding that no change was needed in its listing status and that the Southern Resident killer whale DPS would remain listed as endangered (NMFS, 2011). The 5-year review also noted that there was no relevant new information for this species regarding the application of the DPS policy.

On August 2, 2012, we received a petition submitted by the Pacific Legal Foundation on behalf of the Center for Environmental Science Accuracy and Reliability, Empresas Del Bosque, and Coburn Ranch to delist the endangered Southern Resident killer whale DPS under the ESA. We made a 90-day finding accepting the petition and soliciting information to inform a status review (77 FR 70733; November 27, 2012). Based on a review of the scientific information (NWFSC, 2013) and our full status review, we issued a 12-month finding on August 5, 2013, that the petitioned action was not warranted and the Southern Resident killer whale DPS remains listed as endangered (78 FR 47277).

Lolita Petition

On January 25, 2013, we received a petition submitted by the People for the Ethical Treatment of Animals Foundation on behalf of the Animal Legal Defense Fund, Orca Network, Howard Garrett, Shelby Proie, Karen Munro, and Patricia Sykes to remove the exclusion of captive killer whales from the ESA listing of the Southern Resident Killer Whale DPS and to include the killer whale known as Lolita in the ESA listing of the Southern Resident killer whales. The petition described Lolita, a female killer whale captured from the Southern Resident population in 1970, who currently resides at the Miami Seaquarium in Miami, Florida, as the only remaining member of the Southern Residents alive in captivity. The petitioners presented information about Lolita's origin and contended that Lolita is a member of the endangered Southern Resident DPS and should be included within the ESA listing. In addition, they provided a legal argument that ''the ESA applies to captive members of listed species'' and asserted that ''NMFS has a non-discretionary duty to include Lolita in the listing of the Southern Resident killer whales under the ESA.'' The petition also included information about how each of the five section 4(a)(1) factors applies with respect to Lolita. Lastly, the petitioners contended that including Lolita in the ESA listing will contribute to conservation of the wild Southern Resident killer whale population.

On April 29, 2013, we found that the information contained in the petition, viewed in the context of information readily available in our files, presented substantial scientific information that would lead a reasonable person to believe the petitioned action may be warranted (78 FR 25044). We noted that the information on Lolita's genetic heritage and consideration of captive individuals under the ESA provided a basis for us to accept the petition. The petition included an assessment of how listing Lolita would help conserve the wild Southern Resident population and also a review of the 4(a)(1) factors described earlier and considered in listing determinations. Our 90-day finding accepting the petition, however, was based on the biological information regarding Lolita's genetic heritage and consideration of the applicability of the ESA to captive members of endangered species. Our review of Lolita's status with respect to the Southern Resident killer whale DPS similarly focused on these two aspects and did not include a review of the Section 4(a)(1) factors for Lolita or the wild population. Our status review considered the best available information including information received through the public comment period, a review of scientific information conducted by our Northwest Fisheries Science Center, including published peer-reviewed journal articles and unpublished scientific reports, and information in the petition.

Upon publishing our 90-day finding accepting the petition, we initiated a status review update and solicited information from the public to help us gather any additional information to inform our review of Lolita's relationship to the Southern Resident killer whale DPS. Based on the information informing the 90-day finding, the status review update, and the public comments on the 90-day finding, we published a proposed rule on January 27, 2014 (79 FR 4313), proposing to amend the regulatory language of the ESA listing of the DPS by removing the exclusion for captive members of the population and requesting comments.

During the public comment period for the proposed rule, which closed on March 28, 2014, we received over 17,000 comments from citizens, researchers, non-profit organizations, and the public display industry; comments came from the United States and around the world. While we solicited information concerning the proposal to amend the regulatory language describing the listing of the Southern Resident killer whale DPS by removing the exclusion of captive whales and Lolita's genetic heritage and status, the vast majority of individual commenters simply stated their support for the proposal to include Lolita as a member of the Southern Resident killer whale DPS. Along with support for the proposed rule or as a stand-alone comment, many commenters suggested that Lolita be freed from her captivity and returned to her native waters of the Pacific Northwest. Commenters also expressed concern over Lolita's current care at the Miami Seaquarium under the purview of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) under the Animal Welfare Act (AWA). The AWA captive care requirements are not under NMFS jurisdiction and are beyond the scope of our response to the petition; thus, comments pertaining to AWA compliance are not addressed in this final rule.

In addition to a very large number of brief comments in support of the proposed rule, we received over 60 detailed comments raising substantive issues. The majority of these comments provided substantive support for recognition of Lolita as a member of the listed DPS. Several substantive comments, primarily submitted by groups or individuals associated with the public display industry, opposed the proposed rule, with several also opposing any relocation of Lolita.

In addition to public review, we solicited peer review of information about Lolita's heritage supporting our conclusion in the proposed rule that Lolita originated from the Southern Resident killer whale population. On July 1, 1994, the NMFS and USFWS published a series of policies regarding listings under the ESA, including a policy for peer review of the scientific data (59 FR 34270). The intent of the peer review policy is to ensure that listings are based on the best scientific and commercial data available. Pursuant to our 1994 policy on peer review, the Data Quality Act, and the Office of Management and Budget (OMB) Peer Review Bulletin (OMB 2004), we

solicited technical review from four qualified specialists of specific information regarding Lolita's heritage and our conclusion that she originated from the Southern Resident killer whale population as described in our status review update (NMFS, 2013). A status review of biological information and our DPS determination was conducted by the NMFS Northwest Fisheries Science Center in response to the petition to delist the Southern Resident killer whale DPS and included a review of information specific to Lolita's genetic heritage (NMFS, 2013). The peer review request focused on the specific paragraph regarding Lolita in the status review update (NMFS, 2013) that informed the proposed rule, and we received reviews from two independent experts. We received one comment on the peer review plan and peer review charge statement and provided that comment letter to the peer reviewers. We made the peer review charge, comments received on the peer review charge, and ultimate peer review report available online at: *http://www.cio.noaa.gov/services_programs/prplans/ID261.html.* The peer reviewer comments and conclusions and our responses to public comments are included in the summary below.

Summary of Peer Review and Public Comments Received

Below we summarize and address the substantive public comments that were received during the public comment period for the proposed rule. In addition, information from the peer reviews is presented in both comment summaries and responses. Substantive comments and our responses are organized by relevant topics.

Biological Information on Lolita's Origin

Comment 1: Several commenters and the two peer reviewers noted that the best available scientific information indicates that Lolita is most likely a member of the Southern Resident population. Many commenters cited the acoustic and genetic evidence provided in the proposed rule as proof that Lolita is a member of the Southern Resident community. Commenters cited the references in the status review update, including Hoelzel *et al.* (2007), Hoelzel (personal communication), Ford (1987), Candice Emmons (personal communication), and Pilot *et al.* (2010) (also referred to as Pilot (2009) in some comments). Commenters cited Pilot *et al.* (2010) as evidence that Lolita is related to Southern Residents using one genetic method, while others referenced the same paper noting that three other genetic methods did not indicate a relationship with Southern Residents. One commenter addressed the sample assigned to Lolita in Pilot *et al.* (2010), referenced personal communications with the lead author of the paper, and noted that results from the tests are insufficient to conclude that Lolita was a Southern Resident killer whale. In addition to the papers listed above, the peer reviewers also provided additional references to support their conclusions that Lolita is most likely a member of the Southern Resident population. One peer reviewer noted that our summary in the status review update (NMFS, 2013) was overly simplistic. The comments on the peer review plan focused on individual data points and the uncertainties for individual genetic tests and requested additional information be provided to the peer reviewers.

Response: We considered the best available information regarding Lolita's origin, including genetic test results from multiple papers, the peer reviews, and other lines of evidence in making our conclusions. In addition to the original peer review request, we also provided comments on the peer review plan and additional information for the reviewers to consider. The peer reviewers stated that mitochondrial DNA (mtDNA) tests are very likely diagnostic of natal populations. The mtDNA control region sequence is fixed for a single haplotype within most killer whale populations in the North Pacific. Lolita has the haplotype for Southern Residents, and the haplotype is distinct from the haplotypes found in transient, offshore and Northern Resident communities (including SE Alaska and Bering Sea). Based on sample sizes in studies to date, it is extremely unlikely that transient or Northern Residents have a Southern Resident haplotype that has gone undetected due to chance. Due to smaller sample sizes for offshores, it is harder to rule out that offshores might contain the Southern Resident haplotype in a small fraction of the population (*i.e.,* 10 percent), but it has yet to be detected. The Southern Resident haplotype is shared with whales sampled off the Kamchatka Peninsula in Russia and from Prince William Sound in Alaska (Barrett-Lennard, 2000; Parsons *et al.,* 2013); however, additional data can be used to rule out the possibility that Lolita originated from these other populations. Using microsatellite analysis, researchers assigned Lolita to populations using different programs with varying probabilities and assessed kinship (Hoelzel *et al.,* 2007; Pilot *et al.,* 2010). In Pilot *et al.* (2010), Lolita was assigned to the Southern Resident population with the highest probability (0.464) and with low probability to Kamchatka (0.016) or SE Alaska residents (0.004). Tests for kinship using microsatellite data found a presumed match between Lolita and a member of the Southern Resident L pod based on one of four tests, but it was not a close relationship (*e.g.,* parent, offspring, or full sibling). Lolita did not show potential kinship with individuals of any other population. Using a different analysis, Pilot *et al.* (2010) also assigned Lolita to a Southern Resident cluster and not to the Kamchatka cluster. The microsatellite data do not appear to provide conclusive evidence on their own to identify Lolita's population of origin, but the data support the finding that she is a Southern Resident.

The peer reviews concluded that the summary of our findings regarding Lolita in our status review update (NMFS, 2013) likely correctly concluded that Lolita is a Southern Resident and that, taken together, the mtDNA and microsatellite DNA provide a strong case for the assignment of Lolita to the Southern Resident population. While some comments focused on individual test results to form conclusions, we relied on all of the best available information in the petition, public comments on the 90-day finding and the proposed rule, peer review, peer reviewed journal articles, unpublished science reports, and the recovery plan (NMFS, 2008), taken together, to inform our internal review and conclusions. Based on the best available information regarding the location of capture and genetic information, we are confident that Lolita originated from the Southern Resident population.

Comment 2: One commenter provided information from her study of the specific acoustic call type produced by Lolita, matching Lolita's calls to Southern Resident specific call types. The commenter suggested that further identification of Lolita's calls could be matched with specific matrilines. Other commenters noted that there is no statistically significant or peer reviewed data or analysis that the calls recorded opportunistically from Lolita match L pod calls. In addition, commenters noted that the Ford (1987) paper cited in the status review did not include specific information about Lolita and her calls. One peer reviewer noted that additional information about the timing of the recording of Lolita's calls and the origin of the whale sharing Lolita's tank would shed light on whether Lolita was an L pod whale or if she could have learned L pod calls from another whale.

Response: In the status review update (NMFS, 2013), the Ford (1987) paper was cited to demonstrate that calls can be identified to population and also to pod, and we acknowledge that it does not include specific information about Lolita's calls. While the acoustic information about Lolita's calls is not published in a peer reviewed article, the personal communication by Candice Emmons does lend an additional line of evidence that is consistent with Lolita originating from the Southern Resident killer whale population. The study provided by a commenter is also not a peer reviewed published article. In addition, the peer review comments also raised uncertainty about identifying Lolita by her acoustic calls based on the personal communication. While we considered the anecdotal and unpublished information on Lolita's acoustic calls, noting the uncertainty surrounding them, we relied on the genetic data and capture location as the primary support for Lolita's status as a member of the Southern Resident killer whale population.

Comment 3: In addition to genetic and acoustic information, Lolita's capture history was also mentioned by commenters and peer reviewers as evidence that she came from the Southern Resident population. One commenter noted photographs from the capture operation were identified as Southern Residents and that members of different communities have never been observed associating, concluding that all of the whales captured at Penn Cove were members of the Southern Resident community. One commenter, however, noted that the capture history raised questions about Lolita's origin, mentioning that the total number of whales in the area was too high to account for only the Southern Residents and that L pod whales were photographed near the operation but not in the net. The peer reviewers referenced the sighting history of killer whales in the capture area as support for Lolita's identification as a Southern Resident.

Response: We did not receive any photo-identification quality photographs of the capture and have no specific documentation of the captures beyond the information summarized in the Recovery Plan for Southern Resident Killer Whales (NMFS, 2008) that attributes captures from Penn Cove, Washington, to the Southern Resident population. One peer reviewer noted the location of capture does not rule out that she is a transient (but mtDNA makes this highly unlikely), and that the capture location makes it highly unlikely that she is a Northern Resident, offshore, Western Pacific, Alaska Resident or from a distant, poorly known population. A review of the information raised in public comments, the peer reviews, comments on the peer review plan, and other available information finds this information continues to find the capture information regarding Lolita consistent with her membership as a Southern Resident. That review (Ford, 2014) notes that based on what is known about the ranges of North Pacific killer whales, the Penn Cove, WA capture location limits the possible populations of origin to Southern Residents or transients which are commonly seen, or far less likely to Northern Residents (only seen a handful of times in U.S. waters of the Salish Sea) or offshores (only sighted six times in 30 years of observations and never south of Admiralty Inlet) (Krahn et al., 2004; Ford, 2006; Dahlheim *et al.,* 2008). Regular observations in the Salish Sea have occurred since the mid-1970s, several years after the capture in question, and it seems highly unlikely that the distributions and habits of these populations would change dramatically over that short period of time (Ford, 2014).

Comment 4: Several commenters noted that, morphologically, Lolita's saddle patch patterns do not readily match the majority of saddle patch patterns of the Southern Resident DPS, but they are more similar to saddle patches of the Alaska and Bering Strait residents. One peer reviewer suggested saddle patch and dorsal fin shape could be used to further address Lolita's origin.

Response: Bain (1988) found differences between Northern and Southern Resident saddle shapes and Baird and Stacey (1988) reported different distributions of saddle shapes among residents and transients. Baird and Stacey (1988) identified five different patterns, with all five patterns present in resident killer whales. Lolita's saddle shape appears to be consistent with the ''horizontal notch'' type. While this saddle patch type is seen in Alaska Residents, it is more common in Southern Residents (Baird and Stacey, 1988). The information above regarding sighting records and the capture location includes an assessment by a peer reviewer, noting that it is highly unlikely that Lolita is an Alaska Resident.

Comment 5: Several commenters reviewed the ESA section 4(a)(1) factors and identified how they applied to Lolita. Other commenters noted that none of the threats identified in the listing of the Southern Resident killer whale DPS (*i.e.,* food scarcity, vessels, contaminants) apply to Lolita.

Response: In March 2011, we completed a 5-year review of the ESA status of the Southern Resident killer whale DPS, concluding that no change was needed in its listing status and that the Southern Resident killer whale DPS would remain listed as endangered (NMFS, 2011). The endangered status of the DPS is not the subject of the petitioned action. The petition requests we include Lolita in the ESA listing of Southern Residents and notes that an analysis of the five ESA section 4(a)(1) factors is not required to justify Lolita's inclusion in the DPS and that Lolita's genetic heritage is sufficient to support her inclusion in the listing. We agree that biological information regarding Lolita's origin and consideration of the applicability of the ESA to captive members of endangered species provide a sufficient basis for our determination and, therefore, do not include a review of the section 4(a)(1) factors for Lolita or the wild population in this notice.

Captivity and Release

Comment 6: One commenter questioned why the ESA applied to Lolita at all, considering she was held in captivity prior to December 28, 1973, and the date of the listing of the Southern Resident killer whales.

Response: The commenter presumably refers to section 9(b) of the ESA, 16 U.S.C. 1538(b)(1), which provides certain exemptions for animals already held in captivity or a controlled environment on either December 28, 1973, or the date of publication in the **Federal Register** of the final regulation adding such species to the list of endangered species, provided that such holding and any subsequent holding of the animal is not in the course of a commercial activity.

In fact, this section is not a blanket exemption from the ESA for any animal so held; rather, it only lifts the ban on two very specific activities enumerated in subsections (a)(1)(A) and (G) of section 9: import or export of such species, and violation of any regulation pertaining to such species or to any threatened species. In other words, all of the other prohibitions of section 9 apply to animals that were held in captivity pre-ESA or pre-listing, including the prohibitions on take as well as on interstate or foreign commerce. Any import or export of Lolita that might be proposed in the future is beyond the scope of this rulemaking. For additional discussion of ESA section 9(b), see *American Society for the Prevention of Cruelty to Animals* v. *Ringling Brothers*

and Barnum and Bailey Circus, 502 F.Supp. 2d 103 (2007).

Comment 7: Several commenters noted that the ESA does not allow for the exclusion of captive members from a listed species based on their captive status and referenced court cases (*Safari Club International* v. *Jewell and Alsea Valley Alliance* v. *Evans,* cited below in response) and recent USFWS notices regarding antelopes and chimpanzees that were referenced in the proposed rule. In addition, commenters noted that if Lolita is included in the listing, the ESA prohibitions on export, take, and interstate commerce will apply to her.

Response: As the commenters note, several courts have held, and NMFS agrees, that the ESA does not allow for captive held animals to be assigned separate legal status from their wild counterparts on the basis of their captive status or through designation as a separate DPS (*Safari Club International* v. *Jewell,* 960 F.Supp. 2d 17 (D.D.C. 2013); *Alsea Valley Alliance* v. *Evans,* 161 F. Supp. 2d 1154 (D.Or. 2001). As noted in this final rule, as well as in recent regulations addressing captive antelopes (78 FR 33790; June 5, 2013) and a proposed rule for chimpanzees (78 FR 35201; June 12, 2013), captive members of a species have the same legal status as the species as a whole. Finally, as the commenters note, captive members of a listed species are also subject to the relevant provisions of section 9 of the ESA as warranted.

Comment 8: One commenter expressed concern that including Lolita in the ESA listing would result in a violation of the Fifth Amendment, denying the property owners their rights without satisfying the Constitution's public use and just compensation requirements. One commenter supported their opposition to including Lolita in the ESA listing by citing examples of how extending regulations to privately owned members of a listed species could undermine private efforts to avoid extinction and recover species through private governance. Commenters also noted that financial considerations should not be considered in listing decisions.

Response: First, section 4(b)(1)(A) of the ESA and its legislative history provides that listing decisions be based ''solely'' on the best scientific and commercial data available without reference to economic costs or private party impacts (*H.R. Rep. No. 97–567, at 12, 1982 U.S.C.C.A.N. 2807, 2812).* Second, to the extent there are concerns about specific activities (including acts supporting conservation) associated with listed species, these issues are better evaluated in the context of a specific permit request and through the section 10 permit process, which provides an avenue for defining, evaluating, and authorizing specific activities (50 CFR 222.301 *et seq.).* Accordingly, speculating about whether there are activities that property owners may wish to take is beyond the scope of this rule.

Comment 9: One commenter took issue with our assertion that if Lolita was included in the ESA listing, we would not seek to amend critical habitat to include consideration of her or her captive environment. The commenter cited the requirement to designate critical habitat with the listing of a species in section 4(a)(3)(A) of the ESA.

Response: NMFS designated critical habitat for the Southern Resident killer whale DPS on November 29, 2006 (71 FR 69054). NMFS interprets critical habitat to comprise the habitat used by the species in the wild, not the artificial surroundings of a particular species member in captivity, because those areas do not include relevant primary constituent elements of critical habitat (70 FR 52630; September 2, 2005). Accordingly, we do not intend to amend the existing critical habitat designation for Southern Resident killer whales with respect to Lolita.

Comment 10: We received many comments addressing the type and scope of activities that might trigger section 9 concerns and/or warrant consideration for a section 10 permit. These comments took varying positions on the scope of activities that might fall within the category of allowable captive care activities.

Response: In the proposed rule, we said that, depending on the circumstances, we would likely not find continued possession, care, and maintenance of a captive animal to be a violation of ESA section 9 (and therefore, such activities would not require a section 10 permit). Our discussion in the proposed rule was intended to be a general indication of our views, not factual findings on Lolita's actual circumstances or any proposals for future activities. Such findings are beyond the scope of this listing rule.

We appreciate the concerns raised by the many comments regarding how the ESA section 9 prohibitions might apply to Lolita's particular circumstances. We believe these comments demonstrate the need for a more focused evaluation of these factors, which is more appropriately performed as part of a permit application process as opposed to this listing rule. Should the Miami Seaquarium apply for an ESA section 10 permit, the process would involve a **Federal Register** notice of receipt followed by a public comment period.

Comment 11: Commenters raised questions about the Miami Seaquarium conducting commercial activity with Lolita, stating their belief that section 9(b) of the ESA allows for captives to remain in captivity so long as they are not held or used for purposes of commercial activity. Other commenters stated that there is nothing illegal about exhibiting endangered animals for a fee.

Response: Some commenters may have misinterpreted section 9(b) in this regard. As noted above, section 9(b) is a very limited exclusion from the prohibition on import and export, as well as certain regulatory requirements not applicable here. Any future proposal to import or export Lolita is beyond the scope of this rule, and so we need not further address the 9(b) exemption, including its clause regarding commercial activity, at this time.

Comment 12: One commenter urged us to acknowledge that interstate movement of Lolita or any other captive listed species merely for display or as part of an animal exhibition would not require a permit under the ESA, citing U.S.C. 1538(a)(E) and 50 CFR 17.3.

Response: At this time, the Miami Seaquarium has not presented any proposal to move Lolita, regardless of purpose, so we will not address this further in this listing rule, other than to note that the cited CFR provision is a regulation promulgated by the USFWS, and is therefore applicable to species under their jurisdiction.

Comment 13: Commenters expressed concern over captivity of killer whales in general and about Lolita's current care at the Miami Seaquarium under the purview of APHIS under AWA. Other commenters noted the high level of care provided to Lolita at the Miami Seaquarium.

Response: As noted above, Lolita's current captive care requirements are regulated by APHIS under the AWA and are currently the subject of ongoing litigation (*Animal Legal Defense Fund et al.* v. *Elizabeth Goldentyer, USDA and Marine Exhibition Corporation* No. 14–12260 (11th Circuit Court of Appeals 2014)). Specific AWA captive care requirements are not under NMFS jurisdiction and are beyond the scope of our response to the petition. Therefore, comments regarding AWA compliance are not addressed in this final rule.

Comment 14: Many comments supported Lolita's transfer to a sea pen or release from captivity into her home waters. Some commenters, while in favor of Lolita's ultimate release, argued that any decision on this issue in the

absence of a specific proposal is premature. Comments on whether there would be any conservation benefit to the conservation of wild killer whales from Lolita's release were mixed. Some comments identified benefits to Lolita and to the wild Southern Resident killer whale population, such as her ability to aid in the care of young whales (*i.e.,* alloparenting). Others were against any relocation efforts, claiming that there would be no conservation benefits to wild whales and noting Lolita currently has a high level of care, contributes to educating the public, and there are risks to Lolita and the wild population associated with transport and release. One commenter noted that regulations regarding marine mammal rehabilitation under the MMPA declare that a marine mammal that has been in human care for 2 or more years is presumptively non-releaseable.

Response: As noted above, the Miami Seaquarium has not presented any proposal to move (or release) Lolita. As for any future proposal to release her, we indicated in the proposed rule that there were certain activities that we believe could result in violations of section 9 of the ESA, specifically including ''releasing a captive animal into the wild.'' 79 FR at 4318 (January 27, 2014). We based this on our proposed rule listing five species of sturgeon (since finalized at 79 FR 31222, June 2, 2014). After taking into account the numerous comments on this topic, and examining our existing regulations, policies and practices, we have decided to elaborate on our views in this final rule. Releasing captive marine mammals to the wild is not without risk. Issues of concern include: disease transmission and/or unwanted genetic exchange between released animals and wild stocks; the ability of released animals to adequately forage and defend themselves from predators; and any behavioral patterns developed in captivity that could affect the social behavior of wild animals, as well as the social integration of the released animals.

In fact, as one commenter noted, NMFS' MMPA regulations address a presumption of non-releasability, as well as dictate legal requirements under the MMPA for any proposal to release a captive animal. First, 50 CFR 216.27(a)(1)(iii), addressing stranded marine mammals, states that the animal's potential for survival in the wild must be evaluated at 6-month intervals, ''until 24 months from capture or import, at which time there will be a rebuttable presumption that release to the wild is not feasible.'' Second, 50 CFR 216.35(e) states: ''Captive marine mammals shall not be released into the wild unless specifically authorized by the Office Director under a scientific research or enhancement permit.''

The issues surrounding any release of Lolita to the wild are numerous and complex and are not ripe for analysis in this listing rule. Such issues would be more appropriately evaluated in the context of a specific section 10 permit application. Any such process would include rigorous review by the scientific community, the Marine Mammal Commission, and the public, and be subject to an associated NEPA analysis, prior to action being taken.

Changes From the Proposed Rule

There are no changes from the proposed amendment to the ESA listing of the Southern Resident killer whale DPS in this final rule. This final rule implements the amendment to the listing language, removing the exclusion for captive whales from the regulatory description of the Southern Resident killer whale DPS. The public comments provided opposing positions on this approach, as well as Lolita's status as a member of the Southern Resident killer whale population. The peer reviews supported Lolita's status as a member of the Southern Resident killer whale population. See the Summary of Peer Review and Public Comments Received section above and the Final Determination and Amendment to Listing section below for information on the additional data that support the conclusion that captive members should be included in the listing and the determination that best available science supports Lolita's status as a member of the Southern Resident killer whale population and therefore the ESA-listed DPS.

Determination of Taxon and DPS

Based on the best information available, we previously concluded, with advice from the 2004 BRT (Krahn *et al.,* 2004), that the Southern Resident killer whale population (J, K, and L pods) met the two criteria of the DPS policy (discreteness and significance) and constituted a DPS of the North Pacific Resident subspecies. A detailed analysis of (1) the reference taxon for consideration under the DPS policy, (2) the discreteness of the Southern Resident population from other populations within that taxon, and (3) the significance of the Southern Resident population to that taxon was included in our 12-month determination that the petition to delist was not warranted (78 FR 47277; August 5, 2013) and is summarized below. Based on our recent status review and in response to a petition to delist the Southern Resident killer whale DPS, we concluded that the best available scientific information indicates that, similar to our 2005 rulemaking when we listed the Southern Resident DPS, the North Pacific Resident subspecies is the appropriate reference taxon for considering whether the Southern Resident killer whale population is discrete and significant. In our 2005 rulemaking we concluded there was strong evidence that the Southern Resident killer whale population is discrete from other North Pacific Resident killer whale populations as defined by the 1996 DPS policy. The new information subsequent to 2004, such as recent genetic studies, is consistent with and generally strengthens the conclusion that the Southern Resident killer whale population is a discrete population within the North Pacific Resident taxon. As in 2004, all the available information clearly indicates that the Southern Resident population is discrete from other populations in the North Pacific resident subspecies. In addition, we concluded that the new information on genetics and behavioral and cultural diversity available since 2004 was consistent with or strengthens the 2004 BRT's conclusion that the Southern Resident killer whale population meets the significance criterion of the DPS policy. In summary, in our 12-month finding that delisting was not warranted, we concluded that members of the Southern Resident killer whale population are discrete from other populations within the North Pacific Resident killer whale taxon and significant with respect to the North Pacific Resident killer whale taxon and therefore comprise a valid DPS which remains listed as endangered (78 FR 47277; August 5, 2013).

Final Determination and Amendment to Listing

The petition maintains that Lolita is a member of the Southern Resident killer whale population and states that she must, therefore, be included in the listed DPS. As summarized above, our consideration of the petitioned action focuses on biological information regarding Lolita's genetic heritage and the application of the ESA to captive members of a listed species or DPS. The petitioners contend that Lolita was taken from L pod during captures on August 8, 1970, in Penn Cove, approximately 50 miles (80 km) north of Seattle, Washington. The peer reviewers referenced the capture location and sighting history of different populations, in addition to other information (*i.e.,*

genetics), to support their conclusions that Lolita most likely came from the Southern Resident population. The petition notes that Lolita's mother is believed to be L25, an adult female Southern Resident killer whale who remains in the wild, and that Lolita makes the unique calls of the L25 subpod. In our recent status review update (NMFS, 2013), we cited genetic analysis completed since the original 2005 listing, that indicates Lolita has a genotype consistent with a Southern Resident origin (Hoelzel *et al.,* 2007; Hoelzel, personal communication), and we noted that Lolita's acoustic calls are typical of L pod (Ford, 1987; Candice Emmons, personal communication). The status review update (NWFSC, 2013) also cites information in Pilot *et al.* (2010). As described above, in support of the DPS determination for Southern Resident killer whales, recent genetic studies all indicate that the Southern Resident population is significantly differentiated and there is a high degree of reproductive isolation from other resident populations that comprise the North Pacific Resident subspecies.

As described above in the response to comments, the peer reviewers identified that mtDNA tests are very likely diagnostic of natal populations. The mtDNA control region sequence is fixed for a single haplotype within most killer whale populations in the North Pacific. Lolita has the haplotype for Southern Residents, which is distinct from the haplotypes found in transient, offshore, and Northern Resident communities (including SE Alaska and Bering Sea). Based on sample sizes in studies to date, it is extremely unlikely that transient or Northern Residents have a Southern Resident haplotype that has gone undetected due to chance. Due to smaller sample sizes for offshores, it is harder to rule out that offshores might contain the Southern Resident haplotype in a small fraction of the population (*i.e.,* 10 percent), but it has yet to be detected. The Southern Resident haplotype is shared with whales sampled off the Kamchatka Peninsula in Russia and from Prince William Sound in Alaska (Barrett-Lennard, 2000; Parsons *et al.,* 2013), but additional data can be used to rule out the possibility that Lolita originated from these other populations. Using microsatellite analysis, researchers assigned Lolita to population using different programs with varying probabilities and assessed kinship (Hoelzel *et al.,* 2007; Pilot *et al.,* 2010). In Pilot *et al.* (2010), Lolita was assigned to the Southern Resident population with the highest probability (0.464) and with low probability to Kamchatka (0.016) or SE Alaska residents (0.004). Tests for kinship found a putative match between Lolita and a member of the Southern Resident L pod based on one of four tests, but it was not a close relationship (*e.g.,* parent, offspring, or full sibling). Lolita did not show potential kinship with individuals of any other population. Using a different analysis, Pilot *et al.* (2010) also assigned Lolita to a Southern Resident cluster and not to the Kamchatka cluster. The microsatellite data do not appear to provide conclusive evidence on their own to identify Lolita's population of origin, but they are consistent with her being a Southern Resident.

The peer review conclusions were that our status review update (NMFS, 2013) was overly simplistic, but likely correctly concluded that Lolita is a Southern Resident and that, taken together, the mtDNA and microsatellite DNA data provide a strong case for the assignment of Lolita to the Southern Resident population. As described above, we relied on information in the petition, public comments on the 90-day finding and the proposed rule, peer review and best available information, including peer reviewed journal articles and unpublished science reports and the recovery plan (NMFS, 2008) to inform our internal review and conclusions. Similar to the peer reviews and as raised in public comments, we acknowledge the uncertainty inherent in individual test results and observations; however, based on all of the best available scientific information, taken together, including results from multiple genetic studies, as well as other lines of evidence regarding capture and sighting history, we can be confident that Lolita originated from the Southern Resident population (Ford, 2014). Differences in acoustic behavior between populations of resident killer whales also support the conclusion that Southern Resident killer whales are discrete and significant and, therefore, qualify as a DPS. Ford (1987) describes killer whale acoustic calls and how they can be identified to population and even to pod. While there is anecdotal information that Lolita shares acoustic characteristics with the members of the Southern Resident killer whale DPS found in the wild, this evidence is not as strong as the genetic data. In addition, morphological data, such as saddle patch pattern, are also consistent with, but not conclusive of, Lolita being a Southern Resident. This best available science supports Lolita's status as a member of the Southern Resident killer whale population.

Some commenters contend that Lolita not be included in the Southern Resident killer whale DPS, similar to other wild whales that are members of the North Pacific Resident subspecies (*i.e.,* Northern Resident and Alaska Resident killer whale populations). These commenters fail to recognize the previously discussed best available science defining the genetic characteristics that Lolita shares with the Southern Resident killer whale DPS and often highlighted individual test results rather than all of the available scientific information taken together. We find the multiple genetic characteristics constitute compelling lines of evidence that render Lolita and other members of the Southern Resident killer whale DPS discrete from and significant to the North Pacific Resident subspecies (NMFS, 2013; Ford, 2014). Additionally, while the ESA authorizes the listing, delisting, or reclassification of a species, subspecies, or DPS of a vertebrate species, it does not authorize the exclusion of the members of a subset or portion of a listed species, subspecies, or DPS from a listing decision. In 2001, the U.S. District Court in Eugene, Oregon (*Alsea Valley Alliance* v. *Evans,* 161 F. Supp.2d 1154 (D. Or. 2001)) (Alsea), ruled that once we had identified and listed a DPS (for Oregon Coast coho), the ESA did not allow listing only a subset (that which excluded 10 captive hatchery stocks) of that DPS. Accordingly, this case does not authorize the exclusion of Lolita from the Southern Resident Killer Whale DPS listing based on the best available science supporting her membership in the DPS.

Other comments note that there are other characteristics, such as behavior and habitat use, that Lolita does not share with the other wild members of the Southern Resident killer whales and suggest that NMFS could exercise its discretion to identify a separate captive only DPS. However, legislative history surrounding the 1978 amendments to the ESA that gave the Services the authority to identify DPSs indicates that Congress intended identification of DPSs to be used for the identification of wild populations, not separation of captive held specimens from wild members of the same taxonomic species (see Endangered Species Act Oversight: Hearing Before Senate Subcommittee on Resource Protection, Senate Committee on Environment and Public Works, 95th Cong. 50 (July 7, 1977)). Additionally, these arguments fail to adhere to Congress' directive to the Services that the authority to designate DPSs be exercised ''sparingly'' (Senate Report

151, 96th Congress, 1st Session). Finally, NMFS' decision making relevant to identifying a captive only DPS, in this context, is discretionary and not subject to judicial review (*Safari Club International* v. *Jewell,* 960 F. Supp. 2d 17 (DDC 2013)).

As described in the proposed rule (79 FR 4313; January 27, 2014), the ESA does not support the exclusion of captive members from a listing based solely on their captive status. On its face the ESA does not treat captives differently. Rather, specific language in section 9 and section 10 of the ESA presumes their inclusion in the listed entity, and captives are subject to certain exemptions to section 9. Section 9(a)(1)(A)–(G) of the ESA applies to endangered species regardless of their captive status. However, section 9(b) provides certain exemptions from the 9(a)(1)(A) and (a)(1)(G) prohibitions for listed animals held in captivity or in a controlled environment as of the date of the species' listing (or enactment of the ESA), provided the holding in captivity and any subsequent use is not in the course of commercial activity. Additionally, section 9(b)(2) refers to captive raptors and identifies that the prohibitions in 9(a)(1) shall not apply to raptors legally held in captivity. Section10(a)(1)(A) of the ESA allows issuance of permits to ''enhance the propagation or survival'' of the species. This demonstrates that Congress recognized the value of captive holding and propagation of listed species held in captivity but intended that such specimens would be protected under the ESA, with these activities generally regulated by permit.

We have specifically identified captive members as part of the listed unit during listing actions, such as for endangered smalltooth sawfish (68 FR 15674; April 1, 2003), and endangered Atlantic sturgeon (77 FR 5914; February 6, 2012), and in the final listing of five species of foreign sturgeon (79 FR 31222; June 2, 2014). Further, based upon the purposes of the ESA and its legislative history, courts have held and the USFWS has recently concluded that the ESA does not allow captive animals to be assigned different legal status from their wild counterparts on the basis of their captive status (*Safari Club International* v. *Jewell,* 960 F. Supp. 2d 17 (DDC 2013)). Subsequent to the submission of the petition regarding Lolita, USFWS published a proposed rule to amend the listing status of captive chimpanzees, so that all chimpanzees (wild and captive) would be listed as endangered (78 FR 35201; June 12, 2013). USFWS also published a 12-month finding that delisting the captive members of three listed antelope species was not warranted (78 FR 33790; June 5, 2013).

In a recent notice announcing a Final Policy of Interpretation of the Phrase ''Significant Portion of Its Range (SPR)'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37578; July 1, 2014), the Services also confirmed the legal status of captive members of listed species. The notice explains, with regard to species found in captivity, the Services consider a captive population to have no ''range'' separate from that of the species to which it belongs (captive populations cannot be considered a SPR). The notice also states ''captive members have the same legal status as the species as a whole.''

Based on the preceding discussion, the information submitted during the public comment period, the peer reviews, and best available science and information, we find that captive members of the Southern Resident killer whale population should not be excluded from the listed Southern Resident killer whale DPS based on their captive status. Accordingly, this rule removes the exclusion for captive whales in the regulatory language describing the Southern Resident killer whale DPS. Our finding is consistent with the recent USFWS conclusions regarding the status of captive animals under the ESA and also with the Marine Mammal Commission recommendation to adopt a policy consistent with the USFWS in the proposed chimpanzee listing rule and treat all biological members of the Southern Resident killer whales as part of the DPS, regardless of whether those individuals are in the wild or in captivity (Marine Mammal Commission letter, August 13, 2013).

As part of the 2005 ESA listing of the Southern Resident killer whale DPS (70 FR 69903; November 18, 2005), we conducted an analysis of the five ESA section 4(a)(1) factors and concluded that the DPS was in danger of extinction and listed it as endangered. In March 2011, we completed a 5-year review of the ESA status of the Southern Resident killer whale DPS, concluding that no change was needed in its listing status and that the Southern Resident killer whale DPS would remain listed as endangered (NMFS, 2011). The petition and several public comments included an analysis of the five ESA section 4(a)(1) factors with respect to Lolita, although petitioners note that the analysis is not required to justify Lolita's inclusion in the DPS and that Lolita's genetic heritage is sufficient to support her inclusion in the listing. We agree that biological information regarding Lolita's origin and consideration of the applicability of the ESA to captive members of endangered species provide a sufficient basis for our determination and, therefore, do not include a review of the section 4(a)(1) factors for Lolita or the wild population.

While progress toward recovery has been achieved since the listing, as described in the 5-year review, the status of the DPS remains as endangered. Since the 5-year review was completed, additional actions have been taken to address threats, such as regulations to protect killer whales from vessel impacts (76 FR 20870; April 14, 2011), completion of a scientific review of the effects of salmon fisheries on Southern Resident killer whales (Hilborn, 2012), and ongoing technical working groups with the Environmental Protection Agency to assess contaminant exposure. However, the population growth outlined in the biological recovery criteria and some of the threats criteria have not been met. We have no new information that would change the recommendation in our 5-year review that the Southern Resident killer whale DPS remain classified as endangered (NMFS, 2011). This final rule amends the language describing the Southern Resident killer whale DPS by removing the exclusion of captive whales. With this change, Lolita, a female killer whale captured from the Southern Resident killer whale population in 1970, is not excluded from the Southern Resident killer whale DPS due to her captive status.

Effects of Amendment to Listing

Conservation measures provided for species listed as endangered or threatened under the ESA include concurrent designation of critical habitat if prudent and determinable (16 U.S.C. 1533(a)(3)(A)); recovery plans and actions (16 U.S.C. 1536(f)); Federal agency requirements to consult with NMFS and to ensure its actions do not jeopardize the species or result in adverse modification or destruction of critical habitat should it be designated (16 U.S.C. 1536); and prohibitions on taking (16 U.S.C. 1538). Following the listing, we designated critical habitat and completed a recovery plan for the Southern Resident killer whale DPS. We issued a final rule designating critical habitat for the Southern Resident killer whale DPS November 29, 2006 (71 FR 69055). The designation includes three specific areas: (1) The Summer Core Area in Haro Strait and waters around the San Juan Islands; (2) Puget Sound; and (3) the Strait of Juan de Fuca, which together comprise approximately 2,560

square miles (6,630 square km). The designation excludes areas with water less than 20 feet (6.1 m) deep relative to extreme high water. The designated critical habitat will not be affected by removing the exclusion of captive whales from the regulatory language describing the Southern Resident killer whale DPS. As the USFWS identified in its recent proposed chimpanzee rule, there is an ''anomaly of identifying the physical and biological features that would be essential to the conservation of a species consisting entirely of captive animals in an artificial environment'' (78 FR 35201; June 12, 2013). This observation also holds for a listed entity with only one captive member. In addition, the recent notice announcing a final policy interpreting Significant Portion of its Range under the ESA notes the Services consider a captive population to have no ''range'' separate from that of the species to which it belongs (79 FR 37578; July 1, 2014). We do not intend to modify the critical habitat designation to include consideration of Lolita and her captive environment.

After engaging stakeholders and providing multiple drafts for public comment, we announced the Final Recovery Plan for the Southern Resident killer whale DPS on January 24, 2008 (73 FR 4176). Lolita's capture and captivity is mentioned in the recovery plan; however, the recovery actions in the plan are focused on addressing the threats to and the recovery of the wild population. As the recovery plan is updated in the future, we will consider including an update that Lolita is included in the DPS.

Sections 7(a)(2) of the ESA requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species, or to adversely modify critical habitat. In the USFWS proposed rule for chimpanzees (78 FR 35201; June 12, 2013), USFWS identifies that ''the section 7 consultation process is not well suited to analysis of adverse impacts posed to a purely captive-held group of specimens given that such specimens are maintained under controlled, artificial conditions.'' This observation also holds for a listed entity with only one captive member. Previous guidance on examples of Federal actions that have the potential to impact Southern Resident killer whales was focused on activities that may affect wild whales. Additional considerations of actions that have the potential to affect Southern Resident killer whales, including Lolita, will be considered along with prohibitions on activities that affect the Southern Resident killer whale DPS. Some of these considerations are discussed below.

Take Prohibitions and Identification of Those Activities That Might Constitute a Violation of Section 9 of the ESA

On July 1, 1994, NMFS and USFWS published a policy (59 FR 34272) that requires us to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA. The ESA does not prohibit possession of animals lawfully taken into captivity, so a permit is required only if the person possessing the animal intends to engage in an otherwise prohibited act. Prohibited activities for ESA-listed endangered species include, but are not limited to: (1) ''take'' of such species, as defined in the ESA (including to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct); (2) delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce, in the course of a commercial activity, any such species; or (3) selling or offering for sale in interstate or foreign commerce any such species.

In the proposed rule, we said that, depending on the circumstances, we would not likely find continued possession, care, and maintenance of a captive animal to be a violation of section 9 (and that therefore, such activities would not require a section 10 permit). As noted above, we received numerous comments addressing the types of activities that might trigger section 9 concerns and/or warrant consideration for a section 10 permit. We believe these comments demonstrate the need for a more focused evaluation of these factors, which is more appropriately performed as part of a permit application process as opposed to this listing rule.

Likewise, we indicated in the proposed rule certain activities that we believe could result in violations of section 9 of the ESA, specifically including ''releasing a captive animal into the wild.'' 79 FR at 4318 (January 27, 2014). We based this on our proposed rule listing five species of sturgeon (since finalized at 79 FR 31222, June 2, 2014).

In this final rule, NMFS notes that issues surrounding any release of Lolita to the wild are numerous and complex and are not ripe for analysis in this listing rule. Such issues would be better evaluated in the context of a specific section 10 permit application. Any such process would include rigorous review by the scientific community, the Marine Mammal Commission, and the public, and be subject to an associated NEPA analysis, prior to action being taken.

References Cited

The complete citations for the references used in this document can be obtained by contacting NMFS (See **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**) or on our Web page at: *http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/killer_whale/lolita_petition.html.*

Information Quality Act and Peer Review

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation. The OMB Bulletin, implemented under the Information Quality Act (Public Law 106–554), is intended to enhance the quality and credibility of the Federal government's scientific information, and applies to influential or highly influential scientific information disseminated on or after June 16, 2005. To satisfy our requirements under the OMB Bulletin, we obtained independent peer review of the information on Lolita in our status review update (NMFS, 2013). Four independent specialists were selected from the academic and scientific community, Federal and state agencies, and the private sector for this review (with two respondents). All peer reviewer comments were addressed in this final rule. The peer review process is detailed at: *http://www.cio.noaa.gov/services_programs/prplans/ID261.html.*

Classification

National Environmental Policy Act (NEPA)

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus*, 657 F. 2d 829 (6th Cir. 1981), we have concluded that NEPA does not apply to ESA listing actions. (See NOAA Administrative Order 216–6.)

Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered

when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this final rule is exempt from review under Executive Order 12866. This final rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Executive Order 13122, Federalism

In accordance with E.O. 13132, we determined that this final rule does not have significant federalism effects and that a federalism assessment is not required. In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual state and Federal interest, this final rule will be shared with the relevant state agencies in each state in which the species is believed to occur.

List of Subjects in 50 CFR Part 224

Administrative practice and procedure, Endangered and threatened species, Reporting and recordkeeping requirements.

Dated: February 4, 2015.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 224 is amended as follows:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

■ 2. In § 224.101, in the table in paragraph (h), revise the entry for ''Whale, killer (Southern Resident DPS)'' to read as follows:

§ 224.101 Enumeration of endangered marine and anadromous species.

* * * * *

(h) * * *

Species[1]			Citation(s) for listing determination(s)	Critical habitat	ESA Rules
Common name	Scientific name	Description of listed entity			
Marine Mammals					
*	*	*	*	*	*
Whale, killer (Southern Resident DPS).	*Orcinus orca*	Killer whales from the J, K, and L pods.	[*Insert citation] 2/10/2015*	226.206	224.103
*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

* * * * *

[FR Doc. 2015–02604 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 131119977–4381–02]

RIN 0648–XD640

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocations and Fishery Closure; Pacific Whiting Seasons

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

ACTION: Reapportionment of tribal Pacific whiting allocation, and implementation of an Ocean Salmon Conservation Zone to protect Chinook salmon.

SUMMARY: This document announces the reapportionment of 45,000 metric tons (mt) of Pacific whiting from the tribal allocation to the non-tribal commercial fishery sectors via two actions, in order to allow full utilization of the Pacific whiting resource. It also announces the implementation of an Ocean Salmon Conservation Zone that prohibited the targeting of Pacific whiting with midwater trawl gear shoreward of approximately 100 fathoms (fm) (183 m) to reduce Chinook salmon bycatch in the Pacific whiting fishery.

DATES: The rules set out in this document were made through automatic action, and are published in the **Federal Register** as soon as practicable after they are issued. The Ocean Salmon Conservation Zone was effective 0800 local time October 20, 2014 until December 31, 2014. The reapportionments of Pacific whiting were effective from 1200 local time, September 12, 2014 (25,000 mt) and 2000 local time October 23, 2014 (additional 20,000 mt), until December 31, 2014. Comments will be accepted through February 25, 2015.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0020 by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal at *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0020,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070, Attn: Miako Ushio.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Miako Ushio (West Coast Region, NMFS), phone: 206–526–4644 or email: *miako.ushio@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This document is accessible via the Internet at the Office of the Federal Register's Web site at *http://www.gpo.gov/fdsys/search/home.action.* Background information and documents are available at the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org/.*

Pacific Whiting

Pacific whiting (*Merluccius productus*) is a very productive species with highly variable recruitment (the biomass of fish that mature and enter the fishery each year) and a relatively short life span when compared to other groundfish species. Whiting has the largest (by volume) annual allowable harvest levels of the more than 90 groundfish species managed under the Pacific Coast Groundfish Fishery Management Plan (FMP), which governs the groundfish fishery off Washington, Oregon, and California. The coastwide whiting stock is managed by both the United States and Canada, and mature whiting are commonly available to vessels operating in U.S. waters from April through December. Background on the stock assessment for and the establishment of the 2014 Total Allowable Catch (TAC) for Pacific whiting is provided in the final rule for the 2014 whiting harvest specifications, published May 13, 2014 (79 FR 27198). Pacific whiting is allocated to the Washington Coast treaty tribes (tribal fishery), and to three non-tribal commercial sectors: the catcher/processor cooperative (C/P Coop), the mothership cooperative (MS Coop), and the Shorebased Individual Fishery Quota (IFQ) Program.

This document announces the reapportionment of 45,000 mt of Pacific whiting from the tribal allocation to the non-tribal commercial sectors. On September 12, 2014, 25,000 mt of Pacific whiting was reapportioned, followed by a second reapportionment of 20,000 mt on October 23, 2014. Regulations at 50 CFR 660.131(h) contain provisions that allow the Regional Administrator to reallocate that portion of the Pacific whiting tribal allocation specified at § 660.50 that will not be harvested by the end of the fishing year to other sectors. This action also announces the implementation of the Ocean Salmon Conservation Zone on October 20, 2014 pursuant to regulations at § 660.131(c) and § 660.60(d), subpart C.

Pacific Whiting Reapportionment

For 2014, the Washington Coast treaty tribes were allocated 55,336 mt of Pacific whiting. The best available information through September 12, 2014, indicated that at least 25,000 mt of the tribal allocation would not be harvested by December 31, 2014. To allow for full utilization of the resource, NMFS reapportioned 25,000 mt to the shorebased IFQ Program, C/P Coop and MS Coop in proportion to each sector's original allocation on September 12, 2014. Reapportioning this amount was expected to allow for greater attainment of the TAC while not limiting tribal harvest opportunities for the remainder of the year. Subsequently, the C/P Coop, MS Coop, and Shorebased IFQ sectors expressed an interest in additional harvest of Pacific whiting via written notice to NMFS.

The best available information on October 22, 2014, indicated that an additional 20,000 mt of the tribal allocation would not be harvested by December 31, 2014. To allow for full utilization the resource, NMFS reapportioned an additional 20,000 mt of the non-tribal sector and distributed to the C/P Coop and MS Coop in proportion to each sector's original allocation on October 23, 2014. As explained below, the Shorebased IFQ Program's share of the second reapportionment was not distributed due to concerns about Chinook salmon catch.

Reapportioning a combined total of 45,000 mt was expected to allow for a greater likelihood of attaining the OY while not limiting tribal harvest opportunities for the remainder of the year. The revised Pacific whiting allocations for 2014 are: Tribal 10,336 mt, C/P Coop 103,486 mt; MS Coop 73,049 mt; and Shorebased IFQ Program 127,835 mt.

Ocean Salmon Conservation Zone and Chinook Salmon Bycatch in the Primary Whiting Season

Chinook salmon protected under the Endangered Species Act (ESA) are caught as bycatch in the Pacific whiting fishery. As the result of previous ESA consultations, multiple steps have been taken in the fishery to minimize rates of Chinook salmon bycatch. The currently applicable incidental take statement requires reinitiation of consultation if the Pacific whiting fishery exceeds an 11,000-Chinook salmon annual bycatch amount. As reported in the 2006 Supplemental Biological Opinion on the Pacific Coast Groundfish, historic fishery data indicates that Chinook salmon bycatch rates can be highest in depths less than 100 fathoms (fm) (183 m) and early in the season (May and June), although bycatch rates can vary.

When NMFS projects that the Pacific whiting fishery may incidentally take in excess of 11,000 Chinook salmon within a calendar year, an Ocean Salmon Conservation Zone may be implemented through an automatic action (50 CFR 660.60(d), subpart C). The Ocean Salmon Conservation Zone prohibits the targeting of Pacific whiting with midwater trawl gear shoreward of the 100 fm depth contour (§ 660.131(c)).

As of October 17, 2014, the best available information indicated that the Pacific whiting fishery had taken at least 11,000 Chinook salmon. Accordingly, NMFS has reinitiated consultation on the effect of the groundfish fishery on salmonids listed as endangered or threatened, and implemented the Ocean Salmon Conservation Zone to reduce the effect of the whiting fishery on salmon for the remainder of the 2014 season. Vessels fishing in the Pacific whiting primary seasons were prohibited from targeting Pacific whiting with midwater trawl gear in all waters shoreward of a boundary line approximating the 100 fm (183 m) depth contour as of 0800, local time, October 20, 2014. Latitude/longitude coordinates defining the boundary line that approximates the 100 fm (183 m) depth contour are provided at § 660.73, subpart C.

Reapportionment Effect on Chinook Salmon

NMFS concluded that distributing the reapportioned whiting to the at-sea sectors (C/P Coop and MS Coop) would not substantially increase the overall Chinook bycatch rates for the Pacific whiting fishery because these sectors had taken voluntary steps to reduce Chinook salmon bycatch, including fishing outside of 150 fm, and had notified NMFS in writing that they would cease fishing if they reached the bycatch numbers projected in the absence of additional reallocation.

The Shorebased IFQ program tends to fish closer to shore to reduce operating costs. As a consequence, the shoreside sector tends to have higher bycatch rates than the at-sea sectors. For this reason, the Pacific Fishery Management Council (PFMC) recommended via emergency meeting on October 17, 2014, that any additional reapportioned fish be distributed to the shorebased sector after attainment of their existing allocation in conjunction with salmon conservation measures implemented through inseason action. The Shorebased IFQ program did not attain their existing allocation, the Shorebased IFQ share of the second reapportionment was not distributed, and no additional salmon conservation measures were taken.

Emails sent directly to fishing businesses and individuals, and postings on the West Coast Region's internet site were used to provide actual notice to the affected fishers. Reapportionment was effective the same day as the notice, while implementation of the Ocean Salmon Conservation Zone was effective three days after the Public Notice, to allow for additional time for the public to become aware of the change in depth restrictions.

Classification

This action is authorized by the regulations implementing the FMP. The Assistant Administrator for Fisheries, NOAA (AA), finds that good cause exists for this notification to be issued without affording prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B) because such notification would be impracticable and contrary to the public interest. It was contrary to public interest to provide prior notice and comment on the implementation of the Ocean Salmon Conservation Zone because conservation concerns required taking immediate action on current catch information to reduce take of Chinook salmon. The closed area implemented by this rule needed to be in effect during the remainder of the 2014 primary season. If the agency were to conduct a proposed and final rulemaking for this action, the rule would not likely have been finalized until after the whiting fisheries had achieved their 2014 whiting quotas. The bycatch of ESA-listed salmon could have continued unabated during this time. Providing prior notice and comment was impracticable because affording prior notice and opportunity for public comment would have impeded the agency's mandated duty to manage fisheries to protect endangered and threatened salmon. Implementing the Ocean Salmon Conservation Zone and reapportioning as quickly as possible was necessary to protect Chinook salmon and to allow access to the remaining portion of the Pacific whiting TAC prior to the onset of weather conditions that would make fishing unsafe. As previously noted, actual notice of the reapportionment was provided to fishers. Prior notice and opportunity for public comment on this reapportionment was impracticable because NMFS had insufficient time to provide prior notice and the opportunity for public comment between the time the information about the progress of the fishery needed to make this determination became available and the time at which fishery modifications had to be implemented in order to allow fishers access to the available fish during the remainder of the fishing season. Additionally, it is not practical for vessels to keep crews waiting for additional quota, so timely reapportionment of uncaught quota to these sectors was necessary to keep workers in the C/P Coop and Mothership Coops employed. For the same reasons, the AA also finds good cause to waive the 30-day delay in effectiveness for these actions, required under 5 U.S.C. 553(d)(3).

These actions are authorized by §§ 660.55 (i), 660.60(d) and 660.131(h) and are exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq* and 16 U.S.C. 773 *et seq.*

Dated: February 5, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–02669 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 27
Tuesday, February 10, 2015

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

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

[Docket No. MSHA–2014–0009]

RIN 1219–AB72

Criteria and Procedures for Assessment of Civil Penalties

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule; extension of comment period; close of record.

SUMMARY: This document corrects § 100.3(e) in a proposed rule published in the **Federal Register** on July 31, 2014, regarding criteria and procedures for assessment of civil penalties. This correction also clarifies selected proposed provisions in the preamble to facilitate public understanding and to obtain more useful responses.

DATES: Post-hearing comments must be received or postmarked by midnight Eastern Standard Time on March 31, 2015.

ADDRESSES: Submit comments, informational materials, and requests to speak, identified by RIN 1219–AB72 or Docket No. MSHA–2014–0009, by one of the following methods:

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: zzMSHA-comments@dol.gov.* Include RIN 1219–AB72 or Docket No. MSHA–2014–0009 in the subject line of the message.
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209–3939.
- *Hand Delivery or Courier:* MSHA, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 21st floor.
- *Fax:* 202–693–9441.

Instructions: All submissions must include ''MSHA'' and ''RIN 1219–AB72'' or ''Docket No. MSHA–2014–0009.'' Do not include personal information that you do not want publicly disclosed; MSHA will post all comments without change to *http://www.regulations.gov* and *http://www.msha.gov/currentcomments.asp,* including any personal information provided.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov* or *http://www.msha.gov/currentcomments.asp.* To read background documents, go to *http://www.regulations.gov.* Review the docket in person at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal Holidays. Sign in at the receptionist's desk on the 21st floor.

Email notification: To subscribe to receive an email notification when MSHA publishes rules, program information, instructions, and policy, in the **Federal Register**, go to *http://www.msha.gov/subscriptions/subscribe.aspx.*

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

On July 31, 2014, MSHA published a proposed rule (79 FR 44494) to amend its civil penalty regulation to simplify the criteria, which will promote consistency, objectivity, and efficiency in the proposed assessment of civil penalties and facilitate the resolution of enforcement issues. The proposal would place a greater emphasis on the more serious safety and health conditions and provide improved safety and health for miners. This proposed rule involves changes to MSHA's regular assessment penalty formula, including changes to the citation/order form [MSHA Form 7000–3]. The comment period was scheduled to close on September 29, 2014; however in response to requests from the public for additional time to prepare comments, MSHA extended the comment period until December 3, 2014.

On November 7, 2014 (79 FR 66345), MSHA announced two public hearings which were held on December 4, 2014, in Arlington, VA, and on December 9, 2014 in Denver, Colorado. The post-hearing comment period was extended until January 9, 2015.

In response to requests from the public, MSHA announced on December 31, 2014 (79 FR 78749) two additional public hearings on the proposed rule. The hearings will be held on February 5, 2015 in Birmingham, Alabama, and on February 12, 2015 in Chicago, Illinois. The post-hearing comment period and rulemaking record will close on March 31, 2015.

II. Request for Comments and Close of Record

MSHA clarifies that under the Negligence criterion, MSHA proposed to combine the existing categories of Low, Moderate, and High Negligence into a single category of Negligent. Commenters have expressed concern that violations assessed as High Negligence under the existing rule would be assessed as Reckless Disregard under the proposed rule, resulting in higher penalties. As stated in public hearings to date, MSHA intends that determinations of Low, Moderate, and High Negligence under the existing rule would be placed in the proposed Negligent category and assigned 15 penalty points. ''Negligent'' would mean that the operator ''knew or should have known of the violative condition or practice.'' The definitions of Reckless Disregard and No Negligence (''Not Negligent'' in the proposal) would not change. ''Reckless Disregard'' would continue to mean conduct exhibiting ''the absence of the slightest degree of care'' and is distinguishable from the proposed definition of ''Negligent.'' It is also distinguishable from the existing definition of ''High Negligence,'' which is that the operator ''knew or should have known of the violative condition or practice, and there are no mitigating circumstances.'' ''Not Negligent'' would continue to mean that the operator ''exercised diligence and could not have known of the violative condition or practice.''

Under the Gravity criterion for Likelihood, MSHA clarifies that the Agency proposes to combine the existing categories of No Likelihood and

Unlikely to a single category of Unlikely. Violations assessed as Unlikely under the existing rule would remain Unlikely under the proposed rule, but would be assigned zero penalty points. The existing categories of Reasonably Likely and Highly Likely would be combined to a single category of Reasonably Likely in the proposed rule and assigned 14 penalty points.

MSHA is clarifying that the proposed definition of ''Unlikely'' should read ''Condition or practice cited has little or no likelihood of causing an injury or illness.'' MSHA is also clarifying that the proposed definition of ''Reasonably Likely'' should read ''Condition or practice cited is likely to cause an injury or illness.'' In addition, the proposed definition of ''Occurred'' should read ''Condition or practice cited has caused an injury or illness.''

MSHA also would like to clarify that the Good Faith reduction in penalties would not be affected by a request for pre-assessment conferences on violations. MSHA discussed an alternative in the preamble to the proposed rule of an additional 20 percent reduction in the penalty for Good Faith if the violation is not contested and the penalty is paid before it becomes a final order of the Commission. Under this alternative, only penalties that are either not paid within 30 days or are contested would be ineligible for the additional 20 percent Good Faith penalty reduction. MSHA clarifies that if an assessment grouping includes multiple citations and only one is not paid within 30 days or is contested, the remaining citations would be eligible for the Good Faith penalty reduction.

MSHA solicits comments from the mining community on all aspects of the proposed rule. Commenters are requested to be specific in their comments and to provide sufficient detail in your responses to enable proper Agency review and consideration. All comments must be received or postmarked by March 31, 2015.

III. Correction

In proposed rule FR Doc. 2014–17935, beginning on page 44517 in the issue of July 31, 2014, make the following corrections.

PART 100—CRITERIA AND PROCEDURES FOR ASSESSMENT OF CIVIL PENALTIES

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 30 U.S.C. 815, 820, 957.

■ 2. Amend § 100.3 paragraph (e) by revising the first two sentences in the introductory paragraph, Table XI, and the heading for the first column in Tables XII and XIII to read as follows:

§ 100.3 Determination of penalty amount; regular assessment.

* * * * *

(e) *Gravity.* Gravity is an evaluation of the seriousness of the violation. Gravity is determined by the likelihood of an injury or illness, the severity of the anticipated or occurred injury or illness, and whether or not persons are potentially affected by the condition or practice cited. * * *

TABLE XI—GRAVITY: LIKELIHOOD

Likelihood of occurrence	Penalty points
Unlikely: Condition or practice cited has little or no likelihood of causing an injury or illness.	0
Reasonably Likely: Condition or practice cited is likely to cause an injury or illness	14
Occurred: Condition or practice cited has caused an injury or illness.	25

TABLE XII—GRAVITY: SEVERITY

Severity of anticipated or occurred injury or illness	Penalty points
* * *	* * *
* * *	* * *
* * *	* * *

TABLE XIII–GRAVITY: PERSONS POTENTIALLY AFFECTED

Persons potentially affected by the condition or practice cited	Penalty points
* * *	* * *
* * *	* * *

* * * * *

Dated: February 3, 2015.

Joseph A. Main,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2015–02399 Filed 2–9–15; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–1019]

RIN 1625–AA00

Safety Zone; Memphis Port Area Multiagency Mass Rescue Operations and Medical Surge Full-Scale Exercise, Lower Mississippi River, Mile Marker, (MM) 745.0 to (MM) 736.0, Memphis, TN

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a temporary Safety Zone for all waters of the Lower Mississippi River, from MM 745.0 to MM 736.0. This safety zone is needed to protect persons and vessels from the potential safety hazards associated with a full-scale multiagency mass rescue exercise. Entry into this zone is prohibited to all vessels, mariners, and persons unless specifically authorized by the Captain of the Port (COTP), Lower Mississippi River or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before February 25, 2015.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Tyrone Conner, Sector Lower Mississippi River Waterways Management Division, U.S. Coast Guard; telephone (901) 521–4725, email *Tyrone.L.Conner@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

DHS Department of Homeland Security
FR Federal Register
MM mile marker
NPRM Notice of Proposed Rulemaking
SAR Search and Rescue

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 [USCG–2014–1019] 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 (USCG–2014–1019) 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 on or before February 20, 2015, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial.

B. Regulatory History and Information

The Coast Guard has a long history working with local, state, and federal agencies in areas to improve emergency response, to prepare for events that call for swift action, and to protect our nation. The Coast Guard is proposing to establish this safety zone on the waters of the Lower Mississippi River in Memphis, Tennessee for the Memphis Port Area Multiagency Mass Rescue Operations and Medical Surge Full-Scale Exercise. The full-scale exercise is scheduled to take place from 9:00 a.m. to 12:00 p.m. on April 22, 2015 and afford an opportunity for U.S. Coast Guard Sector Lower Mississippi River, City of Memphis Office of Emergency Management, Memphis Fire Department, Memphis Police Department, Shelby County Sheriff's Office, Shelby County Office of Preparedness, Shelby County Health Department, DeSoto County Sherriff Office SAR Unit, Tipton County Emergency Management Agency, West Memphis Fire Department, Tennessee Wildlife Resources Agency, Tennessee Emergency Management Agency, Fullen Dock and Warehouse, Lucy Woodstock Marine Terminal, and Wepfer Marine to coordinate, communicate, and practice emergency response techniques for the safety of all Lower Mississippi River. This proposed rule is necessary to protect the safety of the participants, spectators, commercial traffic, and the general public on the navigable waters of the United States during the exercise.

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; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory safety zones. The purpose of this proposed safety zone is to protect public boaters and their vessels from potential safety hazards associated with the full-scale exercise on the Lower Mississippi River, Memphis, Tennessee.

D. Discussion of Proposed Rule

This proposed rule is necessary to establish a Safety Zone that will encompass certain waters of the Lower Mississippi River in Memphis, Tennessee. The proposed Safety Zone regulations will be enforced from approximately 9:00 a.m. to 12:00 p.m. for approximately 3 hours on April 22, 2015. The proposed Safety Zone will establish from Mile Marker (MM) 745.0 to (MM) 736.0, where all persons and vessels, except those persons and vessels participating in the full-scale exercise and those vessels enforcing the areas, are prohibited from entering, transiting through, anchoring in, or remaining within.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the enforcement areas by contacting the Captain of the Port Lower Mississippi River by telephone at (866) 777–2784, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the enforcement areas is granted by the Captain of the Port Lower Mississippi River or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Lower Mississippi River or a designated representative.

E. Regulatory Analyses

We developed this proposed 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 proposed 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. The temporary safety zone listed in this proposed rule will only restrict vessel traffic from entering, transiting, or anchoring within a small portion of the Lower Mississippi River. The effect of this regulation will not be significant for several reasons: (1) This rule will only affect vessel traffic for a short duration; (2) vessels may request permission from the COTP to deviate from the restriction and transit through the safety zone; and (3) the impacts on routine navigation are expected to be minimal because notifications to the marine community will be made through local notice to mariners (LNM) and broadcast notice to mariners (BNM). Therefore, these notifications will allow the public to plan operations around the safety zone and its enforcement times.

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 proposed 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 the Lower Mississippi River from MM 745.0 to MM 736.0 effective from 9:00 a.m. to 12:00 p.m. on April 22, 2015. This safety zone will not have a significant economic impact on a substantial number of small entities because this rule will only be in effect during scheduled full-scale multiagency mass rescue exercise time for approximately 3 hours on the day the event is occurring. Traffic in this area is limited to almost entirely recreational vessels and commercial towing vessels. Notifications to the marine community will be made through BNMs and electronic mail. Notices of changes to the safety zone and scheduled effective times and enforcement periods will also be made. Deviation from the restrictions may be requested from the COTP or designated representative and will be considered on a case-by-case basis.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

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 proposed 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**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed 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 proposed 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 proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This proposed rule would 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 proposed 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 From Environmental Health Risks

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

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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 proposed rule 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 proposed rule does not use technical standards. Therefore, we did

not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this proposed 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 made a preliminary determination 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 proposed rule involves establishing a temporary safety zone in the Lower Mississippi River, (MM) 745.0 to (MM) 736.0. This action is necessary to protect persons and property during the full-scale exercise. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary 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 proposed rule.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 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, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08–1019 is added to read as follows:

§ 165.T08–1019 Safety Zone; Memphis Port Area Multiagency Mass Rescue Operations and Medical Surge Full-Scale Exercise, Lower Mississippi River, Mile Marker, (MM) 745.0 to (MM) 736.0, Memphis, TN.

(a) *Location.* The following area will be under a temporary safety zone: Waters of the Lower Mississippi River, from MM 745.0 to MM 736.0.

(b) *Effective date and times.* This safety zone will be effective from 9:00 a.m. to 12:00 p.m. on April 22, 2015.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this area is prohibited unless authorized by the Captain of the Port (COTP) Lower Mississippi River or a designated representative.

(2) Spectator vessels may safely transit outside the safety zone at a minimum safe speed, but may not anchor, block, loiter, or impede participants or official patrol vessels.

(3) Vessels requiring entry into or passage through the safety zone must request permission from the COTP Lower Mississippi River or a designated representative. They may be contacted on VHF–FM channels 16 or by telephone at (901) 521–4822.

(4) All vessels shall comply with the instructions of the COTP Lower Mississippi River and designated personnel. Designated personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(d) *Informational Broadcasts:* The Captain of the Port, Lower Mississippi River or a designated representative will inform the public through broadcast notices to mariners (BNM) of the effective period for the safety zone and of any changes in the effective period, enforcement times, or size of the safety zone.

Dated: January 16, 2015.

T.J. Wendt,

Captain, U.S. Coast Guard, Captain of the Port, Lower Mississippi River.

[FR Doc. 2015–02319 Filed 2–9–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 75

Proposed Waiver and Extension of the Project Period for the Native Hawaiian Career and Technical Education Program

Catalog of Federal Domestic Assistance (CFDA) Number: 84.259A.

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Proposed waiver and extension of the project period.

SUMMARY: For the Native Hawaiian Career and Technical Education Program (NHCTEP), the Secretary proposes to waive the requirements that generally prohibit project period extensions involving the obligation of additional Federal funds and extend the project periods of the seven current NHCTEP grants for up to an additional 24 months. This proposed waiver and extension would allow the seven current NHCTEP grantees to seek continuation awards annually through fiscal year (FY) 2016 and possibly through FY 2017.

DATES: We must receive your comments on or before March 12, 2015.

ADDRESSES: Address all comments regarding this proposed extension and waiver to Linda Mayo, U.S. Department of Education, 400 Maryland Avenue SW., Room 11075, Potomac Center Plaza (PCP), Washington, DC 20202–7241.

If you prefer to send your comments by email, use the following address: *linda.mayo@ed.gov.* You must include the term ''Proposed Waiver and Extension for NHCTEP'' in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: Linda Mayo by telephone at (202) 245–7792 or by email at: *linda.mayo@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this proposed waiver and extension of the project period.

During and after the comment period, you may inspect all public comments about this proposed waiver and extension in Room 11075, PCP, 550 12th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Background

NHCTEP, authorized by section 116 of the Carl D. Perkins Career and Technical Education Act of 2006 (Act), supports grants to community-based organizations primarily serving and representing Native Hawaiians.[1] Under this program, grantees carry out projects that provide organized educational

[1] For purposes of NHCTEP, ''community-based organization'' means a public or private organization that provides career and technical education, or related services, to individuals in the Native Hawaiian community.

activities offering a sequence of courses that—

(a) Provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions;

(b) Provides technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; and

(c) Includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual. Projects may include prerequisite courses (other than remedial courses) that meet the definitional requirements of section 3(5)(A) of the Act (20 U.S.C. 2302(5)(A)).

On June 14, 2013, we published in the **Federal Register** (78 FR 35877) a notice inviting applications for NHCTEP grants (2013 NIA). Although the Secretary invited applications with a proposed project period of five years in previous NHCTEP competitions, in 2013, in anticipation of congressional reauthorization of the Act, the Department invited applications with proposed project periods of 24 months. The project periods for the NHCTEP projects funded under the 2013 NIA are scheduled to end in 2015. Because there is the potential for changes in the authorizing legislation for NHCTEP beyond 2015, we do not believe it would be in the public interest to hold a new NHCTEP competition in FY 2015 for projects that may then operate for just one year or to announce a competition under which eligible entities would be expected to proceed through the application preparation and submission process while lacking critical information about the future of the program. Further, we do not think that it would be in the public interest to have a lapse in the services currently provided by the NHCTEP grantees.

For these reasons, the Secretary proposes to waive the requirements of 34 CFR 75.261(a) and (c)(2) that generally prohibit project period extensions involving the obligation of additional Federal funds. The Secretary also proposes to extend the NHCTEP project period for up to 24 months. The proposed waiver and extension would allow the current NHCTEP grantees to request and continue to receive Federal funding annually for project periods through FY 2016 and possibly through FY 2017. We intend to fund the extended project period by using funds appropriated for FY 2015 or FY 2016, depending on whether the grants are extended for one or two years.

If the waiver of the requirements of 34 CFR 75.261(a) and (c)(2) that we propose in this notice is announced by a notice of final waiver and extension of the project period published in the **Federal Register**: (1) The requirements applicable to continuation awards for current NHCTEP grantees set forth in the 2013 NIA and the requirements in 34 CFR 75.253 would apply to any continuation awards sought by current NHCTEP grantees; (2) we will make decisions regarding annual continuation awards based on grantee program narratives, budgets and budget narratives, and performance reports and the requirements in 34 CFR 75.253; and (3) we will not announce a new competition or make new awards in FY 2015.

The proposed waiver and project period extension would not exempt the current NHCTEP grantees from the appropriation account closing provisions of 31 U.S.C. 1552(a), nor would they extend the availability of funds previously awarded to current NHCTEP grantees. As a result of 31 U.S.C. 1552(a), appropriations available for a limited period may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Department of the Treasury and is unavailable for restoration for any purpose (31 U.S.C. 1552(b)).

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension and the activities required to support additional years of funding would not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by this proposed waiver and extension are the seven currently funded NHCTEP grantees and any other potential applicants.

The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on these entities because the extension of an existing project imposes minimal compliance costs, and the activities required to support the additional years of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waiver and extension does not contain any information collection requirements.

Intergovernmental Review

The NHCTEP is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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 contact 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 this 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 4, 2015.

Johan E. Uvin,

Acting Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2015–02712 Filed 2–9–15; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2014–0731; FRL–9921–36–Region 9]

Revisions to the California State Implementation Plan, Placer County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Placer County Air Pollution Control District (PCAPCD) and

the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portions of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from gasoline transfer into stationary storage containers, and gasoline transfer into vehicle fuel tanks. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: Any comments on this proposal must arrive by March 12, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2014–0731 by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.

2. *Email: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. 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: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: James Shears, EPA Region IX, (213) 244–1810, *shears.james@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: PCAPCD Rule 213, Gasoline Transfer Into Stationary Storage Containers, PCAPCD Rule 214, Transfer of Gasoline Into Vehicle Fuel Tanks, SJVUAPCD Rule 4621, Gasoline Transfer Into Stationary Storage Containers, Delivery Vessels, and Bulk Plants, and SJVUAPCD Rule 4622, Gasoline Transfer Into Motor Vehicle Fuel Tanks. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 12, 2014.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–02618 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2011–0938; FRL–9922–72–Region 6]

Approval and Promulgation of Implementation Plans; New Mexico; Transportation Conformity and Conformity of General Federal Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of New Mexico on October 28, 2011, November 1, 2013, and August 8, 2014 on behalf of the New Mexico Environment Department (NMED). These revisions amend the State transportation conformity provisions and remove the State general conformity provisions from the SIP as allowed by the 2005 amendments to the Clean Air Act (Act or CAA). These revisions also establish transportation conformity criteria and procedures related to interagency consultation and enforceability of certain transportation-related control measures and mitigation measures. If finalized, upon the effective date of this final action, the EPA federal rules will govern conformity of transportation Federal actions and general Federal actions within the State of New Mexico. This action is being taken in accordance with sections 110 and 176 of the Act.

DATES: Written comments should be received on or before March 12, 2015.

ADDRESSES: Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jeffrey Riley, (214) 665–8542, *riley.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct rule without prior proposal because the Agency views this as noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action no further activity is contemplated. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

Dated: January 28, 2015.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2015–02584 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 27

[GN Docket No. 12–268, WT Docket Nos. 14–170, 05–211, RM–11395; DA 15–142]

Updating Competitive Bidding Rules; Further Extension of Comment and Reply Comment Periods

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment deadlines

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) further extends the deadline for filing comments and reply comments on its Competitive Bidding Notice of Proposed Rulemaking (*Competitive Bidding NPRM*), which sought comment on the revision of certain part 1 competitive bidding rules and provided notice of the Commission's intention to resolve longstanding petitions for reconsideration.

DATES: Comments are due on or before February 20, 2015, and reply comments are due on or before March 6, 2015.

ADDRESSES: You may submit comments to the *Competitive Bidding NPRM,* identified by GN Docket No. 12–268 and WT Docket Nos. 14–170, 05–211, by any of the following methods:

- *Electronic Filers:* Federal Communication Commission's Electronic Comments Filing System (ECFS): *http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Paper Filers:* All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. Eastern Time (ET). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, or audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Wireless Telecommunications Bureau, Auctions and Spectrum Access Division: Leslie Barnes at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's *Order* in GN Docket No. 12–268, WT Docket Nos. 14–170 and 05–211, DA 15–142, adopted and released on January 30, 2015. The complete text of this document is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. ET Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://wireless.fcc.gov,* or by using the search function on the ECFS Web page at *http://www.fcc.gov/cgb/ecfs/.*

Summary

1. The Bureau released an *Order* on January 30, 2015, which further extends the comment and reply comment filing deadlines in response to the *Competitive Bidding NPRM,* 79 FR 68172, November 14, 2014.

2. Pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, and pursuant to the authority delegated in 47 CFR 0.131 and 0.331, the Bureau extends the deadlines for filing comments and reply comments until February 20, 2015, and March 6, 2015, respectively.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 2015–02727 Filed 2–9–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 27 and 73

[AU Docket No. 14–252; GN Docket No. 12–268; DA 15–143]

Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including 1001 and 1002

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; proposed auction procedures; extension of comment deadline.

SUMMARY: In this document, the Wireless Telecommunications Bureau (Bureau) further extends the deadline for filing comments on the *Auction 1000 Request for Comment,* which initiates the pre-auction process by which the Federal Communications Commission will develop detailed procedures for the broadcast television spectrum incentive auction, taking into account public comment received in response to its proposals.

DATES: Comments are due on or before February 20, 2015, and reply comments are due on or before March 13, 2015.

ADDRESSES: You may submit comments to the *Auction 1000 Request for Comment,* identified by GN Docket No. 12–268 and AU Docket No. 14–252 by any of the following methods:

- *Electronic Filers:* Federal Communication Commission's Electronic Comments Filing System (ECFS): *http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Paper Filers:* All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. Eastern Time (ET). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, or audio format), send an email to *fcc504@fcc.gov* or call

the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Wireless Telecommunications Bureau, Auctions and Spectrum Access Division: Erin Griffith at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's *Order* in GN Docket No. 12–268, AU Docket No. 14–252, DA 15–143, adopted and released on January 30, 2015. The complete text of this document is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. ET Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://wireless.fcc.gov,* or by using the search function on the ECFS Web page at *http://www.fcc.gov/cgb/ecfs/.*

Summary

1. The Bureau released an Order on January 30, 2015, which further extends the deadline for filing comments in response to the *Auction 1000 Request for Comment,* 80 FR 4816, January 29, 2015. Comments are now due by February 20, 2015. The deadline for filing reply comments is unchanged and remains March 13, 2015.

2. On December 17, 2014, the Federal Communications Commission (Commission) released the *Auction 1000 Request for Comment,* initiating the pre-auction process to develop procedures necessary to carry out the broadcast television spectrum incentive auction. The *Auction 1000 Request for Comment* set forth specific proposals on auction design issues and sought public comment on those proposals. Extending the comment deadline will enable parties to take into account more complete information about the results of bidding in Auction 97, which concluded on January 29, 2015 and for which full information files from bidding in the auction are now publicly available.

3. Pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, and pursuant to the authority delegated in 47 CFR 0.131 and 0.331 the Bureau extends the deadline for filing comments until February 20, 2015.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 2015–02728 Filed 2–9–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 80, No. 27
Tuesday, February 10, 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.

AFRICAN DEVELOPMENT FOUNDATION

Public Quarterly Meeting of the Board of Directors

AGENCY: United States African Development Foundation.

ACTION: Notice of meeting.

SUMMARY: The US African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration.

DATES: The meeting date is Wednesday, February 18th, 2015, 9:00 a.m. to 11:45 a.m.

ADDRESSES: The meeting location is 1400 I Street Northwest, Suite #1000 (Main Conference Room), Washington, DC 20005–2246.

FOR FURTHER INFORMATION CONTACT: Rabayah Akhter, 202–233–8811.

Authority: Pub. L. 96–533 (22 U.S.C.§ 290h).

Dated: February 3, 2015.

Doris M. Martin,

General Counsel.

[FR Doc. 2015–02675 Filed 2–9–15; 8:45 am]

BILLING CODE 6117–01–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the public meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 9:00 a.m. to 12:00 p.m. on Friday, February 27, 2015 in the Association Multipurpose Room at the Association of Public and Land Grant University Offices, 1307 New York Avenue, Washington, DC. The meeting will be streamed live on the Internet. The link to the global live stream is on BIFAD's home page: *http://www.usaid.gov/bifad.*

The central theme of this year's meeting will be *Human and Institutional Capacity Development in Agricultural Innovation Systems.* Dr. Brady Deaton, BIFAD Chair, will preside over the public business meeting, which will begin promptly at 9:00 a.m. with opening remarks. At this public meeting, the Board will address old and new business and hear updates from USAID, the university community, and other experts on how human and institutional capacity development can support agricultural innovation systems.

Starting at 9:15 a.m., Chairman Deaton will moderate a panel to inform BIFAD and the public of engagement of the USAID Bureau for Food Security on agriculture and nutrition dimensions of the global Ebola response. Presenters for this panel are Richard Greene, Senior Deputy Assistant Administrator, Bureau for Food Security and Meredith Soule, Division Chief, Country Strategies and Implementation, Bureau for Food Security.

Starting at 10:00 a.m., Chairman Deaton will moderate a panel on the *USAID/BIFAD/APLU Agricultural Exchange on Human and Institutional Capacity Development (AgExchange).* BIFAD and USAID with support from the Association of Public Land-grant Universities (APLU) held a three day facilitated online discussion from November 17–20, 2014 around the topic *Feeding the World in 2050: How Human and Institutional Capacity Development Can Support Agricultural Innovation Systems.* The AgExchange, facilitated by Cultural Practice, was well-attended and brought together various stakeholders from around the world. Deborah Rubin from Cultural Practice will summarize and present the results of the BIFAD/USAID/APLU AgExchange. Responding to these results will be Gretchen Neisler, Director for Global Connection in Food, Agriculture and Natural Resources, and Elon Gilbert, Vice Chairman, Rocky Mountain Biologicals, Inc.

At 11:30 a.m., Chairman Deaton will moderate a half-hour public comment period. At 12:00 p.m. BIFAD Chair Brady Deaton will make closing remarks and adjourn the public meeting.

Those wishing to attend the meeting or obtain additional information about BIFAD should contact Susan Owens, Executive Director and Designated Federal Officer for BIFAD in the Bureau for Food Security at USAID. Interested persons may write to her in care of the U.S. Agency for International Development, Ronald Reagan Building, Bureau for Food Security, 1300 Pennsylvania Avenue NW., Room 2.09–067, Washington, DC 20523–2110 or telephone her at (202) 712–0218.

Susan Owens,

Executive Director and USAID Designated Federal Officer for BIFAD, Bureau for Food Security, U.S. Agency for International Development.

[FR Doc. 2015–02666 Filed 2–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0110]

Notice of Request for Extension of Approval of an Information Collection; Importation of Peppers From the Republic of Korea

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of peppers from the Republic of Korea.

DATES: We will consider all comments that we receive on or before April 13, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0110.*
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2014–0110, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket

may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0110* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of peppers from the Republic of Korea, contact Ms. Nicole Russo, Assistant Director, RCC, RPM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2159. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

SUPPLEMENTARY INFORMATION:

Title: Importation of Peppers From the Republic of Korea.

OMB Control Number: 0579–0282.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of fruits and vegetables into the United States from certain parts of the world are contained in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–71).

In accordance with § 319.56–42, peppers from the Republic of Korea are subject to certain conditions before entering the continental United States to prevent the introduction of plant pests into the United States. The regulations include requirements for greenhouse registration and inspection by officials of the National Plant Quarantine Service (NPQS) of the Republic of Korea and the use of a phytosanitary certificate with a declaration by NPQS officials stating the peppers were grown in greenhouses in accordance with the regulations and inspected and found free of the listed plant pests.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.67 hours per response.

Respondents: National Plant Quarantine Service of the Republic of Korea.

Estimated annual number of respondents: 2.

Estimated annual number of responses per respondent: 3.

Estimated annual number of responses: 6.

Estimated total annual burden on respondents: 4 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 4th day of February 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–02679 Filed 2–9–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2014–0061]

Notice of Request for Extension of Approval of an Information Collection; Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the interstate movement of regulated nursery stock from quarantined areas to prevent the spread of citrus canker, citrus greening, and Asian citrus psyllid.

DATES: We will consider all comments that we receive on or before April 13, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0061.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2014–0061, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0061* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the regulations for the interstate movement of regulated nursery stock from citrus canker, citrus greening, and Asian citrus psyllid quarantined areas, contact Ms. Lynn Evans-Goldner, National Policy Manager, PHP, PPQ, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737; (301) 851–2286. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

SUPPLEMENTARY INFORMATION:

Title: Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock.

OMB Control Number: 0579–0369.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (7 U.S.C. 7701 *et seq.*) authorizes the Secretary of U.S. Department of Agriculture (USDA), either

independently or in cooperation with States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests, such as citrus canker, citrus greening, and Asian citrus psyllid, that are new to or not widely distributed within the United States. The USDA's Animal and Plant Health Inspection Service (APHIS) is the delegated authority to carry out this mission.

Citrus canker is a plant disease that affects plant and plant parts, including fresh fruit of citrus and citrus relatives (family Rutaceae). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants and cause infected fruit to drop from trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

Citrus greening, also known as Huanglongbing disease of citrus, is considered to be one of the most serious citrus diseases in the world. Citrus greening is a bacterial disease that attacks the vascular system of host plants. This bacterial pathogen can be transmitted by grafting and under laboratory conditions, by parasitic plants. The pathogen can also be transmitted by two insect vectors in the family Psyllidae; *Diaphorina citri* Kuwayama, the Asian citrus psyllid (ACP), and *Trioza erytreae* (del Guercio), the African citrus psyllid. ACP can also cause economic damage to citrus in groves and nurseries by direct feeding. Both adults and nymphs feed on young foliage, depleting the sap and causing galling or curling of leaves. High populations feeding on a citrus shoot can kill the growing tip.

APHIS regulations to prevent the interstate spread of citrus canker are contained in ''Subpart—Citrus Canker'' (7 CFR 301.75–1 through 301.75–17), and the regulations to prevent the interstate spread of citrus greening and Asian citrus psyllid are contained in ''Subpart—Citrus Greening and Asian Citrus Psyllid'' (7 CFR 301.76 through 301.76–11). These regulations restrict the interstate movement of regulated articles from and through areas quarantined for the pest and diseases and provide, among other things, conditions under which regulated nursery stock may be moved interstate. The interstate movement of regulated nursery stock from these quarantined areas involves information collection activities, including the application of tags, records of inspections and treatments, compliance agreements, Federal certificates, and limited permits.

Since the last extension of approval for these information collection activities, APHIS has added several States and territories, as well as additional businesses, to the number of respondents, resulting in an increase over the initial program estimates. As a result, each of the burden estimates has increased. Most significantly, APHIS has increased the estimated annual number of responses from 13,182 to 7,882,984, and the estimated total annual burden on respondents has increased from 1,900 hours to 2,411,271 hours.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.3058 hours per response.

Respondents: Nursery stock owners.

Estimated annual number of respondents: 1,909.

Estimated annual number of responses per respondent: 4,129.

Estimated annual number of responses: 7,882,984.

Estimated total annual burden on respondents: 2,411,271 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 4th day of February 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–02678 Filed 2–9–15; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Household Water Well System Grant Program Announcement of Application Deadlines and Funding

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of solicitation of applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS) announces its Household Water Well System Grant Program (HWWS) application window for Fiscal Year (FY) 2015. RUS will make grants to qualified private non-profit organizations to establish lending programs for homeowners to borrow up to $11,000 to construct or repair household water wells for an existing home. The HWWS Grant Program is authorized under 7 U.S.C. 1926e. Regulations may be found at 7 CFR part 1776. Of particular note this year, the RUS will assign administrative discretion points to applications that:

1. Direct loans to rural areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty. This emphasis will support Rural Development's goal of providing 20 percent of its funding by 2016 to these areas of need.

2. Direct loans to areas which lack running water, flush toilets, and modern sewage disposal systems, and areas which have open sewers and high rates of disease caused by poor sanitation, in particular, colonias or Substantially Underserved Trust Areas.

3. Direct loans to areas stricken by drought.

RUS will publish on its Web site at *http://www.rurdev.usda.gov/UWP-individualwellsystems.htm* the amount of funding received in the final FY2015 Appropriations Act. Successful applications will be selected by the Agency for funding and subsequently awarded to the extent that funding may ultimately be made available to the Agency through appropriations.

DATES: The deadline for completed applications for a HWWS grant is April 13, 2015. Applications in either paper or electronic format must be postmarked or time-stamped electronically on or before

the deadline. Late applications will be ineligible for grant consideration.

ADDRESSES: Submit applications to the following addresses:

1. *Electronic applications: http://www.grants.gov* (Grants.gov). Submit electronic applications through Grants.gov, following the instructions on that Web site.

2. *Paper applications:* Water Programs Division, Rural Utilities Service, STOP: 1570, Room 2233–S, 1400 Independence Avenue SW., Washington, DC 20250–1570.

Obtain application guides and materials for the HWWS Grant Program electronically or in paper format from the following addresses:

1. *Electronic copies: http://www.rurdev.usda.gov/UWP-individualwellsystems.htm.*

2. *Paper copies:* Write Water Programs Division, Rural Utilities Service, STOP: 1570, Room 2233–S, 1400 Independence Avenue SW., Washington, DC 20250–1570 or call (202) 720–9589.

FOR FURTHER INFORMATION CONTACT: Joyce M. Taylor, Community Programs Specialist, Water Programs Division, Water and Environmental Programs. Telephone: (202) 720–9589, fax: (202) 690–0649, email: *JoyceM.Taylor@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Utilities Service.

Funding Opportunity Title: HWWS Grant Program.

Announcement Type: Solicitation of Applications.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.862.

Due Date for Applications: April 13, 2015.

Items in Supplementary Information

I. Funding Opportunity: Description of the HWWS Grant Program.
II. Award Information: To be determined.
III. Eligibility Information: Who is eligible, what kinds of projects are eligible, what criteria determine basic eligibility.
IV. Application and Submission Information: Where to get application materials, what constitutes a completed application, how and where to submit applications, deadlines, items that are eligible.
V. Application Review Information: Considerations and preferences, scoring criteria, review standards, selection information.
VI. Award Administration Information: Award notice information, award recipient reporting requirements.
VII. Agency Contacts: Web, phone, fax, email, contact name.
VIII. Non-discrimination Statement: USDA non-discrimination statement, how to file a complaint, persons with disabilities.

I. Funding Opportunity

A. Program Description

The HWWS Grant Program has been established to help individuals with low to moderate incomes finance the costs of household water wells that they own or will own. The HWWS Grant Program is authorized under Section 306E of the Consolidated Farm and Rural Development Act (CONACT), 7 U.S.C. 1926e. The CONACT authorizes the RUS to make grants to qualified private non-profit organizations to establish lending programs for household water wells.

As the grant recipients, private non-profit organizations will receive HWWS grants to establish lending programs that will provide water well loans to individuals. The individuals, as loan recipients, may use the loans to construct, refurbish, and service their household well systems. A loan may not exceed $11,000 and will have a term up to 20 years at a one percent annual interest rate.

B. Background

The RUS supports the sound development of rural communities and the growth of our economy without endangering the environment. The RUS provides financial and technical assistance to help communities bring safe drinking water and sanitary, environmentally sound waste disposal facilities to Rural Americans in greatest need.

Central water systems may not be the only or best solution to drinking water problems. Distance or physical barriers make public central water systems costly to deploy in remote areas. A significant number of geographically isolated households without water service might require individual wells rather than connections to new or existing community systems. The goal of the RUS is not only to make funds available to those communities most in need of potable water but also to ensure that facilities used to deliver drinking water are safe and affordable. There is a role for private wells in reaching this goal.

C. Purpose

The purpose of the HWWS Grant Program is to provide funds to private non-profit organizations to assist them in establishing loan programs from which individuals may borrow money for HWWS. Faith-based organizations are eligible and encouraged to apply for this program. Applicants must show that the project will provide technical and financial assistance to eligible individuals to remedy household well problems.

Due to the limited amount of funds available under the HWWS Grant Program in previous fiscal years, the RUS expects that 10 applications may be funded from FY 2015 funds. Applications from existing HWWS grant recipients are acceptable and will be evaluated as new applications.

II. Award Information

Funding Instrument Type: Grant.

Available funds: To be determined. This Notice is being issued prior to passage of a final appropriations act to allow potential applicants time to submit proposals and give the Agency time to process applications within the current fiscal year. RUS will publish on its Web site at *http://www.rurdev.usda.gov/UWP-individualwellsystems.htm* the amount of funding received in the final FY2015 Appropriations Act.

Anticipated Number of Awards: 10.

Length of Project Periods: 12-month project.

Assistance Instrument: Grant Agreement with successful applicants before any grant funds are disbursed.

III. Eligibility Information

A. Who is eligible for grants?

1. An organization is eligible to receive a HWWS grant if it:

a. Has an active registration with current information in the System for Award Management (SAM) (formerly Central Contractor Registry, (CCR)) and has a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.

b. Is a private, non-profit organization.

c. Is legally established and located within one of the following:

(1) A state within the United States
(2) The District of Columbia
(3) The Commonwealth of Puerto Rico
(4) A United States territory.

d. Has the legal capacity and authority to carry out the grant purpose.

e. Has sufficient expertise and experience in lending activities.

f. Has sufficient expertise and experience in promoting the safe and productive use of individually-owned HWWS and ground water.

g. Has no delinquent debt to the Federal Government or no outstanding judgments to repay a Federal debt.

h. Demonstrates that it possesses the financial, technical, and managerial capability to comply with Federal and State laws and requirements, and

i. Is not a corporation that has been convicted of a felony (or had an officer

or agent acting on behalf of the corporation convicted of a felony) within the past 24 months. Any Corporation that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability is not eligible.

2. An individual is ineligible to receive a Household Water Well grant. An individual may receive a loan from an organization receiving a grant award.

B. What are the basic eligibility requirements for a project?

1. Project Eligibility. To be eligible for a grant, the project must:

a. Be a revolving loan fund created to provide loans to eligible individuals to construct, refurbish, and service individually-owned HWWS (see 7 CFR 1776.11 and 1776.12). Loans may not be provided for home sewer or septic system projects.

b. Be established and maintained by a private, non-profit organization.

c. Be located in a rural area. Rural area is defined as locations other than cities or towns of more than 50,000 people and the contiguous and adjacent urbanized area of such towns and cities.

2. Required Matching Contributions. Grant applicants must provide written evidence of a matching contribution of at least 10 percent from sources other than the proceeds of a HWWS grant. In-kind contributions will not be considered for the matching requirement. Please see 7 CFR 1776.9 for the requirement.

3. *Other—Requirements.*

a. DUNS Number. The applicant for a grant must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Please see *http://fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number.

b. Prior to submitting an application, the applicant must register in the System for Award Management (SAM) (formerly Central Contractor Registry, (CCR)).

(1) Applicants may register for the SAM at *https://www.sam.gov/portal/public/SAM/.*

(2) The SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal Grant Award or loan is active. To maintain the registration in the SAM database the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

c. Eligibility to receive a HWWS loan will be based on the following criteria:

(1) An individual must be a member of a household of which the combined household income of all members does not exceed 100 percent of the median non-metropolitan household income for the State or territory in which the individual resides. Household income is the total income from all sources received by each adult household member for the most recent 12-month period for which the information is available. It does not include income earned or received by dependent children under 18 years old or other benefits that are excluded by Federal law. The non-metropolitan household income must be based on the most recent decennial census of the United States.

RUS publishes a list of income exclusions in 7 CFR 3550.54(b). Also, the Department of Housing and Urban Development published a list of income exclusions in the **Federal Register** on May 20, 2014, at 79 FR 28938 (*See* ''Federally Mandated Exclusions'').

(2) The loan recipient must own and occupy the home being improved with the proceeds of the Household Water Well loan or be purchasing the home to occupy under a legally enforceable land purchase contract which is not in default by either the seller or the purchaser.

(3) The home being improved with the water well system must be located in a rural area.

(4) The loan for a water well system must not be associated with the construction of a new dwelling.

(5) The loan must not be used to substitute a water well system for water service available from collective water systems. (For example, a loan may not be used to restore an old well abandoned when a dwelling was connected to a water district's water line.)

(6) The loan recipient must not be suspended or debarred from participation in Federal programs.

IV. Application and Submission Information

A. Where To Get Application Information

The Household Water Well System Grant Application Guide (Application Guide), copies of necessary forms and samples, and the HWWS Grant Program regulation are available from these sources:

1. Internet for electronic copies: *http://www.grants.gov* or *http://www.rurdev.usda.gov/UWP-individualwellsystems.htm;*

2. Water and Environmental Programs for paper copies: RUS, Water Programs Division, STOP 1570, Room 2233–S, 1400 Independence Ave. SW., Washington, DC 20250–1570, Telephone: (202) 720–9589, Fax: (202) 690–0649.

B. Content and Form of Application Submission

1. Rules and Guidelines

a. Detailed information on each item required can be found in the HWWS Grant Program regulation (7 CFR part 1776) and the Application Guide. Applicants are strongly encouraged to read and apply both the regulation and the Application Guide. This Notice does not change the requirements for a completed application for any form of HWWS financial assistance specified in the regulation. The regulation and Application Guide provide specific guidance on each of the items listed.

b. Applications should be prepared in conformance with the provisions in 7 CFR part 1776, subpart B, and departmental and other applicable regulations including 2 CFR parts 180, 182, 417, 421, 7 CFR parts 3015, 3018, 3019, and 3052 or any successor regulations. Applicants should use the Application Guide which contains instructions and other important information in preparing their application. Completed applications must include the items found in the checklist in the next paragraph.

2. Checklist of Items in Completed Application Packages

a. DUNS Number. The applicant for a grant must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain the DUNS number free of charge by calling Dun and Bradstreet. Please see *http://fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number.

b. Prior to submitting an application, the applicant must register in the System for Award Management (SAM) (formerly Central Contractor Registry (CCR).

(1) Applicants may register for the SAM at: *https://www.sam.gov/portal/public/SAM/.*

(2) The SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal Grant Award or loan is active. To maintain the registration in the SAM database the applicant must review and update the information in the SAM database annually from date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

(3) Your organization must be listed in the SAM. If you have not used Grants.gov before, you will need to register with the SAM and the Credential Provider. New registrations can take 3–5 business days to process. Updating or renewing an active registration has a shorter turnaround, 24 hours. Registrations in SAM are active for one year. The SAM registers your organization, housing your organizational information and allowing Grants.gov to use the information to verify your identity. The DUNS number, Taxpayer Identification Number (TIN), and name and address of the applicant organization must match SAM data files.

c. The electronic and paper application process requires forms with the prefixes RD and SF as well as supporting documents and certifications.

Application Items

(1) SF–424, ''Application for Federal Assistance''.

(2) SF–424A, ''Budget Information—Non-Construction Programs''.

(3) SF–424B, ''Assurances—Non-Construction Programs''.

(4) SF–LLL, ''Disclosure of Lobbying Activity''.

(5) Form RD 400–1, ''Equal Opportunity Agreement''.

(6) Form RD 400–4, ''Assurance Agreement (Under Title VI, Civil Rights Act of 1964).

(7) Project Proposal, Project Summary, Needs Assessment, Project Goals and Objectives, Project Narrative.

(8) Work Plan.

(9) Budget and Budget Justification.

(10) Evidence of Legal Authority and Existence.

(11) Documentation of private non-profit status and Internal Revenue Service (IRS). Tax Exempt Status.

(12) List of Directors and Officers.

(13) Financial information and sustainability (narrative).

(14) Assurances and Certifications of Compliance with Other Federal Statutes.

The forms in items 1 through 6 must be completed and signed where appropriate by an official of your organization who has authority to obligate the organization legally. RD forms are used by programs under the Rural Development mission area. Standard forms (SF) are used Government-wide. In addition to the sources listed in section A, the forms may be accessed electronically through the Rural Development Web site at *http://www.rurdev.usda.gov/FormsAndPublications.html.*

See section V, ''Application Review Information,'' for instructions and guidelines on preparing Items 7 through 13.

3. *Compliance with Other Federal Statutes.* The applicant must provide evidence of compliance with other Federal statutes and regulations, including, but not limited to the following:

a. 7 CFR part 15, subpart A—Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964.

b. 2 CFR part 417—Governmentwide Debarment and Suspension (Non-procurement), or any successor regulations.

c. 7 CFR part 3052—Audits of States, Local Governments, and Non-profit Organizations, or any successor regulations.

d. Subpart B of 2 CFR part 421, which adopts the Government wide implementation (2 CFR part 182) of the Drug-Free Workplace Act.

e. Executive Order 13166, ''Improving Access to Services for Persons with Limited English Proficiency. '' For information on limited English proficiency and agency-specific guidance, go to *http://www.LEP.gov.*

f. Federal Obligation Certification on Delinquent Debt.

C. How many copies of an application are required?

1. Applications Submitted on Paper. Submit one signed original and two additional copies. The original and each of the two copies must include all required forms, certifications, assurances, and appendices, be signed by an authorized representative, and have original signatures. Do not include organizational brochures or promotional materials.

2. Applications Submitted Electronically. Additional paper copies are unnecessary if the application is submitted electronically through *http://www.grants.gov.*

D. How and Where To Submit an Application

1. Submitting Paper Applications

a. For paper applications, mail or ensure delivery of an original paper application (no stamped, photocopied, or initialed signatures) and two copies by the deadline date to: RUS, Water Programs Division, STOP 1570, Room 2233–S, 1400 Independence Avenue SW., Washington, DC 20250–1570, Telephone: (202) 720–9589.

Submit paper applications marked ''Attention: Water and Environmental Programs.''

b. Applications must show proof of mailing or shipping by one of the following:

(1) A legibly dated U.S. Postal Service (USPS) postmark;

(2) A legible mail receipt with the date of mailing stamped by the USPS; or,

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

c. If a deadline date falls on a weekend, it will be extended to the following Monday. If the date falls on a Federal holiday, it will be extended to the next business day.

d. Due to screening procedures at the Department of Agriculture, packages arriving via the USPS are irradiated, which can damage the contents and delay delivery. RUS encourages applicants to consider the impact of this procedure in selecting an application delivery method.

2. Submitting Electronic Applications

a. Applications will not be accepted by fax or electronic mail.

b. Electronic applications for grants will be accepted if submitted through Grants.gov at *http://www.grants.gov.*

c. Applicants must preregister successfully with Grants.gov to use the electronic applications option. Application information may be downloaded from Grants.gov without preregistration.

d. Applicants who apply through Grants.gov should submit their electronic applications before the deadline.

e. Grants.gov contains full instructions on all required passwords, credentialing, and software. Follow the instructions at Grants.gov for registering and submitting an electronic application.

f. Grants.gov has two preregistration requirements: A DUNS number and an active registration in SAM. See the ''Checklist of Items in Completed Application Packages'' for instructions on obtaining a DUNS number and registering in the SAM.

g. You must be registered with Grants.gov before you can submit an electronic grant application.

(1) You must register at *http://www.grants.gov/applicants/get_registered.jsp.*

(2) Organization registration user guides and checklists are available at *http://www.grants.gov/applicants/get_registered.jsp.*

(3) Grants.gov requires some credentialing and online authentication procedures. When an applicant organization is registered with SAM, the organization designates a point of contract who receives a password authorizing the person to designate staff members who are allowed to submit applications electronically through Grants.gov. These authorized organization representatives must be registered with Grants.gov to receive a username and password to submit applications. These procedures may take several business days to complete.

(4) Some or all of the SAM and Grants.gov registration, credentialing and authorizations require updates. If you have previously registered at Grants.gov to submit applications electronically, please ensure that your registration, credentialing and authorizations are up to date well in advance of the grant application deadline.

h. To use Grants.gov:

(1) Follow the instructions on the Web site to find grant information.

(2) Download a copy of an application package.

(3) Complete the package off-line.

(4) Upload and submit the application via the Grants.gov Web site.

(5) If a system problem or technical difficulty occurs with an electronic application, please use the customer support resources available at the Grants.gov Web site.

(6) Again, RUS encourages applicants to take early action to complete the sign-up, credentialing and authorization procedures at *http://www.grants.gov* before submitting an application at the Web site.

E. Deadlines

The deadline for paper and electronic submissions is April 13, 2015. Paper applications must be postmarked and mailed, shipped, or sent overnight no later than the closing date to be considered for FY 2015 grant funding. Electronic applications must have an electronic date and time stamp by midnight of April 13, 2015 to be considered on time. RUS will not accept applications by fax or email. Applications that do not meet the criteria above will be considered late applications and will not be considered. RUS will notify each late applicant that its application will not be considered.

F. Funding Restrictions

1. Eligible Grant Purposes

a. Grant funds must be used to establish and maintain a revolving loan fund to provide loans to eligible individuals for household water well systems.

b. Individuals may use the loans to construct, refurbish, rehabilitate, or replace household water well systems up to the point of entry of a home. Point of entry for the well system is the junction where water enters into a home water delivery system after being pumped from a well.

c. Grant funds may be used to pay administrative expenses associated with providing Household Water Well loans.

2. Ineligible Grant Purposes

a. Administrative expenses incurred in any calendar year that exceed 10 percent of the household water well loans made during the same period do not qualify for reimbursement.

b. Administrative expenses incurred before RUS executes a grant agreement with the recipient do not qualify for reimbursement.

c. Delinquent debt owed to the Federal Government does not qualify for reimbursement.

d. Grant funds may not be used to provide loans for household sewer or septic systems.

e. Household Water Well loans may not be used to pay the costs of water well systems for the construction of a new house.

f. Household Water Well loans may not be used to pay the costs of a home plumbing system.

V. Application Review Information

A. Criteria

This section contains instructions and guidelines on preparing the project proposal, work plan, and budget sections of the application. Also, guidelines are provided on the additional information required for RUS to determine eligibility and financial feasibility.

1. *Project Proposal.* The project proposal should outline the project in sufficient detail to provide a reader with a complete understanding of the loan program. Explain what will be accomplished by lending funds to individual well owners. Demonstrate the feasibility of the proposed loan program in meeting the objectives of this grant program. The proposal should include the following elements:

a. Project Summary. Present a brief project overview. Explain the purpose of the project, how it relates to RUS' purposes, how the project will be executed, what the project will produce, and who will direct it.

b. Needs Assessment. To show why the project is necessary, clearly identify the economic, social, financial, or other problems that require solutions. Demonstrate the well owners' need for financial and technical assistance. Quantify the number of prospective borrowers or provide statistical or narrative evidence that a sufficient number of borrowers will exist to justify the grant award. Describe the service area. Provide information on the household income of the area and other demographical information. Address community needs.

c. Project Goals and Objectives. Clearly state the project goals. The objectives should clearly describe the goals and be concrete and specific enough to be quantitative or observable. They should also be feasible and relate to the purpose of the grant and loan program.

d. Project Narrative. The narrative should cover in more detail the items briefly described in the Project Summary. Demonstrate the grant applicant's experience and expertise in promoting the safe and productive use of individually-owned household water well systems. The narrative should address the following points:

(1) Document the grant applicant's ability to manage and service a revolving fund. The narrative may describe the systems that are in place for the full life cycle of a loan from loan origination through servicing. If a servicing contractor will service the loan portfolio, the arrangement and services provided must be discussed.

(2) Show evidence of the availability of funds from sources other than the HWWS grant. Describe the contributions the project will receive from your organization, state agencies, local government, other federal agencies, non-government organizations, private industry, and individuals. The documentation should describe how the contributions will be used to pay your operational costs and provide financial assistance for projects.

(3) Demonstrate that the organization has secured commitments of significant financial support from other funding sources.

(4) List the fees and charges that borrowers will be assessed.

2. Work Plan. The work plan or scope of work must describe the tasks and activities that will be accomplished with available resources during the

grant period. It must include who will carry out the activities and services to be performed and specific timeframes for completion. Describe any unusual or unique features of the project such as innovations, reductions in cost or time, or extraordinary community involvement.

3. Budget and Budget Justification. Use the Form SF–424A, Budget Information—Non-Construction Programs, to show your budget cost elements. The form summarizes resources as Federal and non-Federal funds and costs. ''Federal'' refers only to the HWWS Grant Program for which you are applying. ''Non-Federal'' refers to resources from your organization, state agencies, local government, other Federal agencies, non-government organizations, private industry, and individuals. Both Federal and non-Federal resources shall be detailed and justified in the budget and narrative justification.

a. Provide a budget with line item detail and detailed calculations for each budget object class identified in section B of the Budget Information form (SF–424A). Detailed calculations must include estimation methods, quantities, unit costs, and other similar quantitative detail sufficient for the calculation to be duplicated. Also include a breakout by the funding sources identified in Block 15 of the SF–424.

b. Provide a narrative budget justification that describes how the categorical costs are derived for all capital and administrative expenditures, the matching contribution, and other sources of funds necessary to complete the project. Discuss the necessity, reasonableness, and allocability of the proposed costs. Consult OMB Circular A–122: ''Cost Principles for Non-Profit Organizations'', and any successor OMB guidance for information about appropriate costs for each budget category.

c. If the grant applicant will use a servicing contractor, the fees may be reimbursed as an administrative expense as provided in 7 CFR 1776.13. These fees must be discussed in the budget narrative. If the grant applicant will hire a servicing contractor, it must demonstrate that all procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open and free competition. Recipients must justify any anticipated procurement action that is expected to be awarded without competition and exceed the simplified acquisition threshold fixed at 41 U.S.C. 134 (currently set at $100,000).

d. The indirect cost category should be used only when the grant applicant currently has an indirect cost rate approved by the Department of Agriculture or another cognizant Federal agency. A grant applicant that will charge indirect costs to the grant must enclose a copy of the current rate agreement. If the grant applicant is in the process of initially developing or renegotiating a rate, the grant applicant shall submit its indirect cost proposal to the cognizant agency immediately after the applicant is advised that an award will be made. In no event, shall the indirect cost proposal be submitted later than three months after the effective date of the award. Consult OMB Circular A–122 and any successor OMB guidance for information about indirect costs.

4. Evidence of Legal Authority and Existence. The applicant must provide satisfactory documentation that it is legally recognized under state or Tribal and Federal law as a private non-profit organization. The documentation also must show that it has the authority to enter into a grant agreement with the RUS and to perform the activities proposed under the grant application. Satisfactory documentation includes, but is not limited to, certificates from the Secretary of State, copies of state/Tribal statutes or laws establishing your organization, and copies of your organization's articles of incorporation and bylaws. Letters from IRS awarding tax-exempt status are not considered adequate evidence.

5. List of Directors and Officers. The applicant must submit a certified list of directors and officers with their respective terms.

6. IRS Tax Exempt Status. The applicant must submit evidence of tax exempt status from the Internal Revenue Service.

7. Financial Information and Sustainability. The applicant must submit pro forma balance sheets, income statements, and cash flow statements for the last three years and projections for three years. Additionally, the most recent audit of the applicant's organization must be submitted.

B. Evaluation Criteria

Grant applications that are complete and eligible will be scored competitively based on the following scoring criteria:

Scoring criteria	Points
Degree of expertise and experience in promoting the safe and productive use of individually-owned household water well systems and ground water.	Up to 30 points.
Degree of expertise and successful experience in making and servicing loans to individuals	Up to 20 points.
Percentage of applicant contributions. Points allowed under this paragraph will be based on written evidence of the availability of funds from sources other than the proceeds of a HWWS grant to pay part of the cost of a loan recipient's project. In-kind contributions will not be considered. Funds from other sources as a percentage of the HWWS grant and points corresponding to such percentages are as follows:	
0 to 9 percent	ineligible.
10 to 25 percent	5 points.
26 to 30 percent	10 points.
31 to 50 percent	15 points.
51 percent or more	20 points.
Extent to which the work plan demonstrates a well thought out, comprehensive approach to accomplishing the objectives of this part, clearly defines who will be served by the project, and appears likely to be sustainable.	Up to 20 points.
Extent to which the goals and objectives are clearly defined, tied to the work plan, and measurable	Up to 10 points.
Lowest ratio of projected administrative expenses to loans advanced	Up to 10 points.
Administrator's discretion, considering such factors as:	
Creative outreach ideas for marketing HWWS loans to rural residents; factors include:	Up to 10 points.

Scoring criteria	Points
1. Directs loans to rural areas where according to the American Community Survey data by census tracts show that at least 20 percent of the population is living in poverty. This emphasis will support Rural Development's goal of providing 20 percent of its funding by 2016 to these areas of need. 2. Directs loans to areas that lack running water, flush toilets, and modern sewage disposal systems, and areas that have open sewers and high rates of disease caused by poor sanitation, in particular, colonias or Substantially Underserved Trust Areas. 3. Directs loans to areas stricken by drought.	

C. Review Standards

1. Incomplete applications as of the deadline for submission will not be considered. If an application is determined to be incomplete, the applicant will be notified in writing and the application will be returned with no further action.

2. Ineligible applications will be returned to the applicant with an explanation.

3. Complete, eligible applications will be evaluated competitively by a review team, composed of at least two RUS employees selected from the Water Programs Division. They will make overall recommendations based on the program elements found in 7 CFR part 1776 and the review criteria presented in this notice. They will award points as described in the scoring criteria in 7 CFR 1776.9 and this notice. Each application will receive a score based on the averages of the reviewers' scores and discretionary points awarded by the RUS Administrator.

4. Applications will be ranked and grants awarded in rank order until all grant funds are expended.

5. Regardless of the score an application receives, if RUS determines that the project is technically infeasible, RUS will notify the applicant, in writing, and the application will be returned with no further action.

VI. Award Administration Information

A. Award Notices

RUS will notify a successful applicant by an award letter accompanied by a grant agreement. The grant agreement will contain the terms and conditions for the grant. The applicant must execute and return the grant agreement, accompanied by any additional items required by the award letter or grant agreement.

B. Administrative and National Policy Requirements

1. This notice, the 7 CFR part 1776, and the Application Guide implement the appropriate administrative and national policy requirements.

2. Direct Federal grants, sub-award funds, or contracts under the HWWS Grant Program shall not be used to fund inherently religious activities, such as worship, religious instruction, or proselytization. Therefore, organizations that receive direct assistance should take steps to separate, in time or location, their inherently religious activities from the services funded under the HWWS Grant Program. Regulations for the Equal Treatment for Faith-based Organizations are contained in 7 CFR part 16, which includes the prohibition against Federal funding of inherently religious activities.

C. Reporting

1. Performance Reporting. All recipients of HWWS Grant Program financial assistance must provide quarterly performance activity reports to RUS until the project is complete and the funds are expended. A final performance report is also required. The final report may serve as the last annual report. The final report must include an evaluation of the success of the project.

2. Financial Reporting. All recipients of HWWS Grant Program financial assistance must provide an annual audit, beginning with the first year a portion of the financial assistance is expended. The grantee will provide an audit report or financial statements as follows:

a. Grantees expending $500,000 or more Federal funds per fiscal year will submit an audit conducted in accordance with OMB Circular A–133 or any successor OMB guidance. The audit will be submitted within 9 months after the grantee's fiscal year. Additional audits may be required if the project period covers more than one fiscal year.

b. Grantees expending less than $500,000 will provide annual financial statements covering the grant period, consisting of the organization's statement of income and expense and balance sheet signed by an appropriate official of the organization. Financial statements will be submitted within 90 days after the grantee's fiscal year.

3. Recipient and Subrecipient Reporting. The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR part 170 Section 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

a. First Tier Sub-Awards of $25,000 or more in non-Recovery Act funds (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *http://www.fsrs.gov* no later than the end of the month following the month the obligation was made.

b. The Total Compensation of the Recipient's Executives (5 most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *https://www.sam.gov/portal/public/SAM/* by the end of the month following the month in which the award was made.

c. The Total Compensation of the Subrecipient's Executives (5 most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the subaward was made.

VII. Agency Contacts

A. Web site: http://www.rurdev.usda.gov/UWP-individualwellsystems.htm.

B. Phone: 202–720–0499.

C. Fax: 202–690–0649.

D. Email: JoyceM.Taylor@wdc.usda.gov.

E. Main point of contact: Joyce M. Taylor, Community Programs Specialist, Water Programs Division, Water and Environmental Programs, RUS, U.S. Department of Agriculture.

VIII. Non-Discrimination Statement

USDA Non-Discrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all

or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

How To File a Complaint

If you wish to file an employment complaint, you must contact your agency's EEO Counselor within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at *http://www.ascr.usda.gov/complaint_filing_file.html.*

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Persons With Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: January 6, 2015.

Jasper Schneider,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2015–02680 Filed 2–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Annual Survey of Business Owners

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before April 13, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patrice Norman, U.S. Census Bureau, EWD, 6K071, Washington, DC 20233–6600, (301) 763–7198, *Patrice.C.Norman@census.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau plans to conduct the Annual Survey of Business Owners (ASBO) for employer businesses. In the ASBO, respondents will be asked questions about their businesses as well as several questions about the gender, ethnicity, race, and veteran status of the principal owner(s). This survey will be the first annual collection of information on the characteristics of U.S. businesses by ownership categories, *i.e.,* by gender, ethnicity, race, and veteran status. The survey will be conducted as a joint project with the Ewing Marion Kauffman Foundation, a Missouri nonprofit corporation and a private foundation exempt from taxes under Section 501(c)(3) of the Internal Revenue Code. The ASBO will supplement the five-year Survey of Business Owners program and provide more timely updates on the status, nature, and scope of women-, minority-, and veteran-owned businesses. The ASBO statistics will be used by government program officials, industry organization leaders, economic and social analysts, and business entrepreneurs. Examples of data uses include:

- To assess business assistance needs and allocate available program resources.
- To establish and evaluate contract procurement practices affecting small and disadvantaged businesses.
- To create a framework for planning, directing, and assessing programs that promote the activities of disadvantaged groups.
- To assess minority-owned businesses by industry and area and to educate industry associations, corporations, and government entities.
- To analyze economic and demographic shifts and differences in ownership and performance among geographic areas.
- To analyze business operations in comparison to similar firms, compute market share, and assess business growth and future prospects.

The ASBO will be based on the quinquennial 2012 Survey of Business Owners long form (SBO–1) with 19 additional questions, including a set of questions on the sources of capital used for expansion, which will be asked each year, and a rotating panel of questions that will be determined prior to data collection each year. Each year the new panel of questions will be submitted to the Office of Management and Budget (OMB) as a revision to the current data collection's OMB approval. The following changes will be made to the 2012 SBO:

- An additional question on where the business's customers are located in relation to the business.
- An additional question on the reasons for owning the business.
- An additional question on whether the business had profits, losses, or broke even.
- An additional question on where the owner would like the company to be in five years.
- An additional question on issues that have negatively impacted the profitability of the business.
- The question on what sources of capital were used for expansion or capital improvements to the business during the reference year has been expanded into seven questions. The new questions ask:
  - The total amount of money put into the business in 2014.
  - The total amount of money that the owner personally put into the business.
  - The total amount of money received from family, friends, and employees that was put into the business.
  - The total amount of money received from any formal debit

financing from a bank or other financial institution, a business credit card carrying a balance, or a business line of credit.

○ The total amount of financial capital received from angel investors, venture capitalists, or other businesses in return for a share(s) of ownership in the business.

○ What types of funding the owner tried to get and whether or not the owner received the funds.

○ Whether the business needed financing but did not apply and why the business did not apply.

• The 2014 ASBO's rotating panel of questions will focus on Innovation and Research and Development and is modeled after questions asked on the Microbusiness Innovation Science and Technology Survey (MIST). The National Science Foundation (NSF) is currently conducting a pilot for the MIST during 2015. The sample size is limited to 4,000 businesses and only covers the manufacturing and professional and technical services industries. Expanding the ASBO to include these questions will significantly increase the industry coverage by including all NAICS industries except 111, 112, 481111, 482, 491, 525, 813, 814, and 92. This section will consist of eight questions that will only be asked on the 2014 survey. A new set of questions will be asked on the 2015 survey. The 2014 new questions consist of the following:

○ During 2014, were any of the following improvements made to the goods and/or services sold by this business:

▪ Sold a new good or service that no company has ever offered before.

▪ Sold a new good or service that your company has never offered before.

▪ Improved good's performance by making changes in materials, equipment, components, or software.

▪ Developed a new use for a good or service.

▪ Added a new feature to a good or service.

▪ Made it easier for customers to use a good or service.

▪ Don't know.

▪ Did not make any innovations to the goods and/or services sold by this business.

○ During 2014, were any of the following improvements made to the production processes used by this business?

▪ Applied a new way of purchasing, accounting, computing, maintenance, inventory control, or other support activities.

▪ Reduced costs by changing the way a good or service was distributed.

▪ Upgraded a technique, equipment, or software to significantly improve a good or service.

▪ Made a significant improvement in a technique or process by increasing automation, decreasing energy consumption, or using better software.

▪ Decreased production costs by improving the materials, software, or other components.

▪ Changed a delivery method to be faster or more reliable.

▪ Don't know.

▪ Did not make any improvements to the production processes used by this business.

○ Did this business conduct any of the following research and development activities in 2014:

▪ Conducted work that might lead to a patent.

▪ Developed and tested prototypes that were derived from scientific research or technical findings.

▪ Produced findings that could be published in academic journals or presented at scientific conferences.

▪ Applied scientific or technical knowledge in a way that has never been done before.

▪ Created new scientific or technical solutions that can be generalized to other situations.

▪ Conducted work to discover previously unknown scientific facts, structures, or relationships.

▪ Conducted work to extend the understanding of scientific facts, relationships or principles in ways that could be useful to others.

○ What was the total cost paid for research and development activities?

○ How much of the total cost was used for research and development activities performed by this business?

○ How much of the cost for research and development performed by this business was spent on the following:

▪ Employee payroll.

▪ Equipment purchases.

▪ Software and licensing purchases.

▪ Other expenses.

○ How much of the cost for research and development performed by this business was paid for by the following:

▪ This business.

▪ Another U.S. business.

▪ U.S. college or university.

▪ U.S. nonprofit organization.

▪ U.S. federal government.

▪ U.S. state or local government.

▪ Other.

○ How many of each type of worker worked on the research and development activities:

▪ Owners.

▪ Paid employees.

▪ Other paid workers.

▪ Unpaid workers.

Businesses which reported any business activity on any one of the following Internal Revenue Service tax forms will be eligible for selection: 1040 (Schedule C), ''Profit or Loss from Business (Sole Proprietorship); 1065, ''U.S. Return of Partnership Income''; 941, ''Employer's Quarterly Federal Tax Return''; 944, ''Employer's Annual Federal Tax Return''; or any one of the 1120 corporate tax forms. Current plans will only request responses from businesses filing the 941, 944, or 1120 tax forms. Estimates for businesses filing the 1040 or 1065 tax returns will be created using statistical modeling of administrative data and will only provide data by race, gender, ethnicity, and veteran status by geography, industry, and size of firm.

We will seek separate clearance from OMB to test our proposed ASBO questionnaire. We intend to conduct cognitive interviews with between 15 and 20 businesses in two rounds. Cognitive interviews will begin in January 2015 and will continue through March 2015. Upon completion of each round of interviews, the interview team will meet and decide on the recommended changes to the questionnaire. The questionnaire will be revised after each round and the interview protocol updated to reflect the new version of the questionnaire. We will also conduct usability testing of the electronic instrument. We intend to conduct interviews with between 10 and 12 businesses in two rounds. These interviews will be conducted in July 2015.

The 2014 data collection of the ASBO will begin in September 2015 and will continue through January 2016. The 2015 data collection will begin in June 2016 and will continue through September 2016 and the 2016 data collection will begin in June 2017 and will continue through September 2017.

II. Method of Collection

The Census Bureau will use a letter-only mailout with an electronic-only data collection. The mailout will be conducted from our National Processing Center in Jeffersonville, Indiana. Two mail follow-ups to nonrespondents will be conducted at approximately one-month intervals.

III. Data

OMB Control Number: 0607–XXXX (this is a new collection).

Form Number(s): ASBO–1, Annual Survey of Business Owners.

Type of Review: Regular submission.

Affected Public: Large and small businesses.

Estimated Number of Respondents: 200,000.

Estimated Time per Response: 35 minutes.

Estimated Total Annual Burden Hours: 116,667.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C. Sections 8(b), 131, 193, and 224.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 5, 2015

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–02734 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–6–2015]

Foreign-Trade Zone 27; Boston, Massachusetts; Application for Subzone Spectro Coating Corporation d/b/a Claremont Flock, LLC; Leominster, Massachusetts

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Massachusetts Port Authority, grantee of FTZ 27, requesting subzone status for the facility of Spectro Coating Corporation d/b/a Claremont Flock, LLC, located in Leominster, Massachusetts. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on February 3, 2015.

The proposed subzone (14.45 acres) is located at 107 Scott Drive, Leominster, Massachusetts. A notification of proposed production activity has been submitted and will be published separately for public comment.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is March 23, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 6, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: February 4, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–02736 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–001]

Potassium Permanganate From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request by Pacific Accelerator Limited (''PAL''), the Department of Commerce (''Department'') is conducting an administrative review of the antidumping duty (''AD'') order on potassium permanganate from the People's Republic of China (''PRC'') for the period of review (''POR'') January 1, 2013, through December 31, 2013. The Department has preliminarily determined that PAL had no reviewable entries of subject merchandise during the POR.

DATES: *Effective Date:* February 10, 2015.

FOR FURTHER INFORMATION CONTACT: Alexander Montoro, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0238.

SUPPLEMENTARY INFORMATION:

Scope of the Order

Imports covered by the order are shipments of potassium permanganate, an inorganic chemical produced in free-flowing, technical, and pharmaceutical grades. Potassium permanganate is currently classifiable under item 2841.61.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS item number is provided for convenience and customs purposes, the written description of the merchandise remains dispositive.

Background

On February 28, 2014, based on a timely request for review by PAL [1], the Department initiated an administrative review of the antidumping order on potassium permanganate from the PRC.[2] On March 20, 2014, the Department issued Section A, C, and D questionnaires to PAL.[3] On April 24, May 16, and May 23, 2014, we received Section A, C and D questionnaire responses from PAL, respectively. On July 10, 2014, the Department issued a supplemental questionnaire asking PAL to confirm whether it had any entries of subject merchandise during the POR.[4] On September 5, 2014, we extended the preliminary results to December 3, 2014.[5] On November 18, 2014, we fully

[1] *See* letter from Pacific Accelerator Limited entitled, ''Request for Administrative Review of the Antidumping Duty Order on Potassium Permanganate from the People's Republic of China,'' dated January 30, 2014.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 79 FR 11401 (February 28, 2014).

[3] *See* the Department's letter to Pacific Accelerator Limited entitled, ''Antidumping Duty Administrative Review of Potassium Permanganate from the People's Republic of China: Questionnaire,'' dated March 20, 2014 (''*Questionnaire*'').

[4] *See* the Department's letter to Pacific Accelerator Limited entitled, ''Antidumping Duty Administrative Review of Potassium Permanganate from the People's Republic of China: Supplemental Section C Questionnaire,'' dated July 10, 2014 (''Section C Supplemental'').

[5] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary, through James Doyle, Office Director, from Alexander Montoro, International Trade Compliance Analyst, ''Potassium Permanganate from the People's Republic of China;

Continued

extended the preliminary results to February 2, 2015.[6]

Preliminary Determination of No Reviewable Entries

PAL's Section C response indicated that PAL made only one sale on the last day of POR, which entered the United States five months after the end of the review period. On July 17, 2014, in response to the Department's Section C Supplemental, PAL reported having no entries during the POR, but stated that the review should proceed because it made a sale during the POR.[7] Carus Corporation (''Petitioner'') submitted comments on July 24, 2014, in response to PAL's supplemental, and stated that the review should be rescinded since there are no reviewable entries during the POR.[8] On July, 28, 2014, PAL submitted comments in response to Petitioner's July 24, 2014, submission.[9] Petitioner submitted additional comments in response to PAL on July 31, 2014.[10] PAL submitted a final set of comments on August 6, 2014.[11]

On August 5, 2014, we asked U.S. Customs and Border Protection (''CBP'') to conduct a query on potential shipments of subject merchandise made by PAL during the POR, in accordance with our practice. On August 13, 2014, we received the requested CBP data query information, which confirmed that PAL had no entries of the subject merchandise during the POR.[12]

After reviewing PAL's submission and the CBP data, which confirms that PAL had no entries during the POR, we preliminarily determine that PAL did not have any reviewable entries during the POR. The Department finds that consistent with its practice in non-market economy antidumping duty cases, it is appropriate not to rescind the review in part in this circumstance but, rather, to complete the review with respect to the above named companies and issue appropriate instructions to CBP based on the final results of the review.[13]

Methodology

The Department conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (''the Act''). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.[14] A list of the topics discussed in the Preliminary Decision Memorandum is attached to this notice in Appendix I. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[15] ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period January 1, 2013, through December 31, 2013:

Exporter	Weighted average dumping margin
Pacific Accelerator Limited ...	(*)

* No reviewable entries in this review. The firm does not have an individual rate or a separate rate and has never been reviewed in any other prior segment. Thus, the firm is considered part of the PRC-wide entity, which does have a rate from a prior segment of the proceeding.

Public Comment and Opportunity to Request a Hearing

Interested parties may submit case briefs within 30 days after the date of publication of these preliminary results of review.[16] Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the time limit for filing case briefs.[17] Parties who submit arguments are requested to submit with the argument (a) a statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.[18] Parties submitting briefs should do so pursuant to the Department's electronic filing requirements.

Any interested party may request a hearing within 30 days of publication of this notice.[19] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.[20]

The Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, unless extended, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[21] The Department intends to issue assessment instructions to CBP 15

Extension of Deadline for Preliminary Results of the 2013 Antidumping Duty Administrative Review,'' dated September 5, 2014.

[6] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary, through James Doyle, Office Director, from Alexander Montoro, International Trade Compliance Analyst, ''Potassium Permanganate from the People's Republic of China; Second Extension of Deadline for Preliminary Results of the 2013 Antidumping Duty Administrative Review,'' dated November 18, 2014.

[7] *See* PAL's July 17, 2014, submission at 11.

[8] *See* Petitioner's July 24, 2014, submission at 1.

[9] *See* PAL's July 28, 2014, submission.

[10] *See* Petitioner's July 31, 2014, submission.

[11] *See* PAL's August 6, 2014, submission.

[12] *See* Memorandum to the File, from Alexander Montoro, International Trade Compliance Analyst entitled, ''CBP Data Query Results,'' dated concurrently with this notice.

[13] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (''NME Reseller Policy'').

[14] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Potassium Permanganate from the People's Republic of China,'' dated concurrently with this notice (''Preliminary Decision Memorandum'').

[15] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[16] *See* 19 CFR 351.309(c)(1)(ii).

[17] *See* 19 CFR 351.309(d)(1)–(2).

[18] *See* 19 CFR 351.309(c)(2) and (d)(2).

[19] *See* 19 CFR 351.310(c).

[20] *See* 19 CFR 351.310(d).

[21] *See* 19 CFR 351.212(b).

days after the publication date of the final results of this review. For any individually examined respondent whose weighted average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department recently announced a refinement to its assessment practice in NME cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales data submitted by companies individually examined during the administrative review, the Department will instruct CBP to liquidate such entries at the rate for the PRC-wide entity. Additionally, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's cash deposit rate) will be liquidated at the rate for the PRC-wide entity.[22]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future cash deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters that received a separate rate in a prior completed segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity, which is 128.94 percent; [23] and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: February 2, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum:

1. Summary
2. Background
3. Scope of the Order
4. Preliminary Finding of No Reviewable Entries
5. Recommendation

[FR Doc. 2015–02724 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

AGENCY: Enforcement and Compliance, International Trade Administration Department of Commerce.

DATES: *Effective Date:* February 10, 2015.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230, telephone: (202) 482–3692.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements Act of 1979 (as amended) (the Act) requires the Department of Commerce (the Department) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(h) of the Act, and to publish quarterly updates to the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on articles of cheese that were imported during the periods July 1, 2014 through September 30, 2014.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies, as defined in section 702(h) of the Act, being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: February 3, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

[22] For a full discussion of this practice, *see NME Reseller Policy.*

[23] *See Potassium Permanganate From the People's Republic of China; Final Results of Antidumping Duty Administrative Review,* 59 FR 26625 (May 23, 1994).

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross [1] subsidy ($/lb)	Net [2] subsidy ($/lb)
28 European Union Member States [3]	European Union Restitution Payments	$0.00	$0.00
Canada	Export Assistance on Certain Types of Cheese	0.38	0.38
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	*0.00*	*0.00*
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).
[3] The 28 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

[FR Doc. 2015–02723 Filed 2–9–15; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Construction Safety Team Advisory Committee Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Construction Safety Team (NCST) Advisory Committee (Committee) will meet on Thursday, March 26, 2015 from 8:30 a.m. to 5:00 p.m. Eastern Time and Friday, March 27, 2015, from 9:00 a.m. to 12:00 p.m. Eastern Time. The primary purpose of this meeting is to update the Committee on the progress of the implementation of the National Institute of Standards and Technology (NIST) Joplin tornado investigation's recommendations and receive NIST's response to the Committee's 2013 annual report recommendations. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *http://www.nist.gov/el/disasterstudies/ncst/.*

DATES: The NCST Advisory Committee will meet on Thursday, March 26, 2015 from 8:30 a.m. until 5:00 p.m. Eastern Time and Friday, March 27, 2015, from 9:00 a.m. to 12:00 p.m. Eastern Time. The meeting will be open to the public.

ADDRESSES: The meeting will be held in the Portrait Room, Administration Building, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Tina Faecke, Management and Program Analyst, Disaster and Failure Studies Program, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899–8604. Ms. Faecke's email address is *tina.faecke@nist.gov* and her phone number is (301) 975–5911.

SUPPLEMENTARY INFORMATION: The Committee was established pursuant to Section 11 of the NCST Act (Pub. L. 107–231), codified at 15 U.S.C. 7301 *et seq.* The Committee is currently composed of nine members, appointed by the Director of NIST, who were selected on the basis of established records of distinguished service in their professional community and their knowledge of issues affecting the National Construction Safety Teams. The Committee advises the Director of NIST on the functions and composition of Teams established under the NCST Act and on the exercise of authorities enumerated in the NCST Act and reviews the procedures developed to implement the NCST Act and reports issued under section 8 of the NCST Act. Background information on the NCST Act and information on the NCST Advisory Committee is available at *http://www.nist.gov/el/disasterstudies/ncst/.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the NCST Advisory Committee will meet on Thursday, March 26, 2015, from 8:30 a.m. until 5:00 p.m. Eastern Time and on Friday, March 27, 2015, from 9:00 a.m. until 12:00 p.m. Eastern Time. The meeting will be open to the public. The meeting will be held in the Portrait Room, Administration Building, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899. The primary purpose of this meeting is to update the Committee on the progress of the implementation of the NIST Joplin tornado investigation's recommendations and receive NIST's response to the Committee's 2013 annual report recommendations. The agenda may change to accommodate Committee business. The final agenda will be posted on the NIST Web site at *http://www.nist.gov/el/disasterstudies/ncst/.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to items on the Committee's agenda for this meeting are invited to request a place on the agenda. On March 27, 2015, approximately fifteen minutes will be reserved near the conclusion of the meeting for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Ms. Tina Faecke, *tina.faecke@nist.gov,* by 5:00 p.m. Eastern Time, Thursday, March 19, 2015.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to NCST, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899–8604, via fax at (301) 975–4032, or electronically by email to *tina.faecke@nist.gov.*

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time, Thursday, March 19, 2015, in order to attend. Please submit your full name, email address, and phone number to

Melissa Banner. Non-U.S. citizens must submit additional information; please contact Ms. Banner. Ms. Banner's email address is *melissa.banner@nist.gov,* and her phone number is (301) 975–8912. Also, please note that under the REAL ID Act of 2005 (Pub. L. 109–13), federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if issued by states that are REAL ID compliant or have an extension. NIST also currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed information please contact Ms. Banner or visit: *http://www.nist.gov/public_affairs/visitor/.*

Kevin A. Kimball,

Chief of Staff.

[FR Doc. 2015–02586 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Atlantic Highly Migratory Species Permit Family of Forms

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revised, and continuing information collection described below, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 13, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to: Rick Pearson, Highly Migratory Species Management Division, National Marine Fisheries Service, 263 13th Avenue South, Saint Petersburg, FL 33701, (813) 486–2037 or *Rick.A.Pearson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the revision and extension of a current information collection which includes both vessel and dealer permits.

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) is responsible for management of the Nation's marine fisheries. In addition, NMFS must comply with the United States' (U.S.) obligations under the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971 *et seq.*). NMFS issues permits to fishing vessels and dealers in order to collect information necessary to comply with domestic and international obligations, secure compliance with regulations, and disseminate necessary information.

Regulations at 50 CFR 635.4 require that vessels participating in commercial and recreational fisheries for Atlantic highly migratory species (HMS) and dealers purchasing Atlantic HMS from a vessel obtain a Federal permit issued by NMFS. Regulations at 50 CFR 300.182 require that individuals entering for consumption, exporting, or re-exporting consignments of bluefin tuna, southern bluefin tuna, swordfish, or frozen bigeye tuna obtain an HMS International Trade Permit (ITP) from NMFS. This action addresses the renewal of permit applications currently approved under PRA 0648–0327, including both vessel and dealer permits. Vessel permits include Atlantic Tunas (except Longline permits, which are approved under OMB Control No. 0648–0205), HMS Charter/Headboat, HMS Angling, Swordfish General Commercial, Smoothhound Shark, and Atlantic HMS Vessel Chartering permits. Dealer permits include the Atlantic Tunas Dealer permit and the HMS ITP.

The primary reason for the revision of this information collection is to reflect that Incidental HMS Squid Trawl permits have been removed from this collection. Instead, those permits were combined with the information collection for the Greater Atlantic Region Federal Fisheries Initial Permit Application form, which is covered under OMB Control No. 0648–0202. Thus, the burden and costs associated with renewal and issuance of an initial HMS Squid Trawl permit are no longer applicable to this collection of information.

II. Method of Collection

Methods of submittal include on line, email and mail.

III. Data

OMB Control Number: 0648–0327.

Form Number(s): None.

Type of Review: Regular submission (request for revision and extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 41,182.

Estimated Time per Response: HMS ITP application, termination of Atlantic HMS Vessel Chartering Permit, and renewal of Atlantic Tunas Dealer Permit application, 5 minutes; renewal applications for the following vessel permits—Atlantic Tunas, HMS Charter/Headboat, and HMS Angling, 6 minutes; initial Atlantic Tunas Dealer Permit application, 15 minutes; initial applications for the following vessel permits—Atlantic Tunas, HMS Charter/Headboat, HMS Angling, and Smoothhound Shark, 30 minutes; initial applications for Atlantic HMS Vessel Chartering Permit, 45 minutes.

Estimated Total Annual Burden Hours: 11,823.

Estimated Total Annual Cost to Public: $738,878.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 4, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–02581 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Highly Migratory Species Dealer Reporting Family of Forms

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 13, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Rick Pearson, Atlantic Highly Migratory Species Management Division, National Marine Fisheries Service, 263 13th Avenue South, Saint Petersburg, FL 33701, (813) 486–2037 or *Rick.A.Pearson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection,

Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the National Marine Fisheries Service (NMFS) is responsible for management of the Nation's marine fisheries. NMFS must also promulgate regulations, as necessary and appropriate, to carry out obligations the United States (U.S.) undertakes internationally regarding tuna management through the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*).

This collection serves as a family of forms for Atlantic highly migratory species (HMS) dealer reporting, including purchases of HMS from domestic fishermen, and the import, export, and/or re-export of HMS, including federally managed tunas, sharks, and swordfish.

Transactions covered under this collection include purchases of Atlantic HMS from domestic fishermen; and the import/export of all bluefin tuna (BFT), frozen bigeye tuna (BET), southern bluefin tuna (SBT) or swordfish (SWO), regardless of geographic area of origin. This information is used to monitor the harvest of domestic fisheries, and/or track international trade of internationally managed species.

The domestic dealer reporting covered by this collection includes weekly electronic landing reports and negative reports (*e.g.,* reports of no activity) of Atlantic SWO, sharks, BET, albacore, yellowfin, and skipjack tunas (collectively referred to as BAYS tunas), and biweekly and daily landing reports for BFT, including tagging of individual fish. Also, because of the recent development of an individual bluefin quota (IBQ) management system (RIN 0648–BC09), electronic entry of BFT landing card data is required for Atlantic BFT purchased from Longline and Purse seine category vessels. NMFS intends to consider integrating the data fields that have been collected on the Atlantic BFT Biweekly Dealer Report into the electronic system. However, at this time, dealers must submit to NMFS both electronic and faxed versions of BFT landing cards for purse seine and pelagic longline vessels.

International trade tracking programs are required by both the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Inter-American Tropical Tuna Commission (IATTC) to account for all international trade of covered species. The U.S. is a member of ICCAT and required by ATCA to promulgate regulations as necessary and appropriate to implement ICCAT recommendations. These programs require that a statistical document (SD) or catch document (CD) accompany each export from and import to a member nation, and that a re-export certificate (RXC) accompany each re-export. The international trade reporting requirements covered by this collection include implementation of CD, SD, and RXC trade tracking programs for BFT, frozen BET, and SWO. U.S. regulations implementing ICCAT SD and CD programs require SDs and CDs for international transactions of the covered species from all ocean areas, so Pacific imports and exports must also be accompanied by SDs and CDs. Since there are SD programs in place under other international conventions (*e.g.,* the Indian Ocean Tuna Commission), a SD from another program may be used to satisfy the SD requirement for imports into the United States.

Dealers who internationally trade SBT are required to participate in a trade tracking program to ensure that imported Atlantic and Pacific BFT will not be intentionally mislabeled as ''southern bluefin'' to circumvent reporting requirements. This action is authorized under ATCA, which provides for the promulgation of regulations as may be necessary and appropriate to carry out ICCAT recommendations.

In addition to SD, CD, and RXC requirements, this collection includes biweekly reports to complement trade tracking SDs by summarizing SD data and collecting additional economic information.

II. Method of Collection

Methods of submission include electronic, mail, fax and tagging of fish.

III. Data

OMB Control Number: 0648–0040.

Form Number(s): None.

Type of Review: Regular submission (request for extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 7,061.

Estimated Time per Response: 5 minutes each for CD, SD, and RXC certificates; 15 minutes for CD/SD/RXC validation by government official; 120 minutes for authorization of non-governmental CD/SD/RXC validation; 2 minutes for daily Atlantic BFT landing reports; 3 minutes for daily Atlantic BFT landing reports from pelagic longline and purse seine vessels; 1 minute for Atlantic BFT tagging; 15 minutes for biweekly Atlantic BFT dealer landing reports; 15 minutes for HMS international trade biweekly reports; 15 minutes for weekly electronic HMS dealer landing reports (*e*-dealer); 5 minutes for negative weekly electronic HMS dealer landing reports (*e*-dealer); 15 minutes for voluntary fishing vessel and catch forms; 2 minutes for provision of HMS dealer email address.

Estimated Total Annual Burden Hours: 18,700.

Estimated Total Annual Cost to Public: $154,155.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 4, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–02583 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD527

Marine Mammals; File No. 18638 and 17305

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that scientific research permits have been issued to the following entities for the collection, import and export of marine mammal specimens:

File No. 18638: National Marine Mammal Laboratory (NMML, Dr. John Bengtson, Responsible Party), 7600 Sand Point Way NE., Seattle, WA 98115; and

File No. 17305: Alliance of Marine Mammal Parks and Aquariums, 218 N. Lee Street, Suite 200, Alexandria, Virginia 22314 (Kathleen Dezio, Responsible Party).

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan; phone: (301) 427–8401.

SUPPLEMENTARY INFORMATION: On October 30, 2014, notice was published in the **Federal Register** (79 FR 64571) that requests for permits to import marine mammal specimens for scientific research had been submitted by the above-named applicants. The requested permits have been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 18638 authorizes NMML to collect specimens from dead cetacean and pinniped species, and to receive, import, and export specimens taken legally worldwide. Samples (up to 100,000 individuals from each taxa group) would be archived, transported, shared, and analyzed by researchers in order to optimize the amount of biological information gained from each animal. No takes of live animals are authorized. This permit expires on December 31, 2019.

Permit No. 17305 authorizes The Alliance of Marine Mammal Parks and Aquariums to receive, import and export samples (hard and soft parts) from all species of marine mammals (pinnipeds except walrus, and cetaceans) under the jurisdiction of the NMFS. Specimens and parts would come from individual animals (up to 700 cetaceans and 400 pinnipeds) already taken under separate authorization. No takes of live animals are authorized. This permit expires on January 31, 2020.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of these permits was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 4, 2015.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–02609 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XK54

Marine Mammals; File No. 13602

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that Dr. Terrie Williams, Long Marine Laboratory, Institute of Marine Sciences, University of California at Santa Cruz, 100 Shaffer Road, Santa Cruz, CA has been issued a minor amendment to Permit No. 13602–01.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan; phone: (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 13602–01 (76 FR 7823) authorizes the permit holder to conduct energetic and physiological research on captive odontocetes and pinnipeds (including threatened and endangered species) to determine key physiological factors required for survival. Research may occur at Long Marine Laboratory and other institutions in the U.S. and includes permanently captive marine mammals and those undergoing rehabilitation. This minor amendment (No. 13602–02) extends the duration of the permit one year, through September 7, 2015, but does not change any other terms or conditions of the permit.

Dated: February 4, 2015.

Perry F. Gayaldo,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–02610 Filed 2–9–15; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: February 11, 2015, 10:00 a.m.-12:00 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, MD.

STATUS: Commission Meeting (Briefing)—Open to the Public.

MATTER TO BE CONSIDERED: Briefing Matter: Final Regulation: Safety Standard for Frame Child Carriers.

The staff will brief the Commission on establishing a mandatory safety standard for frame child carriers pursuant to section 104 of the Consumer Product Safety Improvement Act of 2008. This would incorporate the applicable voluntary standard without any modifications. The Commission's regulations for Requirements Pertaining to Third Party Conformity Assessment Bodies would also change to include the mandatory safety standard for frame child carriers in the list of Commission-issued Notice of Requirements.

A live webcast of the meeting can be viewed at *www.cpsc.gov/live.*

CONTACT PERSON FOR MORE INFORMATION: Rockelle Hammond, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: February 4, 2015.

Alberta E. Mills,

Acting Secretary.

[FR Doc. 2015–02605 Filed 2–6–15; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DoD–2015–OS–0013]

Notice of Availability (NOA) of an Environmental Assessment (EA) Addressing Implementation of the Real Property Master Plan at Defense Distribution Depot, San Joaquin

AGENCY: Defense Logistics Agency, Department of Defense.

ACTION: Notice of Availability (NOA) of an Environmental Assessment (EA) Addressing Implementation of the Real Property Master Plan at Defense Distribution Depot, San Joaquin.

SUMMARY: The Defense Logistics Agency (DLA) announces the availability of an Environmental Assessment (EA) for the potential environmental impacts associated with the Proposed Action to implement a Real Property Master Plan at Defense Distribution Depot, San Joaquin. The EA has been prepared as required under the National Environmental Policy Act (NEPA) (1969). In addition, the EA complies with DLA Regulation 1000.22. DLA has determined that the Proposed Action would not have a significant impact on the human environment within the context of NEPA. Therefore, the preparation of an environmental impact statement is not required.

DATES: Public comments will be accepted on or before March 12, 2015. Comments received by the end of the 30-day period will be considered when preparing the final version of the document. The EA is available electronically at *http://www.dla.mil/InstallationSupport/Documents/DEASanJoaquinRPMP102914.pdf.*

ADDRESSES: You may submit comments to one of the following:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd floor, Suite 02G09, Alexandria, VA 22350–3100.

FOR FURTHER INFORMATION CONTACT: Ira Silverberg at 703–767–0705 during normal business hours, Monday through Friday, from 8:00 a.m. to 4:30 p.m. (EST) or by email: *ira.silverberg@dla.mil.*

Dated: February 4, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–02645 Filed 2–9–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Reminder Re: United Launch Alliance (ULA) Consent Order and Recent Change in Department of Defense (DOD) Compliance Officer

AGENCY: Executive Agent for Space, Department of Defense.

ACTION: Publicize Consent Order, Notify Public of New DOD Compliance Officer and Provide Points of Contact for Information and/or Comment Submittal.

SUMMARY: This is not a notice of solicitation issuance. The Director, Department of Defense Executive Agent for Space Staff, as the Compliance Officer under the Federal Trade Commission (FTC) Decision and Order (hereinafter referred to as the ''Consent Order''), in the Matter of Lockheed Martin Corporation (LMC), the Boeing Company (Boeing), and United Launch Alliance, L.L.C. (ULA) (hereinafter referred to as the ''Respondents''), Docket No. C–4188, dated May 1, 2007, is posting this notice to publicize the Consent Order, notify the Public of a change in DOD Compliance Officer personnel and to provide points of contact for further information or for comment submittal.

The consent order: The Consent Order requires that with regard to covered Government programs, (1) ULA afford all space vehicle manufacturers non-discriminatory treatment for launch services that ULA may provide, and that (2) LMC and Boeing, as space vehicle manufacturers, consider all qualified launch service providers on a non-discriminatory basis. Covered programs are Government programs which are delivered in orbit and utilize medium-to-heavy launch services. The Consent Order also requires firewalls to prevent information from a space vehicle provider being shared by ULA with its Boeing or LMC parent company. Similarly, Boeing and LMC must have firewalls to ensure that other launch service information is not shared with ULA. The Consent Order also requires that the Department of Defense appoint a Compliance Officer to oversee compliance with the Consent Order by all three Respondents. The Consent Order remains in full effect through 30 April 2017. The complete text of the ULA Consent Order and supplementary information is located on the following FTC Web site: *http://www.ftc.gov/enforcement/cases-proceedings/0510165/lockheed-martin-corporation-boeing-company-united-launch*

DOD Compliance Officer: The DOD Compliance Officer is the Director, Department of Defense Executive Agent for Space Staff. The duties of this position are now conducted by Lieutenant General Ellen M. Pawlikowski.

Points of Contact For Further Information or Inquiries: For further information and inquires, or to request a meeting with the DOD Compliance Officer or her Government Compliance Team, interested parties should contact either Mrs. Sarah Beth Cliatt (Compliance Division Chief), Tel: 719–556–2268; or Colonel Marc Berkstresser (Deputy Compliance Division Chief), Tel: 703–693–3634.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2015–02582 Filed 2–9–15; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Education Advisory Committee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice of open committee meeting.

SUMMARY: The Department of the Army is publishing this notice to announce the following Federal advisory committee meeting of the Army Education Advisory Committee. This meeting is open to the public.

DATES: The Army Education Advisory Committee will meet from 8:00 a.m. to 5:00 p.m. on March 24, 2015 and from 8:00 a.m. to 3:00 p.m. on March 25, 2015.

ADDRESSES: Army Education Advisory Committee, U.S. Training Doctrine Command (TRADOC), Building 950, Conference Room 2047, Fort Eustis, VA 23604.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Joyner, the Designated Federal Officer for the committee, in writing at ATTN: ATTG–ZC, TRADOC, 950 Jefferson Ave., Fort Eustis, VA 23604, by email at *albert.w.joyner.civ@mail.mil,* or by telephone at (757) 501–5810.

SUPPLEMENTARY INFORMATION: The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: The purpose of the meeting is to analyze data collected for dealing with sexual harassment and assault and, through formal discussions, adopt the findings and recommendations on the AEAC-conducted Ad Hoc Study on the Army's Sexual Harassment/Assault Response Prevention (SHARP) program within TRADOC. The committee will receive updates on current initiatives leading to discussions of how best the AEAC can assist the Army and TRADOC in moving forward, and will finalize provisional subcommittee findings and recommendations.

Proposed Agenda: March 24–25: The committee is chartered to provide independent advice and recommendations to the Secretary of the Army on the educational, doctrinal, and research policies and activities of U.S. Army educational programs. The committee will review and evaluate information related to dealing with sexual harassment and assault, as well as cultural issues affecting sexual harassment and assault within TRADOC. The committee will discuss current training and educational issues facing TRADOC and the Army. It will also discuss and deliberate provisional findings and recommendations from its subcommittees.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Joyner, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section.

Because the meeting of the committee will be held in a Federal Government facility on a military base, security screening is required. A photo ID is required to enter base. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. TRADOC is fully handicap accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Mr. Joyner, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mr. Joyner, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. The Designated Federal Official will review all submitted written comments or statements and provide them to members of the committee for their consideration. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. Written comments or statements received after this date may not be provided to the committee until its next meeting. Pursuant to 41 CFR 102–3.140d, the Committee is not obligated to allow a member of the public to speak or otherwise address the Committee during the meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least seven business days in advance to the committee's Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Designated Federal Official will log each request, in the order received, and in consultation with the committee Chair, determine whether the subject matter of each comment is relevant to the committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three minutes during the period, and will be invited to speak in the order in which their requests were received by Designated Federal Official.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–02667 Filed 2–9–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0149]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; U.S. Department of Education Green Ribbon Schools Nominee Presentation Form

AGENCY: Office of Communication and Outreach (OCO), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 12, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0149 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will only accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrea Falken, 202–202–8985.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: U.S. Department of Education Green Ribbon Schools Nominee Presentation Form.

OMB Control Number: 1860–0509.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 4,330.

Total Estimated Number of Annual Burden Hours: 3,161.

Abstract: U.S. Department of Education Green Ribbon Schools (ED–GRS) is a recognition award that honors schools, districts, and postsecondary institutions that are exemplary in three Pillars: (1) Reducing environmental impact and costs, including waste, water, energy use and alternative transportation; (2) improving the health and wellness of students and staff, including environmental health of premises, nutrition and fitness; and (3) providing effective sustainability education, including STEM, civic skills and green career pathways.

The award is a tool to encourage state education agencies, stakeholders and higher education officials to consider matters of facilities, health and environment comprehensively and in coordination with state health, environment and energy agency counterparts. In order to be selected for federal recognition, schools, districts and postsecondary institutions must be high achieving in all three of the above Pillars, not just one area. Schools, districts, colleges and universities apply to their state education authorities. State authorities can submit up to six nominees to ED, documenting achievement in all three Pillars. This information is used at the Department to select the awardees.

Dated: February 5, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–02662 Filed 2–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0156]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Program for International Student Assessment 2012 (PISA:2012) Validation Study 2015 Field Test and Main Study

AGENCY: Department of Education (ED), Institute of Education Sciences/National Center for Education Statistics (IES).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before March 12, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0156 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will only accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–502–7411.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the

Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Program for International Student Assessment 2012 (PISA:2012) Validation Study 2015 Field Test and Main Study.

OMB Control Number: 1850–0900.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 6,260.

Total Estimated Number of Annual Burden Hours: 2,086.

Abstract: PISA (Program for International Student Assessment) is an international assessment of 15-year-olds designed to evaluate, at the end of compulsory education, how well students are prepared for the challenges of further education and the workforce (OMB# 1850–0755). To date, in the United States, PISA has been administered only as a cross-sectional study, and thus it has not been possible to evaluate how well it assesses key competencies of 15-year-olds for their later success. NCES proposes to conduct a follow-up study with students who participated in PISA 2012 to learn how performance on PISA relates to subsequent outcomes and skills of young adults. The follow-up study—referred to in materials to potential respondents as the PISA Young Adult Follow-Up Study, and in this request as the PISA Validation Study—will provide information about how students' skills and experiences at age 15, collected through PISA, relate to subsequent literacy, numeracy, and problem-solving skills, as well as educational attainment, education and work experiences, skills used in daily life, career intentions, and aspects of well-being. In fall 2015, when these students will be around 18 years of age, they will be asked to take the web-based version of the OECD's Program for the International Assessment of Adult Competencies (PIAAC) assessment and background questionnaire—the Education and Skills Online (ESO). In fall 2013, students in the United States who participated in PISA 2012 and supplied contact information were contacted and invited to update their contact information in preparation for the follow-up study (OMB 1850–0900 v.1). This request is to (1) recruit the PISA 2012 sample respondents who have been successfully located; (2) administer ESO to a field test sample in the summer of 2015; and (3) administer ESO to a main study sample in the fall of 2015.

Dated: February 5, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–02661 Filed 2–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Supporting Effective Educator Development Grant Program

AGENCY: Office of Innovation and Improvement, Department of Education

ACTION: Notice.

Overview Information:

Supporting Effective Educator Development (SEED) Grant Program

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.367D

Dates:

Applications Available: February 10, 2015.

Deadline for Notice of Intent To Apply: March 12, 2015.

Dates of Informational Webinars: The SEED program intends to hold Webinars designed to provide technical assistance to interested applicants. Detailed information regarding these meetings will be provided on the SEED Web site at *http://www2.ed.gov/programs/edseed/index.html.*

Deadline for Transmittal of Applications: April 13, 2015.

Deadline for Intergovernmental Review: June 10, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The SEED program provides funding for grants to National Not-for-Profit Organizations for projects that support teacher or principal training or professional enhancement activities and that are supported by at least Moderate Evidence of Effectiveness. The purpose of the program is to increase the number of Highly Effective Teachers and Principals by developing or expanding the implementation of practices that are demonstrated to have an impact on improving student achievement or Student Growth. These grants will allow eligible entities to develop, expand, and evaluate practices that can serve as models of best practices that can be sustained and disseminated.

Priorities: This competition includes four absolute priorities, one of which is required for all applicants, and four competitive preference priorities. Absolute Priority 1 and Competitive Preference Priority 1 are from 34 CFR 75.226. Absolute Priorities 2 through 4 and Competitive Preference Priorities 2 and 3 are from the notice of final priorities, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on February 12, 2013 (78 FR 9815) (''SEED NFP''). Competitive Preference Priority 4 is from the Department's notice of final supplemental priorities and definitions, published in the **Federal Register** on December 10, 2014 (79 FR 73425) (''Supplemental Priorities'').

Absolute Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are absolute priorities. Under 34 CFR 75.105(c)(3) we consider only applications that meet Absolute Priority 1 and meet one or more of Absolute Priorities 2 through 4.

These priorities are:

Absolute Priority 1: Supporting Practices and Strategies for Which There Is Moderate Evidence of Effectiveness.

Projects that are supported by Moderate Evidence of Effectiveness.

Note: The Department has updated the Moderate Evidence of Effectiveness definition since the previous SEED competition.

Absolute Priority 2: Teacher or Principal Recruitment, Selection, and Preparation.

This priority funds projects that will create or expand practices and strategies that increase the number of Highly Effective Teachers or Highly Effective Principals by recruiting, selecting, and preparing talented individuals to work in schools with high concentrations of High-need Students. Projects must include activities that focus on creating

or expanding high-performing teacher preparation programs, principal preparation programs, or both. Activities may include but are not limited to expanding clinical experiences, redesigning and implementing program coursework to align with State standards and district requirements for P–12 teachers, providing induction and other support for program participants in their classrooms and schools, and developing strategies for tracking the effect program graduates have on the achievement of their students or the performance of their schools.

In addition, an applicant must propose a plan demonstrating a rigorous, competitive selection process to determine which aspiring teachers or principals participate in the applicant's proposed activities.

Absolute Priority 3: Professional Development for Teachers of Academic Subjects.

This priority funds projects that will create or expand practices and strategies that increase the number of Highly Effective Teachers by providing professional development opportunities to teachers, including special education teachers, in schools with high concentrations of High-need Students. Projects must focus on increasing Student Achievement in academic subjects by providing high-quality professional development to teachers. The academic subjects that may be addressed through professional development under this priority include foreign languages, civics and government, economics, arts, history, physical education, geography, environmental education, and financial literacy.

Applicants are required to describe the need of the proposed districts to be served for teacher professional development in the selected high-need academic subjects and to demonstrate alignment of the proposed projects with State standards.

In addition, applicants must describe how they plan to measure the impact the professional development has on teacher effectiveness. Applicants must determine teacher effectiveness through a rigorous, transparent, and fair evaluation in which performance is differentiated using multiple measures of effectiveness and based in significant part on Student Growth.

Note: The list of subjects provided in this priority is illustrative. Applicants may propose to address other academic subjects or areas, such as writing, reading, or mathematics, which partner schools and districts have demonstrated to be high-need.

Absolute Priority 4: Advanced Certification and Advanced Credentialing.

This priority funds projects that will create or expand practices and strategies based on advanced certification or advanced credentialing that increase the number of Highly Effective Teachers, Highly Effective Principals, or both, who work in schools with high concentrations of High-need Students.

Applicants are required to focus their proposed projects on encouraging and supporting teachers, principals, or both, who seek a nationally recognized, standards-based advanced certificate or advanced credential through high-quality professional enhancement projects designed to improve teaching and learning for teachers who may take on Career Ladder Positions, principals, or both who would serve as models, mentors, and coaches for other teachers, principals, or both working in schools with high concentrations of High-need Students.

In addition, the effectiveness of teachers or principals who receive advanced certification or credentialing must be determined through a rigorous, transparent, and fair evaluation in which performance is differentiated using multiple measures of effectiveness and based in significant part on Student Growth.

Finally, an applicant must propose a plan demonstrating a rigorous, competitive selection process to determine which teachers or principals participate in the applicant's proposed activities.

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award an additional five points to an application that meets Competitive Preference Priority 1. We award an additional one point to an application that meets Competitive Preference Priority 2. We award an additional two points to an application that meets Competitive Preference Priority 3. We award up to an additional four points to an application, depending on how well the application meets Competitive Preference Priority 4. The total number of points an application may receive for addressing the competitive preference priorities is 12. These points are in addition to any points the application earns under the selection criteria. Addressing these competitive preference priorities is optional, and applicants may choose to respond to none, one, two, three, or all four of the competitive preference priorities for this competition.

These priorities are:

Competitive Preference Priority 1: Supporting Practices and Strategies for Which There Is Strong Evidence of Effectiveness (0 or 5 points).

Projects that are supported by strong evidence of effectiveness (as defined in this notice).

Note: The Department has updated the Strong Evidence of Effectiveness definition since the previous SEED competition.

Competitive Preference Priority 2: Improving Efficiency (Cost-Effectiveness) (0 or 1 point).

Projects that will identify strategies for providing cost-effective, high-quality services at the State, regional, or local level by making better use of available resources. Such projects may include innovative and sustainable uses of technology, modification of school schedules and teacher compensation systems, use of Open Educational Resources, or other strategies.

Competitive Preference Priority 3: Promoting Science, Technology, Engineering, and Mathematics (STEM) Education (0 or 2 points).

This priority funds projects that address one or both of the following priority areas:

(a) Increasing the opportunities for high-quality preparation of, or professional development for, teachers of STEM subjects.

(b) Increasing the number of individuals from groups traditionally underrepresented in STEM, including minorities, individuals with disabilities, and women, who are teachers of STEM subjects and have increased opportunities for high-quality preparation or professional development.

In addition, applicants must describe how they plan to measure the impact the proposed project activities have on teacher effectiveness. Applicants must determine teacher effectiveness through a rigorous, transparent, and fair evaluation in which performance is differentiated using multiple measures of effectiveness and based in significant part on Student Growth.

Note: The Department encourages applicants to provide a thoughtful, in-depth response to the priority area(s) under Competitive Preference Priority 3 to which they are well-suited to respond. Applicants may choose to respond to one or both of the priority areas and are not required to respond to each priority area in order to receive the maximum available points under this competitive preference priority.

Competitive Preference Priority 4: Supporting High-Need Students (0 to 4 points).

This priority funds projects that are designed to improve:

(a) Academic outcomes;

(b) Learning environments; or

(c) Both,

For one or more of the following groups of students:

(i) Students served by Rural Local Educational Agencies.

(ii) Students with disabilities.

(iii) English learners.

(iv) Students in Lowest-performing Schools.

(v) Students who are living in poverty and are served by schools with high concentrations of students living in poverty.

(vi) Disconnected Youth or migrant youth.

(vii) Students who are members of federally recognized Indian tribes.

Note: The Department encourages applicants to provide a thoughtful, in-depth response to the priority area(s) under Competitive Preference Priority 4 to which they are well-suited to respond. Applicants may choose to respond to one or more of the priority areas and are not required to respond to each priority area in order to receive the maximum available points under this competitive preference priority.

Definitions

The following definitions are from the SEED NFP, the Supplemental Priorities, and 34 CFR 77.1. The source of each definition is noted in parentheses following the text of the definition.

Career ladder positions means school-based instructional leadership positions designed to improve instructional practice, which teachers may voluntarily accept, such as positions described as master teacher, mentor teacher, demonstration or model teacher, or instructional coach, and for which teachers are selected based on criteria that are predictive of the ability to lead other teachers. (SEED NFP)

Disconnected youth means low-income individuals, ages 14–24, who are homeless, are in foster care, are involved in the justice system, or are not working or not enrolled in (or at risk of dropping out of) an educational institution. (Supplemental Priorities)

High-minority school means a school as that term is defined by a local education agency (LEA), which must define the term in a manner consistent with its State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). The applicant must provide the definition(s) of ''High-minority Schools'' used in its application. (Supplemental Priorities)

High-need students means students who are at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend High-minority Schools, who are far below grade level, who have left school before receiving a Regular High School Diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners. (Supplemental Priorities)

Highly effective principal means a principal whose students, overall and for each subgroup as described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act, as amended (ESEA) (*i.e.*, economically disadvantaged students, students from major racial and ethnic groups, students with disabilities, and students with limited English proficiency), achieve high rates (*e.g.*, one and one-half grade levels in an academic year) of student growth. Eligible applicants may include multiple measures, provided that principal effectiveness is evaluated, in significant part, based on student growth. Supplemental measures may include, for example, high school graduation rates; college enrollment rates; evidence of providing supportive teaching and learning conditions, support for ensuring effective instruction across subject areas for a well-rounded education, strong instructional leadership, and positive family and community engagement; or evidence of attracting, developing, and retaining high numbers of effective teachers. (SEED NFP)

Highly effective teacher means a teacher whose students achieve high rates (*e.g.*, one and one-half grade levels in an academic year) of student growth. Eligible applicants may include multiple measures, provided that teacher effectiveness is evaluated, in significant part, based on student growth. Supplemental measures may include, for example, multiple observation-based assessments of teacher performance or evidence of leadership roles (which may include mentoring or leading professional development learning communities) that increase effectiveness of other teachers in the school or LEA. (SEED NFP)

Large sample means an analytic sample of 350 or more students (or other single analysis units), or 50 or more groups (such as classrooms or schools) that contain 10 or more students (or other single analysis units). (34 CFR 77.1)

Lowest-performing schools means—

For a State with an approved request for flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA), Priority Schools or Tier I and Tier II Schools identified under the School Improvement Grants program.

For any other State, Tier I and Tier II schools identified under the School Improvement Grants program. (Supplemental Priorities)

Moderate evidence of effectiveness means one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a Relevant Outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), and includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice.

(b) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a Relevant Outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations or settings proposed to receive the process, product, strategy, or practice, and includes a Large Sample and a Multi-site Sample. (**Note:** Multiple studies can cumulatively meet the Large and Multi-site Sample requirements as long as each study meets the other requirements in this paragraph.) (34 CFR 77.1)

Note: All studies will be reviewed according to existing WWC review protocols in their appropriate topic area (see examples of Protocols by Topic Area: *http://ies.ed.gov/ncee/wwc/Publications_Reviews.aspx?f=All%20Publication%20and%20Review%20Types,5;#pubsearch*). Protocols outline the specific processes that are used to determine whether a study meets WWC Evidence Standards. If a given study does not fit an existing topic-specific protocol, the WWC will use one of two Single Study Review protocols to guide the review (For K–12 Studies: *http://ies.ed.gov/ncee/wwc/documentsum.aspx?sid=234* and for

Postsecondary Studies: (*http://ies.ed.gov/ncee/wwc/documentsum.aspx?sid=242*).

Multi-site sample means more than one site, where site can be defined as an LEA, locality, or State. (34 CFR 77.1)

National level describes the level of scope or effectiveness of a process, product, strategy, or practice that is able to be effective in a wide variety of communities, including rural and urban areas, as well as with different groups (*e.g.*, economically disadvantaged, racial and ethnic groups, migrant populations, individuals with disabilities, English learners, and individuals of each gender). (SEED NFP)

National not-for-profit organization means an entity that meets the definition of ''nonprofit'' under 34 CFR 77.1(c) and is of national scope, meaning that the entity provides services in multiple States to a significant number or percentage of recipients and is supported by staff or affiliates in multiple States. (SEED NFP)

Open educational resources means teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use or repurposing by others. (SEED NFP)

Persistently lowest achieving school means, as determined by the State—

(a)(1) Any Title I school that has been identified for improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) and that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that—

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both—

(i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), in reading/language arts and mathematics combined; and

(ii) The school's lack of progress on those assessments over a number of years in the ''all students'' group. (Supplemental Priorities)

Priority schools means schools that, based on the most recent data available, have been identified as among the lowest-performing schools in the State. The total number of Priority Schools in a State must be at least five percent of the Title I schools in the State. A priority school is—

(a) A school among the lowest five percent of Title I schools in the State based on the achievement of the ''all students'' group in terms of proficiency on the statewide assessments that are part of the SEA's differentiated recognition, accountability, and support system, combined, and has demonstrated a lack of progress on those assessments over a number of years in the ''all students'' group;

(b) A Title I-participating or Title I-eligible high school with a graduation rate that is less than 60 percent over a number of years; or

(c) A Tier I or Tier II school under the School Improvement Grant (SIG) program that is using SIG funds to implement a school intervention model. (Supplemental Priorities)

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve; consistent with the specific goals of a program. (34 CFR 77.1)

Regular high school diploma means the standard high school diploma that is awarded to students in the State and that is fully aligned with the State's academic content standards or a higher diploma and does not include a General Education Development (GED) credential, certificate of attendance, or any alternative award. (Supplemental Priorities)

Rural local educational agency means a LEA that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title VI, Part B of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at *www2.ed.gov/nclb/freedom/local/reap.html.* (Supplemental Priorities)

Strong evidence of effectiveness means one of the following conditions is met:

(a) There is at least one study of the effectiveness of the process, product, strategy, or practice being proposed that meets the What Works Clearinghouse Evidence Standards without reservations, found a statistically significant favorable impact on a Relevant Outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a Large Sample and a Multi-site Sample. (**Note:** Multiple studies can cumulatively meet the Large and Multi-site sample requirements as long as each study meets the other requirements in this paragraph.)

(b) There are at least two studies of the effectiveness of the process, product, strategy, or practice being proposed, each of which: Meets the What Works Clearinghouse Evidence Standards with reservations, found a statistically significant favorable impact on a Relevant Outcome (with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the studies or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse), includes a sample that overlaps with the populations and settings proposed to receive the process, product, strategy, or practice, and includes a Large Sample and a Multi-site Sample. (34 CFR 77.1)

Student achievement means—

(a) For tested grades and subjects: (1) A student's score on the State's assessments under the ESEA; and, as appropriate, (2) other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across schools.

(b) For non-tested grades and subjects: alternative measures of student learning and performance, such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools. (SEED NFP)

Student growth means the change in student achievement (as defined in this notice) for an individual student between two or more points in time. An

applicant may also include other measures that are rigorous and comparable across classrooms. (SEED NFP)

Tier I schools means—

(a) A Title I school that has been identified as in improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) and that is identified by the SEA under paragraph (a)(1) of the definition of ''persistently lowest achieving school.''

(b) An elementary school that is eligible for Title I, Part A funds that—

(1)(i) Has not made adequate yearly progress for at least two consecutive years; or

(ii) Is in the State's lowest quintile of performance based on proficiency rates on the State's assessments under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) in reading/language arts and mathematics combined; and (2) Is no higher achieving than the highest-achieving school identified by the SEA under paragraph (a)(1)(i) of the definition of ''persistently lowest achieving school.'' (Supplemental Priorities)

Tier II schools means—

(a) A secondary school that is eligible for, but does not receive, Title I, Part A funds and is identified by the State educational agency (SEA) under paragraph (a)(2) of the definition of ''persistently lowest achieving schools.''

(b) A secondary school that is eligible for Title I, Part A funds that—

(1)(i) Has not made adequate yearly progress for at least two consecutive years; or

(ii) Is in the State's lowest quintile of performance based on proficiency rates on the State's assessments under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), in reading/language arts and mathematics combined; and

(2)(i) Is no higher achieving than the highest-achieving school identified by the SEA under paragraph (a)(2)(i) of the definition of ''persistently lowest achieving school;'' or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years. (Supplemental Priorities)

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.* (34 CFR 77.1)

Program Authority: Pub. L. 113–76, Division H, Title III.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) 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, as adopted and amended in 2 CFR part 3474. (c) the SEED NFP (78 FR 9815), and (d) the Supplemental Priorities (79 FR 73425).

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $24,125,169.

Estimated Range of Awards: $3,000,000–$8,000,000 per year.

Estimated Average Size of Awards: $5,000,000 per year.

Estimated Number of Awards: 3–6 awards.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

Note: In subsequent fiscal years, the Department may decide to extend SEED projects' evaluations beyond the 36 month project period, and provide additional funding, for the purposes of data collection, analysis, and reporting (34 CFR 75.250(b)). This flexibility is not guaranteed and is contingent on available funding in subsequent fiscal years. The Department has discretion in deciding which, if any, SEED projects will receive additional time and funding for the purposes of data collection, analysis, and reporting.

III. Eligibility Information

1. *Eligible Applicants:* As established in the SEED NFP (78 FR 9815), to be eligible for a SEED program grant, an entity must be a National Not-for-profit Organization. Each applicant must provide in its application documentation that it is a National Not-for-Profit Organization.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Evidence Standards:* To meet *Absolute Priority 1: Supporting Practices and Strategies for Which There Is Moderate Evidence of Effectiveness*, each applicant must provide in its application documentation that its proposed project is supported by at least Moderate Evidence of Effectiveness. All applicants must respond to Absolute Priority 1, and one or more of Absolute Priorities 2 through 4, in order to be eligible to receive funding. An applicant that also responds to *Competitive Preference Priority 1: Supporting Practices and Strategies for Which There Is Strong Evidence of Effectiveness* must provide documentation that its proposed project is supported by Strong Evidence of Effectiveness. An applicant must ensure that all evidence is available to the Department from publically available sources and provide links or references to, or copies of, the evidence in the application. If the Department determines that an applicant has provided insufficient evidence that its proposed project meets the definition of ''Moderate Evidence of Effectiveness'' or ''Strong Evidence of Effectiveness,'' the applicant will not have an opportunity to provide additional evidence to support its application.

4. *Evaluations:* As established in the SEED NFP, an applicant receiving funds under this program must comply with the requirements of any evaluation of the program conducted by the Department. In addition, an applicant receiving funds under this program must make broadly available through formal (*e.g.*, peer-reviewed journals) or informal (*e.g.*, newsletters) mechanisms, in print or electronically, the results of any evaluations it conducts of its funded activities.

IV. Application and Submission Information

1. *Address to Request Application Package:* Richard Wilson, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W237, Washington, DC 20202–5960 or by email: *SEED@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.

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.a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Notice of Intent to Apply: March 12, 2015. The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Department strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. The Department requests that this email notification be sent to the SEED program inbox at: *SEED@ed.gov.*

Eligible entities that fail to provide this email notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We suggest you limit the application narrative to the equivalent of no more than 50 pages, using the following standards:

- 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, except for titles, headings, footnotes, quotations, references, captions, 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.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, or letters of support. However, the page limit does apply to all of the application narrative section [Part III].

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the SEED program, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: February 10, 2015.

Deadline for Notice of Intent to Apply: March 12, 2015.

Dates of Informational Webinars: The SEED program intends to hold webinars designed to provide technical assistance to interested applicants. Detailed information regarding these meetings will be provided on the SEED Web site at *http://www2.ed.gov/programs/edseed/index.html.*

Deadline for Transmittal of Applications: April 13, 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* of this notice.

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: June 10, 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 of 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 SEED program, CFDA number 84.367D, 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 SEED 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 84.367, not 84.367D).

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 *http://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 prevent 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: Richard Wilson, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W237, Washington, DC 20202–5960.

FAX: (202) 401–8466.

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 84.367D), 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 84.367D), 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 competition are from the SEED NFP and from 34 CFR 75.210, and are as follows:

The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that reviewers will consider in determining the extent to which an applicant meets the criterion.

In addressing each criterion, applicants are encouraged to make explicit connections to relevant aspects of responses to other selection criteria.

A. *Significance* (10 points). The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers:

(1) The significance of the proposed project on a National Level.

(2) The potential contribution of the proposed project to the development and advancement of teacher and school leadership theory, knowledge, and practices.

(3) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

B. *Quality of the Project Design and Services* (35 points). The Secretary considers the quality of the design and services of the proposed project. In determining the quality of the design and services of the proposed project, the Secretary considers:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified, aligned, and measurable.

(2) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(3) The extent to which the training or professional development services to be provided by the proposed project will be of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(4) The extent to which the proposed project will prepare personnel for fields in which shortages have been demonstrated.

(5) The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.

C. *Quality of the Management Plan and Personnel* (20 points). The Secretary considers the quality of the management plan for the proposed project and of the personnel who will carry out the proposed project. In determining the quality of the management plan and the project personnel, the Secretary considers:

(1) The qualifications, including relevant training and experience, of the project director, key project personnel, and project consultants or subcontractors.

(2) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(3) The extent to which the proposed management plan includes sufficient and reasonable resources to effectively carry out the proposed project, including the project evaluation.

D. *Sustainability* (15 points). The Secretary considers the adequacy of resources to continue the proposed project after the grant period ends. In determining the adequacy of resources and the potential for utility of the proposed project's activities and products by other organizations, the Secretary considers:

(1) The extent to which the proposed project is designed to build capacity and

yield results that will extend beyond the period of Federal financial assistance.

(2) The extent to which the proposed project is likely to yield findings and products (such as information, materials, processes, or techniques) that may be used by other agencies and organizations.

(3) The extent to which the applicant will disseminate information about results and outcomes of the proposed project in ways that will enable others, including the public, to use the information or strategies.

E. *Quality of the Project Evaluation* (20 points). The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers:

(1) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the evaluation includes the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data.

(3) The extent to which the evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(4) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet What Works Clearinghouse Evidence Standards without reservations.

Note: We encourage applicants to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbook: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1;* and (2) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, we encourage applicants to participate in an optional Webinar hosted by the Institute of Education Sciences on March 6, 2015. This Webinar will discuss strategies for designing and executing well-designed Quasi-experimental Design Studies. Applicants interested in participating in this Webinar may find more information at the following Web site: *http://ies.ed.gov/ncee/wwc/event.aspx?sid=37.*

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary 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 current 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 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 notify you informally, also.

If your 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:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The overall purpose of the SEED program is to support projects by national not-for-profit organizations (as defined in this notice) that are supported by at least moderate evidence of effectiveness (as defined in this notice) to recruit, select, and prepare or provide professional enhancement activities for teachers, principals, or both. We have established the following performance measures for the SEED program: (a) The percentage of teacher and principal participants who serve concentrations of High-need Students; (b) the percentage of participants who serve concentrations of High-need Students and are Highly Effective; (c) the percentage of participants who serve concentrations of High-need Students, are Highly Effective, and serve for at least two years; and (d) the cost per such participant. Grantees will report annually on each measure.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Richard Wilson, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W237, Washington, DC 20202–5960. Telephone: (202) 453–6709, or by email: *SEED@ed.gov.*

If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can 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 5, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2015–02710 Filed 2–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Arts in Education National Program

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information: Arts in Education National Program (AENP). Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.351F.

Dates:

Applications Available: February 10, 2015.

Deadline for Notice of Intent to Apply: March 12, 2015.

Date of Informational Webinar: The AENP intends to hold a Webinar designed to provide technical assistance to interested applicants. Detailed information regarding this Webinar will be provided on the AENP Web site at *http://www2.ed.gov/programs/artsnational/index.html.*

Deadline for Transmittal of Applications: April 13, 2015.

Deadline for Intergovernmental Review: June 10, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The AENP supports national-level, high-quality Arts [1] education activities and services for children and youth, with special emphasis on serving Children from Low-income Families and Children with Disabilities.

Priorities: This notice includes one absolute priority, two competitive preference priorities, and one invitational priority. The absolute priority is from the notice of final priority, requirements, definitions, and selection criteria for this program, published in the **Federal Register** on June 15, 2012 (77 FR 35953) (2012 NFP).

The competitive preference priorities and invitational priority are from the notice of final supplemental priorities and definitions for discretionary grant programs, published in the **Federal Register** on December 10, 2014 (79 FR 73425) (Supplemental Priorities).

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Absolute Priority: Model Projects.

One or more high-quality projects that are designed to develop and implement, or expand, initiatives in Arts education and Arts Integration on a national level for pre-kindergarten-through-grade-12 children and youth, with special emphasis on serving Children from Low-income Families and Children with Disabilities. In order to meet this priority, an applicant must demonstrate that the project for which it seeks funding will provide services and develop initiatives in multiple schools and school districts throughout the country, including in at least one urban, at least one rural, and at least one High-need Community.

Competitive Preference Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points to an application, depending on how well the application meets Competitive Preference Priority 1. We award up to an additional five points to an application that meets Competitive Preference Priority 2. The total number of points an application may receive for addressing the competitive preference priorities is 10.

These priorities are:

Competitive Preference Priority 1: Supporting High-Need Students (0 to 5 points).

(a) Projects that are designed to improve:

(i) Academic outcomes;

(ii) Learning environments; or

(iii) Both,

(b) For one or more of the following groups of students:

(i) High-need Students.

(ii) Students served by Rural Local Educational Agencies.

(iii) Students with disabilities.

(iv) English learners.

(v) Students in Lowest-performing Schools.

(vi) Students who are living in poverty and are served by schools with high concentrations of students living in poverty.

(vii) Disconnected Youth or migrant youth.

(viii) Low-skilled Adults.

(ix) Students who are members of federally recognized Indian tribes.

Competitive Preference Priority 2: Promoting Science, Technology, Engineering, and Mathematics (STEM) Education (0 to 5 points).

Projects that are designed to improve Student Achievement or other related outcomes by addressing one or both of the following:

(a) Increasing the preparation of teachers or other educators in STEM subjects through activities that may include building content knowledge and pedagogical content knowledge, and increasing the number and quality of Authentic STEM Experiences.

(b) Providing students with increased access to rigorous and engaging STEM coursework and Authentic STEM Experiences that may be integrated across multiple settings.

Invitational Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an invitational priority. Under 34 CFR 75.105(c)(1) we do not give an application that meets this invitational priority a competitive or absolute preference over other applications.

This priority is:

Invitational Priority: Improving Parent, Family, and Community Engagement.

Projects that are designed to improve student outcomes through implementing initiatives that improve Community Engagement or the relationships between parents or

[1] Capitalized terms are defined in the Definitions section of this notice.

families and school or program staff by cultivating Sustained Partnerships.

Definitions:

The definitions for the terms ''Arts,'' ''Arts Educator,'' ''Arts Integration,'' ''Child from Low-income Family,'' ''Children with Disabilities,'' ''High-need Community,'' and ''National Non-profit Arts Education Organization'' are from the 2012 NFP. The definitions for the terms ''Evidence of Promise,'' ''Logic Model,'' ''Quasi-experimental Design Study,'' ''Randomized Controlled Trial,'' ''Relevant Outcome,'' and ''Strong Theory'' are from 34 CFR 77.1(c). The definition for the term ''Sustained and Intensive'' is specific to the AENP's Government Performance and Results Act (GPRA) measure only. All other definitions are from the Supplemental Priorities.

Arts means music, dance, theater, media arts, and visual arts, including folk arts.

Arts educator means a teacher or other instructional staffer who works in music, dance, theater, media arts, or visual arts, including folk arts.

Arts integration means (i) using high-quality arts instruction within other academic content areas, and (ii) strengthening the arts as a core academic subject in the school curriculum.

Authentic STEM experiences means laboratory, research-based, or experiential learning opportunities in a STEM (science, technology, engineering, and mathematics) subject in informal or formal settings.

Child from low-income family means a child who is determined by a State educational agency or local educational agency (LEA) to be a child, in pre-kindergarten through grade 12, from a low-income family, on the basis of (a) the child's eligibility for free or reduced-price lunches under the Richard B. Russell National School Lunch Act, (b) the child's eligibility for medical assistance under the Medicaid program under title XIX of the Social Security Act, (c) the family having an income that meets the poverty criteria established by the U.S Department of Commerce, or (d) the family's receipt of assistance under part A of title IV of the Social Security Act.

Children with disabilities means children who meet the definition of ''individual with a disability'' applicable to Section 504 of the Rehabilitation Act of 1973, as amended, which definition is set out at 29 U.S.C. 705(20)(B).

Community engagement means the systematic inclusion of community organizations as partners with State educational agencies, LEAs, or other educational institutions, or their school or program staff to accomplish activities that may include developing a shared community vision, establishing a shared accountability agreement, participating in shared data-collection and analysis, or establishing community networks that are focused on shared community-level outcomes. These organizations may include faith- and community-based organizations, institutions of higher education (including minority-serving institutions eligible to receive aid under title III or title V of the Higher Education Act of 1965 (HEA)), businesses and industries, labor organizations, State and local government entities, or Federal entities other than the Department.

Disconnected youth means low-income individuals, ages 14–24, who are homeless, are in foster care, are involved in the justice system, or are not working or not enrolled in (or at risk of dropping out of) an educational institution.

Evidence of promise means there is empirical evidence to support the theoretical linkage(s) between at least one critical component and at least one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice. Specifically, evidence of promise means the conditions in both paragraphs (i) and (ii) of this definition are met:

(i) There is at least one study that is a—

(A) Correlational study with statistical controls for selection bias;

(B) Quasi-experimental design study that meets the What Works Clearinghouse Evidence Standards with reservations; or

(C) Randomized controlled trial that meets the What Works Clearinghouse Evidence Standards with or without reservations.

(ii) The study referenced in paragraph (i) of this definition found a statistically significant or substantively important (defined as a difference of 0.25 standard deviations or larger) favorable association between at least one critical component and one relevant outcome presented in the logic model for the proposed process, product, strategy, or practice.

High-minority school means a school as that term is defined by a local educational agency (LEA), which must define the term in a manner consistent with its State's Teacher Equity Plan, as required by section 1111(b)(8)(C) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). The applicant must provide the definition(s) of High-minority school used in its application.

High-need community means (i) a political subdivision of a State or portion of a political subdivision of a State, in which at least 50 percent of the children are from low-income families; or (ii) a political subdivision of a State that is among the 10 percent of political subdivisions of the State having the greatest numbers of such children. For the purposes of determining if a community meets this definition, the term ''low-income families'' means families that have an income that meets the poverty criteria established by the U.S. Department of Commerce for the most recent fiscal year for which satisfactory data are available.

High-need students means students who are at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend High-minority Schools, who are far below grade level, who have left school before receiving a Regular High School Diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English learners.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.*, the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Low-skilled adult means an adult with low literacy and numeracy skills.

Lowest-performing schools means—

For a State with an approved request for flexibility under the ESEA, Priority Schools or Tier I and Tier II Schools that have been identified under the School Improvement Grants program.

For any other State, Tier I and Tier II Schools that have been identified under the School Improvement Grants Program.

National non-profit arts education organization means an organization of national scope that is supported by staff or affiliates at the State and local levels and that has a demonstrated history of advancing high-quality Arts education and Arts Integration for Arts Educators, education leaders, artists, and students through professional development, partnerships, educational programming, and supporting systemic school reform.

Persistently-lowest achieving school means, as determined by the State—

(a)(1) Any Title I school that has been identified for improvement, corrective action, or restructuring under section

1116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that:

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both:

(i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA, in reading/language arts and mathematics combined; and

(ii) The school's lack of progress on those assessments over a number of years in the ''all students'' group.

Priority schools means schools that, based on the most recent data available, have been identified as among the lowest-performing schools in the State. The total number of Priority Schools in a State must be at least five percent of the Title I schools in the State. A priority school is—

(a) A school among the lowest five percent of Title I schools in the State based on the achievement of the ''all students'' group in terms of proficiency on the statewide assessments that are part of the SEA's differentiated recognition, accountability, and support system, combined, and has demonstrated a lack of progress on those assessments over a number of years in the ''all students'' group;

(b) A Title I-participating or Title I-eligible high school with a graduation rate that is less than 60 percent over a number of years; or

(c) A Tier I or Tier II school under the School Improvement Grant (SIG) program that is using SIG funds to implement a school intervention model.

Quasi-experimental design study means a study using a design that attempts to approximate an experimental design by identifying a comparison group that is similar to the treatment group in important respects. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards with reservations (but not What Works Clearinghouse Evidence Standards without reservations).

Randomized controlled trial means a study that employs random assignment of, for example, students, teachers, classrooms, schools, or districts to receive the intervention being evaluated (the treatment group) or not to receive the intervention (the control group). The estimated effectiveness of the intervention is the difference between the average outcomes for the treatment group and for the control group. These studies, depending on design and implementation, can meet What Works Clearinghouse Evidence Standards without reservations.

Relevant outcome means the student outcome(s) (or the ultimate outcome if not related to students) the proposed process, product, strategy, or practice is designed to improve, consistent with the specific goals of a program.

Regular high school diploma means the standard high school diploma that is awarded to students in the State and that is fully aligned with the State's academic content standards or a higher diploma and does not include a General Education Development (GED) credential, certificate of attendance, or any alternative award.

Rural local educational agency means an LEA that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under title VI, part B of the ESEA. Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department's Web site at *www2.ed.gov/nclb/freedom/local/reap.html.*

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Student achievement means—

For grades and subjects in which assessments are required under section 1111(b)(3) of the ESEA: (1) A student's score on such assessments; and, as appropriate, (2) other measures of student learning, such as those described in the subsequent paragraph, provided that they are rigorous and comparable across schools within an LEA.

For grades and subjects in which assessments are not required under section 1111(b)(3) of the ESEA: (1) Alternative measures of student learning and performance, such as student results on pre-tests, end-of-course tests, and objective performance-based assessments; (2) student learning objectives; (3) student performance on English language proficiency assessments; and (4) other measures of student achievement that are rigorous and comparable across schools within an LEA.

Sustained and Intensive, as used in the GPRA measure set forth under *Performance Measures* in section VI of this notice, means to complete 40 hours of professional development and 75 percent of the total number of professional development hours offered over a period of six or more months.

Sustained partnership means a relationship that has demonstrably adequate resources and other support to continue beyond the funding period and that consist of community organizations as partners with an LEA and one or more of its schools. These organizations may include faith- and community-based organizations, institutions of higher education (including minority-serving institutions eligible to receive aid under title III or title V of the HEA), businesses and industries, labor organizations, State and local government entities, or Federal entities other than the Department.

Tier I schools means—

(a) A Title I school that has been identified as in improvement, corrective action, or restructuring under section 1116 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) and that is identified by the SEA under paragraph (a)(1) of the definition of Persistently-lowest Achieving School.

(b) An elementary school that is eligible for Title I, Part A funds that—

(1)(i) Has not made adequate yearly progress for at least two consecutive years; or

(ii) Is in the State's lowest quintile of performance based on proficiency rates on the State's assessments under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) in reading/language arts and mathematics combined; and

(2) Is no higher achieving than the highest-achieving school identified by the SEA under paragraph (a)(1)(i) of the definition of Persistently-lowest Achieving School.

Tier II schools means—

(a) A secondary school that is eligible for, but does not receive, Title I, Part A funds and is identified by the State educational agency (SEA) under paragraph (a)(2) of the definition of Persistently-lowest Achieving Schools.

(b) A secondary school that is eligible for Title I, Part A funds that—

(1)(i) Has not made adequate yearly progress for at least two consecutive years; or

(ii) Is in the State's lowest quintile of performance based on proficiency rates on the State's assessments under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), in reading/language arts and mathematics combined; and

(2)(i) Is no higher achieving than the highest-achieving school identified by the SEA under paragraph (a)(2)(i) of the definition of Persistently-lowest Achieving School; or

(ii) Is a high school that has had a graduation rate, as defined in 34 CFR 200.19(b), that is less than 60 percent over a number of years.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Application Requirements: The following eligibility and application requirements are from the 2012 NFP and apply to this competition.

1. To be eligible for an award, an applicant must be a National Non-profit Arts Education Organization.

2. An applicant must describe in its application how it would serve Children from Low-income Families and Children with Disabilities.

3. An applicant must describe in its application how it would implement the following activities and services at the national level:

(i) Professional development based on State or national standards for pre-kindergarten-through-grade-12 Arts Educators.

Note: The term ''national standards'' was used, but not defined, in the 2005 NFP. Since then, the program has described ''national standards'' as the Arts standards developed by the Consortium of National Arts Education Associations (Consortium) or another comparable set of national arts standards. The standards developed by the Consortium outline what students should know and be able to do in the Arts. Although the program considers these standards ''national standards,'' these standards are not established or endorsed by the Department.

(ii) Development and dissemination of instructional materials, including online resources, in music, dance, theater, media arts, and visual arts, including folk arts, for Arts Educators.

(iii) Arts-based educational programming in music, dance, theater, media arts, and visual arts, including folk arts, for pre-kindergarten-through-grade-12 students and Arts Educators.

(iv) Community and national outreach activities and services that strengthen and expand partnerships among schools, school districts, and communities throughout the country.

Program Authority: 20 U.S.C. 7271.

Applicable Regulations: (a) EDGAR in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)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, as adopted and amended in 2 CFR part 3474. (c) The 2012 NFP (77 FR 35953). (d) The Supplemental Priorities (79 FR 73425).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $6,700,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months (subject to availability of funds).

III. Eligibility Information

1. *Eligible Applicants:* National Non-profit Arts Education Organizations.

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. Under section 5551(f)(2) of the ESEA, the Secretary requires that assistance provided under this program be used only to supplement, and not to supplant, any other assistance or funds made available from non-Federal sources for the activities assisted under the program. This requirement has the effect of requiring grantees to use a restricted indirect cost rate, according to the requirements in 34 CFR 75.563 and 34 CFR 76.564 through 76.569. The restricted indirect cost rate excludes certain costs from the rate that otherwise would be recovered under a standard indirect cost rate. As soon as applicants decide to apply, they are urged to contact the ED Indirect Cost Group at (202) 245–7784 for guidance about obtaining a restricted indirect cost rate to use on the Budget Information form (ED Form 524) included with the application package.

c. *Coordination Requirement:* Under section 5551(f)(1) of the ESEA, the Secretary requires that each entity funded under this program coordinate, to the extent practicable, each project or program carried out with funds awarded under this program with appropriate activities of public or private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

IV. Application and Submission Information

1. *Address to Request Application Package:* Asheley McBride, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W240, Washington, DC 20202–5960 or by email: *AENP15Competition@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.

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.a. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Notice of Intent to Apply: March 12, 2015. The Department will be able to develop a more efficient process for reviewing grant applications if it has a better understanding of the number of entities that intend to apply for funding under this competition. Therefore, the Secretary strongly encourages each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email need not include information regarding the content of the proposed application, only the applicant's intent to submit it. The email notification should be sent to the AENP program inbox at: *AENP15Competition@ed.gov.*

Eligible entities that fail to provide this email notification may still apply for funding.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We suggest you limit the application narrative to the equivalent of no more than 50 pages, using the following standards:

• 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, except for titles, headings, footnotes, quotations, references, captions, 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.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, or letters of support. However, the page limit does apply to all of the application narrative section.

b. *Submission of Proprietary Information:* Given the types of projects that may be proposed in applications for the AENP, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make successful applications available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: February 10, 2015.

Deadline for Notice of Intent to Apply: March 12, 2015.

Date of Informational Webinar: The AENP intends to hold a webinar designed to provide technical assistance to interested applicants. Detailed information regarding this webinar will be provided on the AENP Web site at *http://www2.ed.gov/programs/artsnational/index.html.*

Deadline for Transmittal of Applications: April 13, 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* of this notice.

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: June 10, 2015.

4. *Intergovernmental Review:* This program 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 of 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 two to five 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 AENP, CFDA number 84.351F, 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 AENP at *www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.351, not 84.351F).

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 program 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: Asheley McBride, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W240, Washington, DC 20202–5950. Telephone: (202) 202–453–6500 or by email: *AENP15Competition@ed.gov.* FAX: (202) 205–5630.

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 84.351F), 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 84.351F), 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 competition are from the 2012 NFP for this program and from 34 CFR 75.210, and are as follows:

The maximum score for all the selection criteria is 100 points. The maximum score for each criterion is indicated in parentheses. Each criterion also includes the factors that the reviewers will consider in determining how well an application meets the criterion.

The selection criteria are as follows:

(1) *Significance* (15 points).

The Secretary reviews each application to determine the extent to which—

(a) The proposed project is likely to build State and local capacity to provide, improve, or expand Arts education and Arts Integration that address the needs of children and youth, with special emphasis on serving Children from Low-income Families and Children with Disabilities; and

(b) The applicant has a history of three or more years of demonstrated excellence in the areas of Arts education and Arts Integration on a national scale.

(2) *Quality of the project design* (35 points). The Secretary reviews each application to determine the extent to which—

(a) The design of the proposed project is appropriate to, and will successfully address, the Arts education needs of pre-kindergarten-through-grade-12 children and youth, with special emphasis on Children from Low-income Families and Children with Disabilities;

(b) The proposed project will provide high-quality professional development for pre-kindergarten-through-grade-12 Arts Educators who provide instruction in music, dance, drama, media arts, or visual arts, including folk arts;

(c) The proposed project is supported by Strong Theory.

Note: The Secretary encourages the applicant to consider measures and targets tied to their grant activities. The measures and targets should be sufficient to gauge the progress throughout the grant period, and show results by the end of the grant period. The Department's Regional Educational Laboratories (RELs) seek to build the capacity of States and school districts to incorporate data and research into education decision making. Each REL provides research support and technical assistance to its region but makes learning opportunities available to educators everywhere. For example, the REL Northeast and Islands has created the following resource on Logic Models: *http://relpacific.mcrel.org/ELM.html.*

(3) *Quality of project services* (25 points).

In determining the quality of the services to be provided by the proposed project, the Secretary considers the extent to which—

(a) The services to be provided by the proposed project involve the collaboration of appropriate partners in order to maximize the effectiveness of project services; and

(b) The proposed project will provide services and initiatives that will reach students and Arts Educators in multiple schools and school districts in urban, rural, and High-need Communities throughout the country.

(4) *Quality of the project evaluation* (25 points).

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers—

(a) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(b) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(c) The extent to which the methods of evaluation will, if well-implemented, produce Evidence of Promise.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary 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 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 notify you informally, also.

If your 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:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under GPRA, the Secretary has established four performance measures to assess the effectiveness of this program. Projects funded under this competition will be expected to collect and report to the Department data related to these measures. Applications should, but are not required to, discuss in the application narrative how they propose to collect these data. The four GPRA performance measures are: (1) The total number of students who participate in standards-based Arts education sponsored by the grantee; (2) the number of teachers participating in the grantee's program who receive professional development that is Sustained and Intensive; (3) the total number of students from low-income families who participate in standards-based Arts education sponsored by the grantee; and (4) the total number of students with disabilities who participate in standards-based Arts education sponsored by the grantee.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Asheley McBride, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W, Washington, DC 20202–5950. Telephone: (202) 453–6500, or by email: *AENP15Competition@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 can 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 4, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2015–02596 Filed 2–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.101A.]

Proposed Waiver and Extension of the Project Period for the Native American Career and Technical Education Program

AGENCY: Office of Career, Technical, and Adult Education, Department of Education.

ACTION: Proposed waiver and extension of the project period.

SUMMARY: For the Native American Career and Technical Education Program (NACTEP), the Secretary

proposes to: (1) Waive the requirements that generally prohibit project period extensions involving the obligation of additional Federal funds; and (2) extend the project periods for current NACTEP grantees for up to an additional 24 months. This proposed extension and waiver would enable the 31 current NACTEP grantees to request and continue to receive Federal funding annually for fiscal year (FY) 2016 and possibly through FY 2017.

DATES: We must receive your comments on or before March 12, 2015.

ADDRESSES: Address all comments regarding this proposed extension and waiver to Gwen Washington, Room 11076, or Linda Mayo, Room 11075, U.S. Department of Education, 400 Maryland Avenue SW., Potomac Center Plaza (PCP), Washington, DC 20202–7241.

If you prefer to send your comments by email, use one of the following addresses: *gwen.washington@ed.gov* or *linda.mayo@ed.gov.* You must include the term ''Proposed Waiver and Extension for NACTEP'' in the subject line of your message.

FOR FURTHER INFORMATION CONTACT: Gwen Washington, telephone: (202) 245–7790, or by email at: *gwen.washington@ed.gov;* or Linda Mayo, telephone: (202) 245–7792, or by email at: *linda.mayo@ed.gov.*

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

SUPPLEMENTARY INFORMATION: *Invitation to Comment:* We invite you to submit comments regarding this proposed waiver and extension of the project period.

During and after the comment period, you may inspect all public comments about this proposed waiver and extension in room 11076 or Room 11075, PCP, 550 12th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will supply an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact one of the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Background

NACTEP, authorized by section 116 of the Carl D. Perkins Career and Technical Education Act of 2006 (Act), provides grants to improve career and technical education programs that benefit Native Americans and Alaska Natives. The Act also provides that NACTEP should build on the efforts of States and localities to develop challenging academic and technical standards and to assist students in meeting such standards, including preparation for high-skill, high-wage, or high-demand occupations in emerging or established professions (20 U.S.C. 2301(1)). In addition, programs are required to provide technical assistance that promotes leadership, initial preparation, and professional development and improves the quality of career and technical education teachers, faculty, administrators, and counselors (20 U.S.C. 2301(5)). NACTEP programs generally support partnerships among secondary schools, postsecondary institutions, baccalaureate degree-granting institutions, area career and technical education schools, local workforce investment boards, business and industry, and intermediaries, as well as provide, in conjunction with other education and training programs, individuals with opportunities throughout their lives to develop the knowledge and skills needed to keep the United States competitive (20 U.S.C. 2301(6) and (7)).

On February 26, 2013, we published in the **Federal Register** (78 FR 13030) a notice inviting applications for NACTEP grants (2013 NIA) to operate career and technical education programs, as authorized by section 116(a) through (g) of the Act (20 U.S.C. 2326(a)–(g)). Although the Secretary invited applications with a proposed project period of five years in previous NACTEP competitions, in 2013, in anticipation of congressional reauthorization of the Act, the Department invited applications with proposed project periods of two years. The project periods for the 31 NACTEP projects funded under the 2013 NIA are scheduled to end in FY 2015. Because there is the potential for changes in the authorizing legislation for NACTEP beyond 2015, we do not believe it would be in the public interest to hold a new competition in FY 2015 for projects that may operate for only one year or to announce a competition under which eligible entities would be expected to proceed through the application preparation and submission process while lacking critical information about the future of the program. Further, we do not think that it would be in the public interest to have a lapse in the services currently provided by the NACTEP grantees.

For these reasons, the Secretary proposes to waive the requirements of 34 CFR 75.261(a) and (c)(2) that generally prohibit project period extensions involving the obligation of additional Federal funds. The Secretary also proposes to extend the NACTEP project period for up to 24 months. The proposed waiver and extension would allow the current NACTEP grantees to request and continue to receive Federal funding annually for project periods through FY 2016 and possibly through FY 2017. We intend to fund the extended project period by using funds appropriated for FY 2015 or FY 2016, depending on whether the grants are extended for one or two years.

If the waiver of the requirements of 34 CFR 75.261(a) and (c)(2) that we propose in this notice is announced by a notice of final waiver and extension of the project period published in the **Federal Register**: (1) The requirements applicable to continuation awards for current NACTEP grantees set forth in the 2013 NIA and the requirements in 34 CFR 75.253 would apply to any continuation awards sought by current NACTEP grantees; (2) we will make decisions regarding annual continuation awards based on grantee program narratives, budgets and budget narratives, and performance reports and the requirements in 34 CFR 75.253; and (3) we will not announce a new grant competition or make new awards in FY 2015.

The proposed waiver and project period extension would not exempt the current NACTEP grantees from the appropriation account closing provisions of 31 U.S.C. 1552(a), nor would they extend the availability of funds previously awarded to current NACTEP grantees. As a result of 31 U.S.C. 1552(a), appropriations available for a limited period may be used for payment of valid obligations for only five years after the expiration of their period of availability for Federal obligation. After that time, the unexpended balance of those funds is canceled and returned to the U.S. Department of the Treasury and is unavailable for restoration for any purpose (31 U.S.C. 1552(b)).

Regulatory Flexibility Act Certification

The Secretary certifies that the proposed waiver and extension and the activities required to support additional years of funding would not have a significant economic impact on a substantial number of small entities.

The entities that would be affected by the proposed waiver and extension are the 31 grantees selected based on the 2013 NIA and currently receiving Federal funds and any other potential applicants.

The Secretary certifies that the proposed waiver and extension would not have a significant economic impact on these entities because the extension of an existing project imposes minimal compliance costs, and the activities required to support the additional year of funding would not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This notice of proposed waiver and extension does not contain any information collection requirements.

Intergovernmental Review

The NACTEP is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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 one of the contact persons 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 this 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 4, 2015.

Johan E. Uvin,

Acting Assistant Secretary for Career, Technical, and Adult Education.

[FR Doc. 2015–02725 Filed 2–9–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–71–000]

Chesapeake Utilities Corporation; Notice of Application

Take notice that on January 23, 2015, Chesapeake Utilities Corporation (Chesapeake), 909 Silver Lake Blvd., Dover, Delaware 19904, filed an application pursuant to section 7(f) of the Natural Gas Act (NGA) requesting a service area determination within which it may enlarge or expand its natural gas distribution facilities without further Commission authorization. Chesapeake also requests a determination that it qualifies as a local distribution company for purposes of section 311 of the Natural Gas Policy Act of 1978 (NGPA) and a waiver of all reporting, accounting, and other rules and regulations under the NGA and NGPA that are normally applicable to natural gas companies.

Chesapeake received a request for service from Warwick Mushroom Farms, LLC (WMF) at its existing facility in Cecil County, Maryland to displace its current use of propane. Chesapeake proposes to construct approximately 1.5 miles of 6-inch diameter pipeline in Delaware and approximately 3.9 miles of 6-inch diameter pipeline in Maryland in order to connect with WMF's facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the application may be directed to William Rice, King & Spalding LLP, 1700 Pennsylvania Avenue NW., Suite 200, Washington, DC 20006, by telephone at (202) 626–9602, by facsimile at (202) 626–3737, or by email at *wrice@kslaw.com.*

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 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 EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive

copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, 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 five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: February 24, 2015.

Dated: February 3, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02685 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3168–011; ER15–357–001; ER15–356–001; ER13–618–006; ER12–2570–007.

Applicants: ArcLight Energy Marketing, LLC, Chief Conemaugh Power, LLC, Chief Keystone Power, LLC, Panther Creek Power Operating, LLC, Westwood Generation, LLC.

Description: Notice of Non-Material Change in Status of ArcLight Energy Marketing, LLC, et. al.

Filed Date: 1/29/15.

Accession Number: 20150129–5181.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER12–1436–008; ER14–152–003; ER13–1793–005; ER12–1260–007; ER10–3099–010; ER10–2329–005.

Applicants: Eagle Point Power Generation LLC, Elgin Energy Center, LLC, Hazle Spindle, LLC, RC Cape May Holdings, LLC, Stephentown Spindle, LLC, Vineland Energy LLC.

Description: Notice of Change in Status and Asset Appendix Update of the Rockland Sellers.

Filed Date: 1/29/15.

Accession Number: 20150129–5197.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–591–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing per 35: Compliance Filing per 1/16/15 Order to Correct Typographical Error to be effective 2/5/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5226.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–919–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 4083; Queue Y3–058 to be effective 12/31/2014.

Filed Date: 1/29/15.

Accession Number: 20150129–5113.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–920–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 340—City of Azusa Firming Service and Energy Exchange to be effective 4/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5114.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–921–000.

Applicants: Covanta Delaware Valley, L.P.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to Market-Based Rate Tariff to be effective 3/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5200.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–922–000.

Applicants: Covanta Energy Marketing LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revised Market-Based Rate Tariff to be effective 3/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5201.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–923–000.

Applicants: Covanta Essex Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revised Market-Based Rate Tariff to be effective 3/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5202.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–924–000.

Applicants: Covanta Haverhill Associates, LP.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Notice of Succession to be effective 3/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5203.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–925–000.

Applicants: Covanta Maine, LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revised Market-Based Rate Tariff to be effective 3/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5204.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–926–000.

Applicants: Covanta Niagara, L.P.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Notice of Succession to be effective 3/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5205.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–927–000.

Applicants: Covanta Plymouth Renewable Energy Limited Partnership.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Notice of Succession to be effective 3/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5207.

Comments Due: 5 p.m. ET 2/19/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–4–000.

Applicants: Blue Sky East, LLC, Palouse Wind, LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, First Wind Energy Marketing, LLC, Longfellow Wind, LLC, Milford Wind Corridor Phase I, LLC, Milford Wind Corridor Phase II, LLC, Niagara Wind Power, LLC, Stetson Wind II, LLC, Stetson Holdings, LLC, Vermont Wind, LLC.

Description: Quarterly Land Acquisition Report of Blue Sky East, LLC, et al.

Filed Date: 1/29/15.

Accession Number: 20150129–5140.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: LA14–4–000.

Applicants: Beech Ridge Energy LLC, Beech Ridge Energy II LLC, Beech Ridge Energy Storage LLC, Bishop Hill Energy LLC, Bishop Hill Energy III LLC, California Ridge Wind Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Grand Ridge Energy Storage LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Grays Harbor Energy LLC, Hardee Power Partners Limited, Invenergy Cannon Falls LLC, Invenergy Nelson LLC, Invenergy TN LLC, Judith Gap Energy

LLC, Spindle Hill Energy LLC, Prairie Breeze Wind Energy LLC, Sheldon Energy LLC, Vantage Wind Energy LLC, Stony Creek Energy LLC, Spring Canyon Energy II LLC, Spring Canyon Energy III LLC, Spring Canyon Energy LLC, Wolverine Creek Energy LLC, Willow Creek Energy LLC.

Description: Quarterly Land Acquisition Report of Beech Ridge Energy LLC, et al.

Filed Date: 1/29/15.

Accession Number: 20150129–5141.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: LA14–4–000.

Applicants: CPV Maryland, LLC, CPV Shore, LLC, CPV Sentinel, LLC, CPV Keenan II Renewable Energy Company, LLC.

Description: Quarterly Land Acquisition Report of the CPV MBR Companies.

Filed Date: 1/29/15.

Accession Number: 20150129–5146.

Comments Due: 5 p.m. ET 2/19/15.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA15–1–000.

Applicants: Eagle Point Power Generation LLC.

Description: Request for Waiver of the Requirements to File an Open-Access Transmission Tariff, Establish an Open-Access Same Time Information System and Comply With the Standards of Conduct of Eagle Point Power Generation LLC.

Filed Date: 1/29/15.

Accession Number: 20150129–5222.

Comments Due: 5 p.m. ET 2/19/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02629 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2964–006.

Applicants: Selkirk Cogen Partners, L.P.

Description: Notice of Non-Material Change in Status of Selkirk Cogen Partners, L.P.

Filed Date: 1/30/15.

Accession Number: 20150130–5386.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER10–3203–003; ER10–3050–002; ER10–3052–002; ER10–3053–002.

Applicants: J. Aron & Company, Cabazon Wind Partners, LLC, Rock River I, LLC, Whitewater Hill Wind Partners, LLC.

Description: Notice of Non-Material Change in Status of J. Aron & Company, et al.

Filed Date: 1/30/15.

Accession Number: 20150130–5453.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER13–342–006.

Applicants: CPV Shore, LLC.

Description: Notice of Change in Status of CPV Shore, LLC.

Filed Date: 1/30/15.

Accession Number: 20150130–5391.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER14–1317–003; ER11–2041–006; ER11–2042–006; ER10–3193–006; ER10–2964–007; ER10–2924–006; ER10–2480–005; ER10–2959–006; ER10–2961–005; ER10–2934–005; ER12–281–007; ER10–3099–011; ER13–821–007; ER10–2950–005; ER14–2500–001; ER14–2498–001; ER10–2615–005; ER11–2335–006; ER10–2538–003.

Applicants: Sunshine Gas Producers, LLC, Innovative Energy Systems, LLC, Seneca Energy II, LLC, Brooklyn Navy Yard Cogeneration Partners, L.P., Selkirk Cogen Partners, L.P., Kleen Energy Systems, LLC, Berkshire Power Company, LLC, Chambers Cogeneration, Limited Partnership, Edgecombe Genco, LLC, Logan Generating Company, L.P., Northampton Generating Company, L.P., RC Cape May Holdings, LLC, Scrubgrass Generating Company, L.P., Spruance Genco, LLC, Newark Energy Center, LLC, EIF Newark, LLC, Plum Point Energy Associates, LLC, Plum Point Services Company, LLC, Panoche Energy Center, LLC

Description: Notice of Non-Material Change in Status of Sunshine Gas Producers, LLC, et al.

Filed Date: 1/30/15.

Accession Number: 20150130–5454.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER14–2553–002.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing per 35: Compliance Filing—ER14–2553—Implement Long Term Congestion Rights to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5296.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–142–002.

Applicants: Midcontinent Independent System Operator, Inc., Van Ness Feldman LLP.

Description: Compliance filing per 35: 2015–01–30_MMU Attachment O Compliance Filing to be effective 1/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5302.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–947–000.

Applicants: The Connecticut Light and Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Interconnection Agreement Between CL&P and Energy Stream, LLC. to be effective 3/31/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5297.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–948–000.

Applicants: Illinois Power Marketing Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): System Support Resources Agreement and Request for Consolidation to be effective 1/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5300.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–949–000.

Applicants: Southwestern Public Service Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1–30–15_SPS CP Filing to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5301.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–950–000.

Applicants: PJM Interconnection, L.L.C., Baltimore Gas and Electric Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): BGE submits revisions to Att H–2A re Stated Depreciation Rates to be effective 3/30/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5303.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–951–000.

Applicants: Alabama Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Attachment S (MPCo) Filing to be effective 1/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5305.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–952–000.

Applicants: New Jersey Energy Associates, a Limited Partnership.

Description: Petition of New Jersey Energy Associates, a Limited Partnership for Waiver of PJM Tariff and Operating Agreement.

Filed Date: 1/30/15.

Accession Number: 20150130–5390.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–953–000.

Applicants: Arkansas Electric Cooperative Corporation.

Description: Application of Arkansas Electric Cooperative Corporation for approval of revenue requirements for reactive supply in MISO.

Filed Date: 1/30/15.

Accession Number: 20150130–5399.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–954–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Notice of Termination of Generator Interconnection Agreement for Service Agreement No. 2317 for Project G667 of Midcontinent Independent System Operator, Inc.

Filed Date: 1/30/15.

Accession Number: 20150130–5402.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–955–000.

Applicants: Robinson Power Company, LLC.

Description: Petition for Waiver of Competitive Entry Exemption Deadline of Robinson Power Company, LLC.

Filed Date: 1/30/15.

Accession Number: 20150130–5435.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: ER15–956–000.

Applicants: Portland General Electric Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): GTA Agreement PGE and BPA Exhibit D Update to be effective 2/3/2015.

Filed Date: 2/2/15.

Accession Number: 20150202–5250.

Comments Due: 5 p.m. ET 2/23/15.

Docket Numbers: ER15–957–000.

Applicants: AltaGas Ripon Energy Inc.

Description: Baseline eTariff Filing per 35.1: AltaGas Ripon Energy Inc. MBR Tariff to be effective 2/5/2015.

Filed Date: 2/2/15.

Accession Number: 20150202–5256.

Comments Due: 5 p.m. ET 2/23/15.

Docket Numbers: ER15–958–000.

Applicants: Transource Kansas, LLC.

Description: Baseline eTariff Filing per 35.1: Transource Kansas, LLC § 205 Filing to Establish an Incentive Formula Rate to be effective 4/3/2015.

Filed Date: 2/2/15.

Accession Number: 20150202–5266.

Comments Due: 5 p.m. ET 2/23/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–11–000.

Applicants: Entergy Services, Inc.

Description: Application of Entergy Services, Inc. on behalf of Entergy Louisiana Power, LLC, for Section 204 authorizations.

Filed Date: 1/30/15.

Accession Number: 20150130–5410.

Comments Due: 5 p.m. ET 2/20/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–4–000.

Applicants: All Dams Generation, LLC, Arlington Valley Solar Energy II, LLC, Bluegrass Generation Company, L.L.C., Calhoun Power Company, LLC, Carville Energy LLC, Centinela Solar Energy, LLC, Cherokee County Cogeneration Partners, LLC, Columbia Energy LLC, Decatur Energy Center, LLC, DeSoto County Generating Company, LLC, Doswell Limited Partnership, Lake Lynn Generation, LLC, Las Vegas Power Company, LLC, LS Power Marketing, LLC, LSP University Park, LLC, Mobile Energy LLC, Oneta Power, LLC, PE Hydro Generation, LLC, Renaissance Power, L.L.C., Riverside Generating Company, LLC, Rocky Road Power, LLC, Santa Rosa Energy Center, LLC, Seneca Generation, LLC, Tilton Energy LLC, University Park Energy, LLC, Wallingford Energy LLC, West Deptford Energy, LLC.

Description: Quarterly Land Acquisition Report of the LS Power Development, LLC subsidiaries.

Filed Date: 1/30/15.

Accession Number: 20150130–5432.

Comments Due: 5 p.m. ET 2/20/15.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH15–8–000.

Applicants: Enbridge Inc.

Description: Enbridge Inc. submits FERC 65–B Waiver Notification and Notice of Material Change in Facts.

Filed Date: 2/2/15.

Accession Number: 20150202–5214.

Comments Due: 5 p.m. ET 2/23/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02632 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–66–000.

Applicants: Osage Wind, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act, Request for Expedited Consideration and Confidential Treatment of Osage Wind, LLC.

Filed Date: 1/29/15.

Accession Number: 20150129–5044.

Comments Due: 5 p.m. ET 2/19/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1308–004.

Applicants: Palouse Wind, LLC.

Description: Notice of Non-Material Change in Status of Palouse Wind, LLC.

Filed Date: 1/28/15.

Accession Number: 20150128–5250.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: ER12–1329–003.

Applicants: Wildcat Wind Farm I, LLC.

Description: Notice of Change in Status of Wildcat Wind Farm I, LLC.

Filed Date: 1/28/15.

Accession Number: 20150128–5132.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: ER12–2178–010, *ER14–2145–001; ER14–2144–001; ER14–1524–002; ER13–1536–004; ER12–2528–009; ER12–2311–009; ER12–2201–009;*

ER12–1829–009; ER12–1223–014; ER11–3989–014; ER11–2056–015; ER11–2016–016; ER11–2014–018; ER11–2013–018; ER11–2011–017; ER11–2010–018; ER11–2009–017; ER11–2007–016; ER11–2005–018; ER10–3308–020; ER10–3027–002; ER10–3025–004; ER10–2192–021; ER10–2184–021; ER10–2183–018; ER10–2182–025; ER10–2181–025; ER10–2180–021; ER10–2179–025; ER10–2178–021; ER10–2172–021; ER10–1143–017; ER10–1081–017; ER10–1080–017; ER10–1078–017; ER10–1048–018; ER10–1020–017.

Applicants: Exelon Generation Company, LLC, AV Solar Ranch 1, LLC, Baltimore Gas and Electric Company, Beebe 1B Renewable Energy, LLC, Beebe Renewable Energy, LLC, Calvert Cliffs Nuclear Power Plant LLC, Cassia Gulch Wind Park, LLC, CER Generation, LLC, CER Generation II, LLC, Commonwealth Edison Company, Constellation Energy Commodities Group Maine. LLC, Constellation Mystic Power, LLC, AES NewEnergy, Inc., Constellation Power Source Generation, LLC, Cow Branch Wind Power LLC, CR Clearing, LLC, Criterion Power Partners, LLC, Exelon Framingham, LLC, Exelon New Boston, LLC, Exelon West Medway, LLC, Exelon Wind 4, LLC, Exelon Wyman, LLC, Fourmile Wind Energy, LLC, Handsome Lake Energy, LLC, Harvest WindFarm, LLC, Harvest II Windfarm, LLC, High Mesa Energy, LLC, Integrys Energy Services, Inc., Integrys Energy Services of New York, Inc, Michigan Wind 1, LLC, Michigan Wind 2, LLC, Nine Mile Point Nuclear Station, LLC, PECO Energy Company, R.E. Ginna Nuclear Power Plant, LLC, Shooting Star Wind Project, LLC, Tuana Springs Energy, LLC, Wildcat Wind, LLC, Wind Capital Holdings, LLC.

Description: Revised Asset Appendix for November 24, 2014 Notice of Non-Material Change in Status of the Integrys and Exelon MBR Entities.

Filed Date: 1/12/15.

Accession Number: 20150112–5250.

Comments Due: 5 p.m. ET 2/2/15.

Docket Numbers: ER13–34–001*; ER10–2481–002; ER13–33–002.*

Applicants: Ingenco Holdings, LLC, Ingenco Wholesale Power, L.L.C., Collegiate Clean Energy, LLC.

Description: Notice of non-material change in status of Ingenco Holdings, LLC, et. al.

Filed Date: 1/28/15.

Accession Number: 20150128–5137.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: ER13–395–002.

Applicants: Safe Harbor Water Power Corporation.

Description: Compliance filing per 35.37: Safe Harbor Water Power Corp. Triennial Supplement to be effective 7/1/2014.

Filed Date: 1/29/15.

Accession Number: 20150129–5024.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–13–002.

Applicants: Transource Wisconsin, LLC.

Description: Compliance filing per 35: Compliance filing for Transource Wisconsin to be effective 12/1/2014.

Filed Date: 1/28/15.

Accession Number: 20150128–5231.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: ER15–237–002.

Applicants: Public Service Company of Colorado.

Description: Tariff Amendment per 35.17(b): 2015–1–28_Joint Dispatch_Amend 2_Filing to be effective 1/1/2015.

Filed Date: 1/28/15.

Accession Number: 20150128–5217.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: ER15–497–001.

Applicants: Duke Energy Ohio, Inc.

Description: Tariff Amendment per 35.17(b): Correct Filing Code to be effective 11/29/2014.

Filed Date: 1/28/15.

Accession Number: 20150128–5211.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: ER15–794–001.

Applicants: Catalyst Paper Operations Inc.

Description: Tariff Amendment per 35.17(b): Amended MBR Tariff Application to be effective 12/31/9998.

Filed Date: 1/28/15.

Accession Number: 20150128–5150.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: ER15–918–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–28 Attachment Y alignment with 2015–2016 Planning Year to be effective 3/30/2015.

Filed Date: 1/28/15.

Accession Number: 20150128–5178.

Comments Due: 5 p.m. ET 2/18/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–4–000.

Applicants: Alabama Electric Marketing, LLC, Astoria Generating Company, L.P., Big Sandy Peaker Plant, LLC, California Electric Marketing, LLC, Crete Energy Venture, LLC, CSOLAR IV South, LLC, CSOLAR IV West, LLC, High Desert Power Project, LLC, Kiowa Power Partners, LLC, Lincoln Generating Facility, LLC, New Covert Generating Company, LLC, New Mexico Electric Marketing, LLC, Rolling Hills Generating, L.L.C., Tenaska Alabama Partners, L.P., Tenaska Alabama II Partners, L.P., Tenaska Frontier Partners, Ltd., Tenaska Gateway Partners, Ltd., Tenaska Georgia Partners, L.P., Tenaska Power Management, LLC, Tenaska Power Services Co., Tenaska Virginia Partners, L.P., Texas Electric Marketing, LLC, TPF Generation Holdings, LLC, Wolf Hills Energy, LLC.

Description: Quarterly Land Acquisition Report of the Tenaska MBR Sellers.

Filed Date: 1/29/15.

Accession Number: 20150129–5093.

Comments Due: 5 p.m. ET 2/19/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02628 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–64–000.

Applicants: Energy Capital Partners II, LLC, Energy Capital Partners III, LLC on behalf its Public Utility Subsidiaries.

Description: Section 203 Application of Energy Capital Partners II, LLC, et. al. on behalf of its Public Utility Subsidiaries.

Filed Date: 1/27/15.

Accession Number: 20150127–5327.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: EC15–65–000.

Applicants: Longview Power.

Description: Section 203 Application of Longview Power, LLC.

Filed Date: 1/27/15.

Accession Number: 20150127–5329.

Comments Due: 5 p.m. ET 2/17/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–493–001.

Applicants: Duke Energy Conesville, LLC.

Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 12/1/2014.

Filed Date: 1/26/15.

Accession Number: 20150126–5220.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: ER15–909–000.

Applicants: American Electric Power Service Corporation.

Description: Request for Waiver of American Electric Power Service Corporation.

Filed Date: 1/26/15.

Accession Number: 20150126–5396.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: ER15–917–000.

Applicants: AEP Texas North Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): TNC-Concho Valley EC-Golden Spread EC First Amd & Rest IA to be effective 12/31/2014.

Filed Date: 1/28/15.

Accession Number: 20150128–5057.

Comments Due: 5 p.m. ET 2/18/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 28, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02627 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–395–003.

Applicants: Safe Harbor Water Power Corporation.

Description: Compliance filing per 35.37: Safe Harbor MBR Tariff Filing to be effective 7/1/2014.

Filed Date: 2/3/15.

Accession Number: 20150203–5129.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER15–876–001.

Applicants: Malaga Power, LLC.

Description: Tariff Amendment per 35.17(b): Supplement to MBR Application to be effective 2/17/2015.

Filed Date: 2/3/15.

Accession Number: 20150203–5096.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER15–964–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): City Utilities of Springfield Formula Rate Filing to be effective 4/1/2015.

Filed Date: 2/3/15.

Accession Number: 20150203–5118.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER15–965–000.

Applicants: PPL Colstrip I, LLC.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Market-Based Rate Tariff to be effective 2/4/2015.

Filed Date: 2/3/15.

Accession Number: 20150203–5131.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER15–966–000.

Applicants: PPL Colstrip II, LLC.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Market-Based Rate Tariff to be effective 2/4/2015.

Filed Date: 2/3/15.

Accession Number: 20150203–5138.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER15–967–000.

Applicants: PJM Interconnection, L.L.C., Old Dominion Electric Cooperative.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revised Service Agreement No. 3746 among PJM and ODEC to be effective 2/1/2015.

Filed Date: 2/3/15.

Accession Number: 20150203–5146.

Comments Due: 5 p.m. ET 2/24/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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Dated: February 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02634 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–67–000.

Applicants: Hawaiian Electric Industries, Inc.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Consideration of Hawaiian Electric Industries, Inc.

Filed Date: 1/29/15.

Accession Number: 20150129–5290.

Comments Due: 5 p.m. ET 2/19/15.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–44–000.

Applicants: Malaga Power, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Malaga Power, LLC.

Filed Date: 1/28/15.

Accession Number: 20150128–5120.

Comments Due: 5 p.m. ET 2/18/15.

Docket Numbers: EG15–45–000.

Applicants: Passadumkeag Windpark, LLC.

Description: Passadumkeag Windpark Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 1/30/15.

Accession Number: 20150130–5079.

Comments Due: 5 p.m. ET 2/20/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–445–004*; ER15–622–001; ER15–621–001; ER15–463–001; ER15–110–001; ER14–2871–002; ER14–2823–002; ER14–2382–002; ER13–1586–003; ER12–1301–005; ER11–4061–004; ER11–4060–004; ER11–3460–007; ER11–2639–003; ER10–3251–002; ER10–3250–003; ER10–3249–003; ER10–3245–003; ER10–3244–004; ER10–3243–004; ER10–3169–007; ER10–1992–009.*

Applicants: Badger Creek Limited, Bayonne Energy Center, LLC, Cameron Ridge, LLC, Chandler Wind Partners, LLC, Coso Geothermal Power Holdings, LLC, Double C Generation Limited Partnership, Foote Creek II, LLC, Foote Creek III, LLC, Foote Creek IV, LLC, High Sierra Limited, Kern Front Limited, Michigan Power Limited Partnership, Oak Creek Wind Power, LLC, ON Wind Energy LLC, Pacific Crest Power, LLC, Ridge Crest Wind Partners, LLC, Ridgetop Energy, LLC, San Gorgonio Westwinds II, LLC, Terra-Gen Energy Services, LLC, TGP Energy Management, LLC, Victory Garden Phase IV, LLC, Zone J Tolling Co., LLC.

Description: Notice of Non-Material Change in Status of Badger Creek Limited, et al.

Filed Date: 1/29/15.

Accession Number: 20150129–5335.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER14–1215–003.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to SCPSA and CEPCI NITSAs and Metering Agreements to be effective 1/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5060.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–277–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–01–29_RPU Attachment O Compliance Filing to be effective 1/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5265.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–928–000.

Applicants: Northern Indiana Public Service Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Filing of CIAC Agreement to be effective 1/30/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5257.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–929–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Oklahoma Municipal Power Authority Revised Stated Rate to be effective 4/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5266.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER15–930–000.

Applicants: Chief Keystone Power, LLC.

Description: Baseline eTariff Filing per 35.1: Notice of Succession to Reactive Power Tariff to be effective 1/31/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5030.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–931–000.

Applicants: Chief Conemaugh Power, LLC.

Description: Baseline eTariff Filing per 35.1: Notice of Succession to Reactive Power Tariff to be effective 1/31/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5031.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–932–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to Attachment AE to Clarify Settlement Area Definition to be effective 4/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5077.

Comments Due: 5 p.m. ET 2/20/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–4–000.

Applicants: East Coast Power Linden Holding, L.L.C, Cogen Technologies Linden Venture, L.P., Birchwood Power Partners, L.P, Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC, Homer City Generation, L.P.

Description: Quarterly Land Acquisition Report of the GE Companies.

Filed Date: 1/30/15.

Accession Number: 20150130–5085.

Comments Due: 5 p.m. ET 2/20/15.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH15–7–000.

Applicants: Consolidated Edison, Inc.

Description: Consolidated Edison Company submits FERC 65–B Material Change in Facts of Waiver Notification.

Filed Date: 1/29/15.

Accession Number: 20150129–5333.

Comments Due: 5 p.m. ET 2/19/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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Dated: January 30, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02630 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–15–000.

Applicants: NorthWestern Corporation.

Description: Tariff filing per 284.123(b)(1)/.: Revised Rate Schedules for Transportation and Storage Service—Tax Tracker to be effective 1/1/2015; TOFC: 980.

Filed Date: 1/27/15.

Accession Number: 20150127–5090.

Comments Due: 5 p.m. ET 2/17/15.

284.123(g) Protests Due:

Docket Numbers: CP15–76–000.

Applicants: National Fuel Gas Supply Corporation.

Description: Abbreviated Application of National Fuel Gas Supply Corporation for an Order Approving the Abandonment of Rate Schedule X–10.

Filed Date: 1/27/15.

Accession Number: 20150127–5322.

Comments Due: 5 p.m. ET 2/17/15.

Docket Numbers: RP15–382–000.

Applicants: Ruby Pipeline, L.L.C.

Description: § 4(d) rate filing per 154.204: Xpress to DART Implementation Filing to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5001.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–384–000.

Applicants: Southern LNG Company, L.L.C.

Description: § 4(d) rate filing per 154.204: Dredging Surcharge Cost Adjustment—2015 to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5039.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–385–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) rate filing per 154.204: Negotiated Rates—Cherokee AGL—Replacement Shippers—Feb 2015 to be effective 2/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5040.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–386–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) rate filing per 154.204: 01/29/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB)–7540–89 to be effective 1/28/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5051.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–387–000.

Applicants: Enable Mississippi River Transmission, L.

Description: § 4(d) rate filing per 154.204: 2014 Housekeeping Filing to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5100.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–388–000.

Applicants: Southeast Supply Header, LLC.

Description: § 4(d) rate filing per 154.204: SESH Jan2015 Cleanup Filing to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5105.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–389–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) rate filing per 154.403: 20150202 Annual PRA Fuel Rates to be effective 4/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5109.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–390–000.

Applicants: Dauphin Island Gathering Partners.

Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing 1–29–2015 to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5111.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–391–000.

Applicants: Southeast Supply Header, LLC.

Description: § 4(d) rate filing per 154.204: SESH Contracting Processes to be effective 3/15/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5112.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–392–000.

Applicants: Leaf River Energy Center LLC.

Description: § 4(d) rate filing per 154.204: Tariff Filing to Modify Storage Ratchets and Add Low Pressure Tenders Option to be effective 2/28/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5191.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–393–000.

Applicants: Colorado Interstate Gas Company, L.L.C.

Description: § 4(d) rate filing per 154.204: Xpress to DART Implementation Filing to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5224.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–394–000.

Applicants: Ruby Pipeline, L.L.C.

Description: § 4(d) rate filing per 154.204: Park and Loan Rate Update to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5225.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–395–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) rate filing per 154.601: Non-Conforming Agreements Filing (Lordsburg & EMW) to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5227.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–396–000.

Applicants: Young Gas Storage Company, Ltd.

Description: § 4(d) rate filing per 154.204: Xpress to Dart Implementation to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5233.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–397–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: § 4(d) rate filing per 154.403(d)(2): FL&U to be effective March 1, 2015 to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5241.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–398–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: § 4(d) rate filing per 154.204: Xpress to Dart Implementation Filing to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5259.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–399–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) rate filing per 154.204: February 1–10 2015 Auction to be effective 2/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5260.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–400–000.

Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) rate filing per 154.204: Negotiated Rate Filing—February 1, 2015—CEM 6966 and SND 0414 to be effective 2/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5264.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–401–000.

Applicants: Sabine Pipe Line LLC.

Description: § 4(d) rate filing per 154.204: Sabine Contact Updates to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5273.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–402–000.

Applicants: Chandeleur Pipe Line, LLC.

Description: § 4(d) rate filing per 154.204: Chandeleur Contact Updates to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5281.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–403–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) rate filing per 154.204: Leidy Southeast Initial Rate Filing to be effective 3/1/2015.

Filed Date: 1/29/15.

Accession Number: 20150129–5285.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–404–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Compliance filing per 154.203: Big Sandy Fuel Filing effective 3–1–2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5000.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–405–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Semi-Annual Transportation Retainage Factor Filing of Big Sandy Pipeline, LLC.

Filed Date: 1/29/15.

Accession Number: 20150129–5325.

Comments Due: 5 p.m. ET 2/10/15.

Docket Numbers: RP15–406–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) rate filing per 154.204: Cap Rel Neg Rate Agmts (QEP 37657, 36601 to BP 43836, 43837) to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5020.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–407–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) rate filing per 154.204: Cap Rel Neg Rate Agmt (Encana 37663 to BP 43835) to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5021.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–408–000.

Applicants: Great Lakes Gas Transmission Limited Par.

Description: Great Lakes Gas Transmission Semi-Annual Transporter's Use Report.

Filed Date: 1/30/15.

Accession Number: 20150130–5025.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–409–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) rate filing per 154.204: 01/30/15 Negotiated Rates—Mercuria Energy Gas Trading (RTS)—7540–02 to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5027.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–410–000.

Applicants: Columbia Gulf Transmission, LLC.

Description: § 4(d) rate filing per 154.204: Section 4 Revisions—Availability of Capacity for Firm Services to be effective 3/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5035.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–411–000.

Applicants: Crossroads Pipeline Company.

Description: § 4(d) rate filing per 154.204: Section 4 Revisions—Availability of Capacity for Firm Services to be effective 3/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5046.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–412–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) rate filing per 154.204: BBPC 02012015 Releases to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5048.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–413–000.

Applicants: Cimarron River Pipeline, LLC.

Description: § 4(d) rate filing per 154.403(d)(2): Fuel Tracker 2015—Summer Season Rates to be effective 4/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5054.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–414–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) rate filing per 154.204: Feb2015 KeySpan Release to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5080.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–415–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) rate filing per 154.204: Feb2015 BUG Release to be effective 2/1/2015

Filed Date: 1/30/15.

Accession Number: 20150130–5084.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–416–000.

Applicants: Millennium Pipeline Company, LLC.

Description: § 4(d) rate filing per 154.601: Negotiated Rate Service Agmt—Cabot & SW to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5150.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–417–000.

Applicants: Dominion Transmission, Inc.

Description: § 4(d) rate filing per 154.204: DTI—January 30, 2015 Negotiated Rate Agreement to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5221.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–418–000.

Applicants: Rockies Express Pipeline LLC.

Description: § 4(d) rate filing per 154.204: Neg Rate 2015–01–30 Encana to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5299.

Comments Due: 5 p.m. ET 2/11/15.

Docket Numbers: RP15–419–000.

Applicants: Northern Natural Gas Company.

Description: § 4(d) rate filing per 154.204: 20150130 Negotiated Rate to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5306.

Comments Due: 5 p.m. ET 2/11/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–130–001.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Compliance filing per 154.203: LMS–MA and LMS–PA Cash Out Indices to be effective 2/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5269.

Comments Due: 5 p.m. ET 2/11/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 2, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02636 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–376–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) rate filing per 154.204: NegRate—Dominion Energy Manchester Street Inc. contract 789456 to be effective 2/1/2015.

Filed Date: 1/28/15.

Accession Number: 20150128–5181.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–377–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 01/28/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB)—7540–89 to be effective 1/27/2015.
Filed Date: 1/28/15.
Accession Number: 20150128–5208.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–378–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 01/28/15 Negotiated Rates—United Energy Trading, LLC (HUB) to be effective 1/27/2015.
Filed Date: 1/28/15.
Accession Number: 20150128–5210.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–379–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 01/28/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 1/27/2015.
Filed Date: 1/28/15.
Accession Number: 20150128–5212.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–380–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.
Description: Section 4(d) rate filing per 154.204: Xpress to DART Implementation Filing to be effective 3/1/2015.
Filed Date: 1/28/15.
Accession Number: 20150128–5220.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–381–000.
Applicants: WBI Energy Transmission, Inc.
Description: Section 4(d) rate filing per 154.204: Non-conforming Service Agreement—Red Trail to be effective 2/1/2015.
Filed Date: 1/28/15.
Accession Number: 20150128–5230.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–383–000.
Applicants: Kinder Morgan Louisiana Pipeline LLC.
Description: Penalty Revenue Crediting Report of Kinder Morgan Louisiana Pipeline LLC.
Filed Date: 1/28/15.
Accession Number: 20150128–5254.
Comments Due: 5 p.m. ET 2/9/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–366–001.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Tariff Amendment per 154.205(b): 01/28/15 Negotiated Rates—United Energy Trading (HUB) Amnd 01/27/15 5095–89 to be effective 1/26/2015.
Filed Date: 1/28/15.
Accession Number: 20150128–5209.
Comments Due: 5 p.m. ET 2/9/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02635 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–14–000.
Applicants: Louisville Gas and Electric Company.
Description: Tariff filing per 284.123(e) + (g): Re-Collation to be effective 1/24/2015; TOFC: 1280.
Filed Date: 1/23/15.
Accession Number: 20150123–5067.
Comments Due: 5 p.m. ET 2/13/15.
284.123(g) Protests Due: 5 p.m. ET 3/24/15.

Docket Numbers: RP15–361–000.
Applicants: Black Marlin Pipeline Company.
Description: Petition for Extension of Exemptions from Certain Tariff Provisions of Black Marlin Pipeline Company.
Filed Date: 1/23/15.
Accession Number: 20150123–5172.
Comments Due: 5 p.m. ET 2/4/15.

Docket Numbers: RP15–362–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) rate filing per 154.204: Jan2015 AGT Cleanup Filing to be effective 3/1/2015.
Filed Date: 1/27/15.
Accession Number: 20150127–5019.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–363–000.
Applicants: Maritimes & Northeast Pipeline, L.L.C.
Description: § 4(d) rate filing per 154.204: MNUS Statements of Negotiated Rates Tariff Volume to be effective 3/1/2015.
Filed Date: 1/27/15.
Accession Number: 20150127–5073.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–364–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/27/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 1/26/2015.
Filed Date: 1/27/15.
Accession Number: 20150127–5093.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–365–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/27/15 Negotiated Rates—Mercuria Energy Gas Trading LLC (HUB)—7540–89 to be effective 1/26/2015.
Filed Date: 1/27/15.
Accession Number: 20150127–5094.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–366–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) rate filing per 154.204: 01/27/15 Negotiated Rates—United Energy Trading, LLC (HUB) 5095–89 to be effective 1/26/2015.
Filed Date: 1/27/15.
Accession Number: 20150127–5095.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–367–000.
Applicants: Transcontinental Gas Pipe Line Company,.
Description: § 4(d) rate filing per 154.403: S–2 Tracker Filing Effective 2–1–2015 to be effective 2/1/2015.
Filed Date: 1/27/15.
Accession Number: 20150127–5108.
Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–368–000.
Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) rate filing per 154.601: Non-Conforming Agreement Update Filing (SRP OPASA) to be effective 3/1/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5163.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–369–000.

Applicants: Mojave Pipeline Company, L.L.C.

Description: § 4(d) rate filing per 154.204: Merger Filing to be effective 3/1/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5167.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–370–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) rate filing per 154.204: Move Negotiated Rate for Contract 661191 to be effective 4/1/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5200.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–371–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) rate filing per 154.204: Move Negotiated Rate for Contract 661194 to be effective 11/1/2015.

Filed Date: 1/27/15.

Accession Number: 20150127–5201.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–372–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) rate filing per 154.204: Move Negotiated Rate for Contract 661189 to be effective 4/1/2016.

Filed Date: 1/27/15.

Accession Number: 20150127–5203.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–373–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) rate filing per 154.204: Move Negotiated Rate for Contract 661193 to be effective 11/1/2016.

Filed Date: 1/27/15.

Accession Number: 20150127–5205.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–374–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: § 4(d) rate filing per 154.204: Move Negotiated Rate for Contract 661190 to be effective 4/1/2017.

Filed Date: 1/27/15.

Accession Number: 20150127–5207.

Comments Due: 5 p.m. ET 2/9/15.

Docket Numbers: RP15–375–000.

Applicants: ANR Pipeline Company.

Description: § 4(d) rate filing per 154.601: Antero FTS–1 Agmts to be effective 3/1/2015.

Filed Date: 1/28/15.

Accession Number: 20150128–5038.

Comments Due: 5 p.m. ET 2/9/15

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated January 28, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02625 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1246–010*; ER10–1253–010; ER14–1927–002; ER14–1776–004; ER14–1548–003; ER13–764–011; ER12–2499–011; ER12–2498–011; ER12–1566–005; ER11–3987–006; ER10–1982–011; ER10–1252–010; ER10–1253–010.*

Applicants: Consolidated Edison Energy, Inc., Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Consolidated Edison Solutions, Inc., CED White River Solar, LLC, CED White River Solar 2, LLC, Alpaugh 50, LLC, Alpaugh North, LLC, Broken Bow Wind II, LLC, Copper Mountain Solar 2, LLC, Copper Mountain Solar 3, LLC, Mesquite Solar 1, LLC.

Description: Notice of change status of the Consolidated Edison, Inc. subsidiaries.

Filed Date: 1/29/15.

Accession Number: 20150129–5337.

Comments Due: 5 p.m. ET 2/19/15.

Docket Numbers: ER12–2701–003.

Applicants: Pacific Gas and Electric Company.

Description: eTariff filing per 35.19a(b): Transmission Owner and ETC Rate Case (TO14–ETC) Refund Report to be effective N/A.

Filed Date: 1/30/15.

Accession Number: 20150130–5237.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–933–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–30_Schedule 31 Annual Update to be effective 4/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5123.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–934–000.

Applicants: Arizona Public Service Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Rate Schedule No. 217 Exhibit B.EGL Revision No. 4 to be effective 4/1/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5156.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–935–000.

Applicants: Pacific Gas and Electric Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): CCSF IA—48th Quarterly Filing of Facilities Agreements to be effective 12/31/2014.

Filed Date: 1/30/15.

Accession Number: 20150130–5157.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–936–000.

Applicants: Benson Power, LLC.

Description: Initial rate filing per 35.12 MBR Tariff to be effective 3/3/2015.

Filed Date: 1/30/15.

Accession Number: 20150130–5158.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–937–000.

Applicants: New England Power Pool Participants Committee.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): February 2015 Membership Filing to be effective 1/1/201.

Filed Date: 1/30/15.

Accession Number: 20150130–5170.

Comments Due: 5 p.m. ET 2/20/15.

Docket Numbers: ER15–938–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2956 American Electric Power NITSA and NOA to be effective 1/1/2015 under ER15–938 Filing Type: 10.

Filed Date: 1/30/15.
Accession Number: 20150130–5232.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–939–000.
Applicants: Western Massachusetts Electric Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Amendment 2 HG&E Asset Demarcation Agreement to be effective 1/5/2015 under ER15–939 Filing Type: 10.
Filed Date: 1/30/15.
Accession Number: 20150130–5233.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–940–000.
Applicants: Southwest Power Pool, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 1065R3 Tex-La Electric Cooperative of Texas NITSA and NOA to be effective 1/1/2015 under ER15–940 Filing Type: 10.
Filed Date: 1/30/15.
Accession Number: 20150130–5245.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–941–000.
Applicants: PJM Interconnection, L.L.C., Virginia Electric and Power Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Virginia Electric and Power Co. submits Service Agreement No. 4084—WDSA to be effective 12/31/2014.
Filed Date: 1/30/15.
Accession Number: 20150130–5256.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–942–000.
Applicants: Southwest Power Pool, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 1066R6 Northeast Texas Electric Cooperative NITSA and NOA to be effective 1/1/2015.
Filed Date: 1/30/15.
Accession Number: 20150130–5258.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–943–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–30_SA 6502 Illinois Power-Edwards SSR 2015 Renewal to be effective 1/1/2015.
Filed Date: 1/30/15.
Accession Number: 20150130–5259.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–944–000.
Applicants: Southwest Power Pool, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 1067R3 East Texas Electric Cooperative NITSA and NOA to be effective 1/1/2015.
Filed Date: 1/30/15.
Accession Number: 20150130–5263.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–945–000.
Applicants: Midcontinent Independent System Operator, Inc., Stuntz, Davis & Staffier, P.C.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–30_ITC Midwest Adder Filing to be effective 4/1/2015.
Filed Date: 1/30/15.
Accession Number: 20150130–5273.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER15–946–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–01–30_Schedule 43C Edwards SSR Renewal to be effective 1/1/2015.
Filed Date: 1/30/15.
Accession Number: 20150130–5274.
Comments Due: 5 p.m. ET 2/20/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–4–000.
Applicants: Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Southern Power Company.
Description: Quarterly Land Acquisition Report of Southern Companies.
Filed Date: 1/30/15.
Accession Number: 20150130–5192.
Comments Due: 5 p.m. ET 2/20/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 30, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02631 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2609–009; ER10–2606–009; ER10–2604–007; ER10–2603–007; ER10–2602–010.
Applicants: Luke Paper Company, Escanaba Paper Company, Consolidated Water Power Company, NewPage Energy Services, LLC, Rumford Paper Company.
Description: Supplement to June 30, 2014 Updated Northeast Region Market Analysis of the NewPage MBR Companies.
Filed Date: 10/8/14.
Accession Number: 20141008–5226.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–427–001.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Amendment per 35.17(b): Answer to Twin Valley Answer Deficiency Filing to be effective 1/19/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5142.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–506–001.
Applicants: DeSoto County Generating Company, LLC.
Description: Tariff Amendment per 35.17(b): Response to Deficiency Letter to be effective 12/1/2014.
Filed Date: 2/4/15.
Accession Number: 20150204–5147.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–717–000; ER15–719–000; ER15–723–000.
Applicants: ANP Blackstone Energy Company, LLC.
Description: Supplement to December 23, 2014 ANP Blackstone Energy Company, LLC, ANP Bellingham Energy Company, LLC and GDF SUEZ Energy Marketing NA, Inc. tariff filings.
Filed Date: 2/4/15.
Accession Number: 20150204–5072.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–843–001.
Applicants: Kentucky Utilities Company.
Description: Tariff Amendment per 35.17(b): KU Concurrence Errata PJM 3140 to be effective 11/10/2014.
Filed Date: 2/4/15.
Accession Number: 20150204–5087.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–844–001.
Applicants: Louisville Gas and Electric Company.

Description: Tariff Amendment per 35.17(b): LGE Concurrence Errata PJM 3140 to be effective 11/10/2014.
Filed Date: 2/4/15.
Accession Number: 20150204–5094.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–963–000.
Applicants: Evraz Claymont Steel, Inc.
Description: Notice of cancellation of Evraz Claymont Steel, Inc.
Filed Date: 2/2/15.
Accession Number: 20150203–0001.
Comments Due: 5 p.m. ET 2/23/15.
Docket Numbers: ER15–968–000.
Applicants: Public Service Company of Colorado.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–2–4_TSGT–Ray Lewis–O&M Agrmt–345–0.0.0 to be effective 4/4/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5000.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–969–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): First Revised Service Agreement No. 3830; Queue No. Z1–052 to be effective 1/5/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5037.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–970–000.
Applicants: WM North Broward, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Notice of Succession to be effective 12/22/2014.
Filed Date: 2/4/15.
Accession Number: 20150204–5055.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–971–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): NYISO/TO 205 filing re: National Grid/Village of Boonville SA 2204 to be effective 1/15/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5059.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–972–000.
Applicants: Central Maine Power Company.
Description: Notice of Termination of Engineering and Procurement Service Agreement No. CMP–EP–1–S of Central Maine Power Company.
Filed Date: 2/4/15.
Accession Number: 20150204–5100.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–973–000.
Applicants: Central Maine Power Company.
Description: Notice of Termination of Engineering and Procurement Service Agreement No. CMP–EP–4 of Central Maine Power Company.
Filed Date: 2/4/15.
Accession Number: 20150204–5101.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–974–000.
Applicants: Central Maine Power Company.
Description: Notice of Termination of Engineering and Procurement Service Agreement No. CMP–EP–2 of Central Maine Power Company.
Filed Date: 2/4/15.
Accession Number: 20150204–5102.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–975–000.
Applicants: Central Maine Power Company.
Description: Notice of Termination of Engineering and Procurement Service Agreement No. CMP–EP–2–S of Central Maine Power Company.
Filed Date: 2/4/15.
Accession Number: 20150204–5103.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–976–000.
Applicants: Wolverine Power Supply Cooperative, Inc.
Description: Application to Approve the Reclassification by the Michigan Public Service Commission of Certain Assets and Include the Associated Revenue Requirements of Wolverine Power Supply Cooperative, Inc.
Filed Date: 2/4/15.
Accession Number: 20150204–5105.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–977–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2737 ATC–WPSC PCA (James St.) to be effective 4/6/2015 under ER15–977 Filing Type: 10.
Filed Date: 2/4/15.
Accession Number: 20150204–5107.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–978–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2738 ATC–WPSC Project Services Agreement to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5111.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–979–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2739 ATC–UPPCO Project Services Agreement to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5121.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–980–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2740 ATC–Wisconsin Electric FCA (Enbridge) to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5128.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–981–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2741 ATC–Wisconsin Electric Project Services Agreement to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5129.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–982–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2742 ATC–Wisconsin Power and Light FCA (Enbridge) to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5131.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–983–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2743 ATC–Wisconsin Power and Light PCA (Didion) to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5138.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–984–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2744 ATC–Wisconsin Power and Light PCA (Dickinson) to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5140.
Comments Due: 5 p.m. ET 2/25/15.

Docket Numbers: ER15–985–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2745 ATC–Wisconsin Power and Light PSA to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5143.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–986–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2746 ATC–Madison Gas and Electric PCA (Huiskamp) to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5144.
Comments Due: 5 p.m. ET 2/25/15.
Docket Numbers: ER15–987–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–04_SA 2747 ATC–Madison Gas and Electric PSA to be effective 4/6/2015.
Filed Date: 2/4/15.
Accession Number: 20150204–5146.
Comments Due: 5 p.m. ET 2/25/15.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF15–373–000.
Applicants: Sierra Pacific Industries.
Description: Form 556 of Sierra Pacific Industries.
Filed Date: 1/27/15.
Accession Number: 20150127–5325.
Comments Due: None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 4, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02701 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2641–018; ER10–2663–018; ER10–2881–018; ER10–2882–018; ER10–2883–018; ER10–2884–018; ER10–2885–018; ER10–2886–018; ER13–1101–013; ER13–1541–012; ER14–661–005; ER14–787–006.
Applicants: Oleander Power Project, Limited Partnership, Southern Company—Florida LLC, Alabama Power Company, Southern Power Company, Mississippi Power Company, Georgia Power Company, Gulf Power Company, Southern Turner Cimarron I, LLC, Spectrum Nevada Solar, LLC, Campo Verde Solar, LLC, SG2 Imperial Valley LLC, Macho Springs Solar, LLC.
Description: Notification of Non-Material of Change in Status of Oleander Power Project, Limited Partnership, et. al.
Filed Date: 1/30/15.
Accession Number: 20150130–5456.
Comments Due: 5 p.m. ET 2/20/15.
Docket Numbers: ER10–2759–004; ER10–2732–010; ER10–2733–010; ER10–2734–010; ER10–2736–010; ER10–2737–010; ER10–2741–010; ER10–2749–010; ER10–2752–010; ER12–2492–006; ER12–2493–006; ER12–2494–006; ER12–2495–006; ER12–2496–006; ER14–264–001; ER10–2631–004; ER13–815–002.
Applicants: Bridgeport Energy LLC, Emera Energy Services Inc., Emera Energy U.S. Subsidiary No. 1, Inc., Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services Subsidiary No. 4 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services Subsidiary No. 6 LLC, Emera Energy Services Subsidiary No. 7 LCL, Emera Energy Services Subsidiary No. 8 LLC, Emera Energy Services Subsidiary No. 9 LLC, Emera Maine, Emera Energy Services Subsidiary No. 10 LLC, Rumford Power Inc., Tiverton Power LLC.
Description: Notice of Change in Status of the Emera Entities.
Filed Date: 2/2/15.
Accession Number: 20150202–5328.
Comments Due: 5 p.m. ET 2/23/15.
Docket Numbers: ER11–4267–008; ER11–4270–008; ER11–4269–009; ER11–4268–008; ER11–113–009; ER10–2682–008; ER12–1680–006; ER11–4694–005.
Applicants: Algonquin Power Windsor Locks LLC, Algonquin Energy Services Inc., Algonquin Tinker Gen Co., Algonquin Northern Maine Gen Co., Sandy Ridge Wind, LLC, Granite State Electric Company, Minonk Wind, LLC, GSG 6, LLC.
Description: Notification of Change in Status of Algonquin Energy Services Inc., et. al.
Filed Date: 2/2/15.
Accession Number: 20150202–5307.
Comments Due: 5 p.m. ET 2/23/15.
Docket Numbers: ER12–1316–002; ER11–2753–003; ER13–413–003; ER11–1933–004.
Applicants: Silver State Solar Power North, LLC, Cedar Point Wind, LLC, USG Oregon LLC, Green Mountain Power Corporation.
Description: Notice of Change in Status of Silver State Solar Power North, LLC, et. al.
Filed Date: 2/2/15.
Accession Number: 20150202–5302.
Comments Due: 5 p.m. ET 2/23/15.
Docket Numbers: ER12–2178–012; ER10–2172–023; ER14–2144–002; ER12–2311–010; ER10–2179–026; ER11–2016–018; ER10–2184–023; ER10–1048–020; ER10–2192–023; ER11–2056–017; ER10–2178–023; ER14–1524–004; ER11–2014–020; ER11–2013–020; ER10–3308–021; ER10–1020–019; ER13–1536–006; ER10–1078–019; ER10–1080–019; ER11–2010–020; ER10–1081–020; ER14–2145–002; ER10–2180–023; ER12–2201–010; ER11–2011–019; ER12–2528–011; ER10–3025–006; ER10–3027–004; ER11–2009–019; ER11–3989–015; ER10–2181–026; ER10–1143–019; ER10–2182–026; ER12–1829–010; ER11–2007–018; ER12–1223–015; ER11–2005–020.
Applicants: Exelon Generation Company, LLC, AV Solar Ranch 1, LLC, Baltimore Gas and Electric Company, Beebe 1B Renewable Energy, LLC, Beebe Renewable Energy, LLC, Calvert Cliffs Nuclear Power Plant LLC, Cassia Gulch Wind Park, LLC, CER Generation, LLC, Commonwealth Edison Company, Constellation Energy Commodities Group Maine, LLC, Constellation Mystic Power, LLC, Constellation NewEnergy, Inc., Constellation Power Source Generation, LLC, Cow Branch Wind

Power, LLC, CR Clearing, LLC, Criterion Power Partners, LLC, Exelon Framingham, LLC, Exelon Generation Company, LLC, Exelon New Boston, LLC, Exelon West Medway, LLC, Exelon Wind 4, LLC, Exelon Wyman, LLC, Fourmile Wind Energy, LLC, Handsome Lake Energy, LLC, Harvest II Windfarm, LLC, Harvest WindFarm, LLC, High Mesa Energy, LLC, Integrys Energy Services of New York, Inc., Integrys Energy Services, Inc., Michigan Wind 1, LLC, Michigan Wind 2, LLC, Nine Mile Point Nuclear Station, LLC, PECO Energy Company, R.E. Ginna Nuclear Power Plant, LLC, Shooting Star Wind Project, LLC, Tuana Springs Energy, LLC, Wildcat Wind, LLC, Wind Capital Holdings, LLC.

Description: Notice of Change in Status of the Exelon MBR Entities.

Filed Date: 2/2/15.

Accession Number: 20150202–5343.

Comments Due: 5 p.m. ET 2/23/15.

Docket Numbers: ER14–2326–001.

Applicants: Entergy Nuclear FitzPatrick, LLC.

Description: Compliance filing per 35.37: Entergy Nuclear Fitzpatrick, LLC, Tariff Update to be effective 8/29/2014.

Filed Date: 2/3/15.

Accession Number: 20150203–5042.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER14–2327–001.

Applicants: Entergy Nuclear Generation Company.

Description: Compliance filing per 35.37: Entergy Nuclear Generating Company Tariff Update to be effective 8/29/2014.

Filed Date: 2/3/15.

Accession Number: 20150203–5044.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER14–2328–001.

Applicants: Entergy Nuclear Indian Point 2, LLC.

Description: Compliance filing per 35.37: Entergy Nuclear Indian Point 2, LLC, Tariff Update to be effective 8/29/2014.

Filed Date: 2/3/15.

Accession Number: 20150203–5050.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER14–2329–001.

Applicants: Entergy Nuclear Indian Point 3, LLC.

Description: Compliance filing per 35.37: Entergy Nuclear Indian Point 3, LLC, Tariff Update to be effective 8/29/2014.

Filed Date: 2/3/15.

Accession Number: 20150203–5053.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER14–2330–001.

Applicants: Entergy Nuclear Power Marketing, LLC.

Description: Compliance filing per 35.37: Entergy Nuclear Power Marketing, LLC, Tariff Update to be effective 8/29/2014.

Filed Date: 2/3/15.

Accession Number: 20150203–5047.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER14–2332–001.

Applicants: Entergy Rhode Island State Energy, L.P.

Description: Compliance filing per 35.37: Entergy Rhode Island State Energy, LP., Tariff Update to be effective 8/29/2014.

Filed Date: 2/3/15.

Accession Number: 20150203–5048.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER15–895–001.

Applicants: Kentucky Utilities Company.

Description: Tariff Amendment per 35.17(b): Errata to 1_23_2015 re-collation filing to be effective 1/24/2015.

Filed Date: 2/3/15.

Accession Number: 20150203–5059.

Comments Due: 5 p.m. ET 2/24/15.

Docket Numbers: ER15–959–000.

Applicants: PJM Interconnection, L.L.C., Commonwealth Edison Company, Commonwealth Edison Company of Indiana, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): ComEd submits revisions to OATT Att H–13A re PBOP Expense to be effective 3/30/2015.

Filed Date: 2/2/15.

Accession Number: 20150202–5276.

Comments Due: 5 p.m. ET 2/23/15.

Docket Numbers: ER15–960–000.

Applicants: CPV Biomass Holdings, LLC.

Description: Initial rate filing per 35.12 Application for Market-Based Rate Authority to be effective 3/3/2015.

Filed Date: 2/2/15.

Accession Number: 20150202–5280.

Comments Due: 5 p.m. ET 2/23/15.

Docket Numbers: ER15–961–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1630R5 The Empire District Electric Company NITSA and NOA to be effective 1/1/2015.

Filed Date: 2/2/15.

Accession Number: 20150202–5283.

Comments Due: 5 p.m. ET 2/23/15.

Docket Numbers: ER15–962–000.

Applicants: ISO New England Inc., Emera Maine.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Cancellation of Howland LSA to be effective 1/6/2015.

Filed Date: 2/3/15.

Accession Number: 20150203–5086.

Comments Due: 5 p.m. ET 2/24/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 3, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02633 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–29–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Gulf Trace Expansion Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Gulf Trace Expansion Project involving construction and operation of facilities by Transcontinental Gas Pipe Line company, LLC (Transco) in Cameron, Calcasieu, Beauregard, Evangeline, and East Feliciana Parishes, Louisiana. The Commission will use this EA in its decisionmaking process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on March 6, 2015.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this

proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Transco provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

The Gulf Trace Expansion Project would provide about 1.2 million standard cubic feet of natural gas per day from its Station 65 Zone 3 Pool in St. Helena Parish, Louisiana, southward along its existing mainline, existing Southwest Louisiana Lateral, and the proposed project facilities to Sabine Pass Liquefaction, LLC liquefied natural gas terminal (SPLNG Terminal) in Cameron Parish, Louisiana. The pipeline would extend from a tie-in with the existing NHI Laterals C and D to SPLNG Terminal.

The Gulf Trace Expansion Project would consist of the following facilities:

- About 6.97 miles of 36-inch-diameter pipeline (the Gulf Trace Lateral) in Cameron Parish;
- addition of two 16,000 horsepower (hp) gas turbine-driven compressor units at Transco's existing Compressor Station 44 in Cameron Parish;
- two 16,000 hp gas turbine-driven compressor units at the new Compressor Station 42 at the junction of the Transco's mainline and its Southwest Louisiana Lateral in Calcasieu Parish;
- piping and valve modifications on Transco's mainline at existing Compressor Stations 45, 50, and 60 in Beauregard, Evangeline, and East Feliciana Parishes to allow for bi-directional flow;
- two new meter stations, one adjacent to the SPLNG Terminal in Cameron Parish (SPLNG Meter Station) and one adjacent to the Texas Gas Interconnection in Evangeline Parish (Duralde Meter Station);
- piping and valve modifications, and pig launcher and receivers required to tie-in the Gulf Trace Lateral with the existing NHI Laterals C and D at the milepost 6.8 valve site [1] in Cameron Parish; and
- appurtenant underground and aboveground facilities.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 263.4 acres of land for the aboveground facilities and the pipeline. Following construction, Transco would maintain about 75.6 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. About 17 percent of the proposed pipeline route parallels existing pipeline, utility, or road rights-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife including migratory birds;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas

[1] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, part 1501.6.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Transco. This preliminary list of issues may be changed based on your comments and our analysis. These include impacts on:

- Wetlands and waterbodies;
- wildlife;
- migratory birds;
- vegetation;
- threatened or endangered species;
- land use;
- air quality;
- noise; and
- safety.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 6, 2015.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP15–29–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–29). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: February 4, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02684 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ15–2–001]

City of Vernon, California; Notice of Filing

Take notice that on January 15, 2015, City of Vernon, California submitted its tariff filing per 35.28(e): Amendment to 205 (annual Transmission Revenue Balancing Account Adjustment and Transmission Revenue Requirement filing), to be effective 1/1/2015.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 5, 2015.

Dated: January 28, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–02626 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–960–000]

CPV Biomass Holdings, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of CPV Biomass Holdings, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is February 24, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02686 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications. Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. EC14–96–000	12–9–14	Guy Durant.
2. CP14–96–000	1–22–15	NISource Corporate Services.
3. CP12–509–000	1–26–15	Miguel M. Suarez.
4. CP14–96–000	1–28–15	Paula Clair.
Exempt:		
1. CP13–483–000, CP13–492–000	1–21–15	FERC Staff. [1]
2. CP13–483–000, CP13–492–000	1–21–15	FERC Staff. [2]
3. CP14–96–000	1–22–15	United States Senate.
4. CP14–497–000	1–22–15	Hon. Chris Gibson.
5. CP13–499–000	1–28–15	Hon. Chris Gibson.
6. CP14–96–000	1–30–15	United States Congress.

[1] Email record.
[2] Email record.

Dated: February 3, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–02687 Filed 2–9–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2004–0016; FRL–9922–76–OAR]

Proposed Information Collection Request; Comment Request; Federal Operating Permit Program; Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Part 71 Federal Operating Permit Program (Renewal)'' (EPA ICR No. 1713.10, OMB Control No. 2060.0336) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through June 30, 2015. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before April 13, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2004–0016, online using *www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460.

The EPA's policy is that all comments received will be included in the public docket including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Joanna W. Gmyr, Air Quality Policy Division, Office of Air Quality Planning and Standards, C504–05, U.S. Environmental Protection Agency, Research Triangle Park, NC; telephone number: (919) 541–9782; fax number: (919) 541–5509; email address: *gmyr.joanna@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC The telephone number for the Docket Center is (202) 566–1744. For additional information about the EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* allowing electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Title V of the Clean Air Act (Act) requires the EPA to operate a federal operating permits program in areas not subject to an approved state program. The EPA regulations setting forth the requirements for the federal (EPA) operating permit program are at 40 CFR part 71. The part 71 program is designed to be implemented primarily by the EPA in all areas where state and local agencies do not have jurisdiction, such as Indian country and offshore, beyond states' seaward boundaries. The EPA may also delegate authority to implement the part 71 program on its behalf to a state, local or tribal agency, if the agency requests delegation and makes certain showings regarding its authority and ability to implement the program. One such delegate agency for the part 71 program exists at present.

In order to receive an operating permit for a major or other source subject to the permitting program, the applicant must conduct the necessary research, perform the appropriate analyses, and prepare the permit application with documentation to demonstrate that its facility meets all applicable statutory and regulatory requirements. Specific activities and requirements are listed and described in the Supporting Statement for the part 71 ICR.

Under part 71, the permitting authority (the EPA or a delegate agency)

reviews permit applications, provides for public review of proposed permits, issues permits based on consideration of all technical factors and public input, and reviews information submittals required of sources during the term of the permit. Under part 71, the EPA reviews certain actions and performs oversight of any delegate agency, consistent with the terms of a delegation agreement. Consequently, information prepared and submitted by sources is essential for sources to receive permits, and for federal and tribal permitting agencies to adequately review the permit applications and issue the permits, oversee implementation of the permits, and properly administer and manage the program. The proposed ICR is needed to authorize the preparation and submittal of this information.

Information that is collected is handled according to EPA's policies set forth in title 40, chapter 1, part 2, subpart B—Confidentiality of Business Information (*see* 40 CFR part 2). *See* also section 114(c) of the Act.

Form Numbers: The forms are 5900–01, 5900–02, 5900–03, 5900–04, 5900–05, 5900–06, 5900–79, 5900–80, 5900–81, 5900–82, 5900–83, 5900–84, 5900–85 and 5900–86.

Respondents/affected entities: Industrial plants (sources) and tribal permitting authorities.

Respondent's obligation to respond: mandatory (*see* 40 CFR part 71).

Estimated number of respondents: 99 (total); 98 industry sources and 1 tribal delegate permitting authority (the EPA serves as a permitting authority but is not a respondent).

Frequency of response: On occasion.

Total estimated burden: 26,132 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,702,183 (per year). There are no annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 11,497 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to updated estimates of the number of sources and permits subject to the part 71 program, rather than any new federal mandates. The changes in estimates are due to shrinkage from the transfer of 36 permits from the part 71 to the part 70 program and due to a previous overestimate of the number of sources that would get permits by the end of the previous ICR (which is the start of the current ICR).

Dated: January 29, 2015.

Stephen D. Page,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2015–02696 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2015–0100; FRL–9922–88–OSWER]

Agency Information Collection Activities; Proposed Collection; Comment Request; Continuous Release Reporting Regulations (CRRR) under CERCLA 1980 (Renewal); EPA ICR No. 1445.12, OMB Control No. 2050–0086

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Continuous Release Reporting Regulations (CRRR) Under CERCLA 1980 (Renewal)'' (EPA ICR No. 1445.12, OMB Control No. 2050–0086) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through June 30, 2015. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before April 13, 2015.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–SFUND–2015–0100 online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Elizabeth Bosecker, Regulations Implementation Division, Office of Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–7612; email address: *bosecker.elizabeth@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. *Abstract:* Section 103(a) of CERCLA, as amended, requires the person in charge of a vessel or facility to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ). The RQ of every hazardous substance

can be found in Table 302.4 of 40 CFR 302.4.

Section 103(f)(2) of CERCLA provides facilities relief from this per-occurrence notification requirement if the hazardous substance release at or above the RQ is continuous and stable in quantity and rate. Under the Continuous Release Reporting Requirements (CRRR), to report such a release as a continuous release you must make an initial telephone call to the NRC, an initial written report to the EPA Region, and, if the source and chemical composition of the continuous release does not change and the level of the continuous release does not significantly increase, a follow-up written report to the EPA Region one year after submission of the initial written report. If the source or chemical composition of the previously reported continuous release changes, notifying the NRC and EPA Region of a change in the source or composition of the release is required. Further, a significant increase in the level of the previously reported continuous release must be reported immediately to the NRC according to section 103(a) of CERCLA. Finally, any change in information submitted in support of a continuous release notification must be reported to the EPA Region.

The reporting of a hazardous substance release that is equal to or above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment.

The continuous release of hazardous substance information collected under CERCLA section 103(f)(2) is also available to EPA program offices and other Federal agencies who use the information to evaluate the potential need for additional regulations, new permitting requirements for specific substances or sources, or improved emergency response planning. State and local government authorities and facilities subject to the CRRR use release information for purposes of local emergency response planning. Members of the public, who have access to release information through the Freedom of Information Act, may request release information for purposes of maintaining an awareness of what types of releases are occurring in different localities and what actions, if any, are being taken to protect public health and welfare and the environment. 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. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Form Numbers: EPA Form 6100–10, Continuous Release Reporting Form

Respondents/affected entities: Entities potentially affected by this action are not defined. The usage and release of hazardous substances are pervasive throughout industry. EPA expects a number of different industrial categories to report hazardous substance releases under the provisions of the CRRR. No one industry sector or group of sectors is disproportionately affected by the information collection burden.

Respondent's obligation to respond: Mandatory if respondents want to obtain reduced reporting for continuous releases. See the abstract for details.

Estimated number of respondents: 4,046.

Frequency of response: On occasion.

Total estimated burden: 325,582 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $17,236,727 (per year), includes $165,111 annualized capital or operation & maintenance costs.

Changes in Estimates: There is an increase of 9,616 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase in burden results primarily from use of data on the actual number of continuous release reports from several regions and applying a growth rate consistent with prior years reporting. The average annual percent increase in facilities in the previous ICR was approximately 7.5%. The same percent increase was assumed for this ICR. The unit burden hours per respondent information collection activity remains the same as the previous ICR.

Dated: February 3, 2015.

Reggie Cheatham,

Acting Director, Office of Emergency Management.

[FR Doc. 2015–02694 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

EPA–HQ–OAR–2002–0050; FRL–9922–75–OAR]

National Emission Standards for Hazardous Air Pollutants (Radionuclides); Availability of Updated Compliance Model

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of Version 4 of the CAP88–PC model. This version may be used to demonstrate compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to radionuclides. CAP88–PC is approved for this use by EPA. Version 4 has many changes and improvements from previous versions. The most significant of these changes from a user perspective are the incorporation of age-dependent radionuclide dose and risk factors for ingestion and inhalation, the increase in the number of included radionuclides, and a change in the file management system used by the program. Other changes less visible to the user include new code architecture, incorporation of numerical solvers for the calculation of radioactive decay chains, including the ingrowth of decay products during air transport and ground surface deposition, enhanced error messages, updated on-line help, and a utility for migrating Version 3 datasets, wind files and population files to Version 4. The modifications have produced a significant improvement in speed and stability for Version 4 relative to Version 3, and eliminated the solution approximations used in Version 3.

FOR FURTHER INFORMATION CONTACT: Reid J. Rosnick, Office of Radiation and Indoor Air, Radiation Protection Division (6608T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (202) 343–9200; fax number: (202) 343–2304; email address: *rosnick.reid@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 subject to the requirements for radionuclide NESHAP found in 40 CFR part 61, subpart H. This subpart applies to Department of Energy (DOE) facilities.

B. How can I get copies of the model and other related information?

1. *Docket.* EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2002–0050; FRL–9922–75–OAR. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B 102, 1301 Constitution Avenue 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 Air and Radiation Docket is (202) 566–1742.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Web site under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

3. *EPA Web site.* You may download the CAP88–PC model and documentation from EPA's Web site at *http://www.epa.gov/radiation/assessment/CAP88/index.html.*

II. Background

On December 15, 1989, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAPs) under section 112 of the Clean Air Act to control radionuclide emissions to the ambient air from a number of different source categories (54 FR 51654, December 15, 1989 (Docket EPA–HQ–OAR–2002–0050–0028)). Subpart H of 40 CFR part 61 is one of the source categories covered in the 1989 final rule. Facilities owned and operated by the Department of Energy (DOE) are regulated under subpart H. DOE administers many facilities across the country, including government-owned, contractor-operated facilities. Some of these facilities handle significant amounts of radioactive material that could potentially be emitted into the air in various chemical and physical states. The purpose of subpart H is to limit radionuclide emissions (not including radon) from the stacks and vents at DOE facilities so that no member of the public receives an effective dose equivalent of more than 10 millirems per year (mrem/yr) or in SI units 0.1 millisievert per year (mSv/yr). See 40 CFR 61.92.

III. CAP88–PC Model for Demonstrating Compliance

A. CAP88–PC History

EPA is today announcing the availability of Version 4 of the CAP88–PC model for use in subpart H. Section 63.93(a) states: ''To determine compliance with the standard, radionuclide emissions shall be determined and effective dose equivalent values to members of the public calculated using EPA approved sampling procedures, computer models CAP–88 or AIRDOS–PC, or other procedures for which EPA has granted prior approval.''

CAP88 (Clean Air Act Assessment Package–1988) is a set of computer programs, databases and associated utility programs for estimation of dose and risk from radionuclide emissions to the air. CAP88–PC implements, on the personal computer platform, modified versions of the AIRDOS–EPA and DARTAB codes that were written in FORTRAN 77 and executed in a mainframe computing environment. CAP88–PC provides for dose and risk assessments of collective populations, maximally-exposed individuals and selected individuals. The original CAP88–PC software package, Version 1.0 allowed users to perform full-featured dose and risk assessments in a DOS environment for the purpose of demonstrating compliance with the standard in 40 CFR 61.92; it was approved for compliance demonstration in February 1992.

CAP88–PC Version 2.0 provided a framework for developing inputs to perform full-featured dose and risk assessments in a Windows environment for the purpose of demonstrating compliance with the standard in 40 CFR 61.92. Version 2.0 was approved for compliance demonstration in 1999. Version 2.1 included some additional changes compared to the DOS version and the previous Windows version 2.0. The changes included the addition of more decay chains, improvements in the Windows code error handling and a modified nuclide data input form. Section 1.6 of the CAP88–PC Version 3 User's Guide provides a summary of the changes incorporated into Version 2.1 relative to Version 2.0.

CAP88–PC Version 3.0, released in 2007, was a significant update to Version 2.1. Version 3 incorporated dose and risk factors from Federal Guidance Report 13, ''Cancer Risk Coefficients for Environmental Exposure to Radionuclides'' (FGR 13) in place of the RADRISK data that was used in previous versions. In addition, the CAP88–PC database, the user interface, input files and output files were modified to accommodate the FGR 13 data formats and nomenclature. Section 1.7 of the CAP88–PC Version 3 User's Guide describes the modifications incorporated into Version 3 relative to Version 2.1.

CAP88–PC Version 4 is a significant update to Version 3. While keeping the main computer code used to conduct the calculations unmodified, modifications have been made to add flexibility, enhance stability of the code, and make it easier for the user to use while also improving the quality assurance of the modeling. The most significant of these changes from a user perspective are the incorporation of age-dependent radionuclide dose and risk factors for ingestion and inhalation (the use of which is specified by the user), the increase in the number of included radionuclides, and a change in the file management system used by the program. Other changes less visible to the user include new code architecture, incorporation of numerical solvers for the calculation of radioactive decay chains, including the ingrowth of decay products during air transport and ground surface deposition, enhanced error messages, updated on-line help, and a utility for migrating Version 3 datasets, wind files and population files to Version 4. The modifications have produced a significant improvement in speed and stability for Version 4 relative to Version 3, and eliminated the solution approximations used in Version 3. EPA has implemented an extensive testing and documentation program for CAP88–PC Version 4 to address user concerns with past versions. This enhanced documentation has allowed for greater compatibility with user software quality assurance programs. The total number of radionuclides available has been increased from 825 in Version 3 to 1,252 in Version 4. The maximum number of radionuclides that can be included in any single case is increased from 256 in Version 3 to 500 in Version 4.

B. CAP88–PC Model Summary

All versions of CAP88–PC use a modified Gaussian plume equation to estimate the average dispersion of radionuclides released from up to six types of sources. The sources may be either elevated stacks, such as a smokestack, or uniform sources, such as a pile of uranium mill tailings. ''Plume rise'' can be calculated assuming either a momentum or buoyant-driven plume. Assessments are made for a circular grid of distances and directions for a radius of up to 80 kilometers (50 miles) around the source. The Gaussian plume model produces results that agree with experimental data as well as any model, is fairly easy to work with and is consistent with the random nature of turbulence. Site-specific information on population location and meteorological conditions is provided to CAP88–PC as input files developed by the user. The formats for these input files have not changed from the original mainframe version of the CAP88 code package.

CAP88–PC Version 4 is a significant modification intended to improve usability, increase stability by complying with the write restrictions on system folders, enhance the modeling methodology, update the dataset formats, and provide a more maintainable code base and documentation set for the future.

Version 4 now provides age-dependent dose and risk factors and introduces a new code architecture that conforms to updated coding standards and data formats. The data updates include adoption of the ingestion and inhalation age and particle size dependent dose and risk factor data supplied by Oak Ridge National Laboratory in the DCFPAK Version 2.2 model,[1] and age-dependent ingestion and inhalation rates from the EPA,[2] The DCFPAK Version 2.2 external dose rate coefficients used in CAP88–PC Version 4 are not explicitly age-dependent. The external coefficients are calculated for adults but are applicable to all age groups.

CAP88–PC Version 4 not only adds significant features, but also redesigns the user interface (UI) experience to make it more similar to that of other programs developed for Microsoft Windows. The application uses the Microsoft. Net Framework Version 4, and the Microsoft Visual Studio 2010 development environment, to support security and connectivity models in Windows 7. The window structure presented to the user is in general unchanged from earlier versions but has been updated to provide more flexible data entry, to include the new data fields mentioned earlier, and to eliminate the use of an intermediate database to relate filenames to datasets. The layout of the UI forms has been modified to include sub-windows that provide a running record of dataset modifications since the dataset was last saved, and provide real-time errors and warnings generated by the entry validation tests. The database of uptake and radionuclide-specific information is now in eXtensible Markup Language (XML) format, making it more accessible to the user and to other applications. One consequence of the move to an updated development and data environment is the fact that CAP88–PC Version 4 can only be installed on Windows XP Service Pack 3 and later operating systems.

The CAP88–PC Version 4 software was developed using a structured software engineering methodology that included adoption of a defined software architecture, rigorous source control, independent verification of source code as it was being implemented, multiple phases of testing, and configuration control of the documentation and the code as development progressed.

To conform to Windows 7 security requirements, and to improve usability, CAP88–PC Version 4 includes many significant changes to input and output file handling. Case-specific input and output data files are now stored by default in the user's Windows profile folders, rather than in the application's Program Files folder. For example, the default primary CAP88–PC Version 4 folder location in Windows 7 would be c:\Users\xxxx\Documents\CAP88 for a username of xxxx. This was required because Windows Vista and 7 security improvements restrict writing files to the Program Files folder.

CAP88–PC Version 4 input datasets can be stored in their own folders, as subfolders of the Datasets folder. As an example, for the Modtest dataset included with the Version 4 distribution set, the folder holding the dataset and all associated data files and reports would be located at c:\Users\xxxx\Documents\CAP88\Datasets\Modtest. Datasets are recommended to be put into their own folders, because using this data storage structure will make use of the code easier and management of case data simpler. Reports (formerly called ''Output'') are always stored in the same folder as the dataset. Population and wind files can be stored with the dataset or in the default Population/Wind folders. However, CAP88–PC Version 4 will preferentially use the population and wind files located in the dataset. This improves sharing dataset information between organizations, and simplifies configuration management of cases because all pertinent case records (input and report files) are stored together. A user can send a dataset, its population and wind files, and its reports to another user, who can open them, using CAP88–PC Version 4 or any text editor, confident that the proper files are being used.

As was the case with Version 3, Version 4 is not backward compatible, and datasets generated using Version 3 cannot be used directly by Version 4. This is the result of many factors, including the addition of age-specific data and the inclusion of many more nuclides than in previous versions. However, Version 4 includes a dataset migration utility that upgrades many Version 3 datasets to the Version 4 format. The migration utility runs on first use and is also available on demand from the Tools>Options drop-down menu. The migration utility will move Version 3 database files, input dataset files, population files, and wind files from the format used with the 9 December 2007 release of Version 3 to their respective Version 4 formats. The folder locations of the Version 3 files being migrated and the locations for the Version 4 files being generated are selectable by the user or the utility will select the default locations for those files.

The overall principle of the new architecture was to optimize the code by performing data manipulation in the UI and computational functions in FORTRAN. CAP88–PC Version 4 has accomplished this by having the UI collect the user input data, read the associated databases, generate the dose and risk factors from the DCFPAK data, then build and write the case dataset. The UI also handles all program interactions with the file system. The FORTRAN computational sub-system now performs all decay and ground surface buildup calculations along with all the air dispersion, deposition, intake, dose and risk calculations. The only file manipulation performed by the FORTRAN sub-system is reading the dataset files and writing report files. The data system used in CAP88–PC Version 4 has access to information for all 1,252 radionuclides contained in DCFPAK Version 2.2, 737 of which have internal dose and risk factors. A significant change in Version 4 is the fact that radionuclides in the database having external but no internal dose factors is flagged to the user during radionuclide selection. This is an improvement over Version 3, where the code would produce a database read error when encountering a radionuclide having an external but no internal dose conversion factors. Flagging these radionuclides permits analysis to be performed in situations where only the external dose is of concern, but also creates the potential for under-reporting dose when a radionuclide with no internal dose factors is included in the case. Users must now be aware that when a radionuclide has no internal dose factors, an independent method, such as surrogates, must be used to account for internal dose resulting from intake of these radionuclides in a CAP88–PC Version 4 case.

C. Validation of the CAP88–PC Version 4 Model

The CAP88–PC Version 4 program represents one of the best available validated codes for the purpose of making comprehensive dose and risk assessments. The Gaussian plume model used in CAP88–PC to estimate dispersion in air is one of the most commonly used models for dispersion modeling. It produces results that agree with experimental data as well as any model, is fairly easy to work with, and is consistent with the random nature of

[1] *http://www.epa.gov/radiation/federal/techdocs.html.*

[2] *http://www.epa.gov/ncea/efh/pdfs/efh-complete.pdf.*

turbulence. Version 4 has not modified the basic Gaussian plume algorithm used by the AIRDOS module of CAP88–PC, and comparison cases between Versions 4 and 3 have been run.

EPA's Office of Radiation and Indoor Air (ORIA) has reviewed and verified through testing the contractor's initial testing and quality assurance results. The report [3] can be found at *http://www.epa.gov/radiation/assessment/CAP88/index.html.*

The testing report includes a description of the testing of the user interface; a description of the six test cases used to test the incorporation of age-specific dose factors; a description of the seventh test case verifying the calculation of air concentrations and working levels for radon-only test cases; a description of the 31 issues identified by ORIA and the corrective actions that resolved those issues; a brief biographical sketch describing the independence and qualifications of the independent tester; and conclusions drawn from the testing.

As part of the software testing, the user interface was extensively tested. The testing verified that the interface only accepted:

(1) Positive distances less than or equal to 80 kilometers (km) for receptor distances;

(2) Non-negative release rates;

(3) Annual precipitation amounts between 0.01 and 500 centimeters per year (cm/yr);

(4) Annual ambient temperatures between −100 and 100 degrees Celsius (°C);

(5) Lid heights between 25 and 10,000 meters (m);

(6) Non-negative source heights, and positive source diameters or areas;

(7) Non-negative heat release rates, exit velocities and fixed plume rises; and,

(8) Agricultural fractions that summed to unity.

All issues identified with the interface have been resolved and closed.

Seven test cases were developed to test the capabilities of CAP88–PC Version 4. Six of these cases involve the calculation of dose and risk to an individual or population at the location identified by the model as that of the maximally exposed individual (MEI) or specified by the user. The testing objectives for these six cases include the following verifications:

(1) Dose factors agree with those calculated using the Dose Coefficient Data File Package from Oak Ridge National Laboratory, Version 2.2 (DCFPAK2.2) to 1% or less;

(2) Values of Chi-over-Q (χ/Q) agree within 1% with those calculated using CAP88–PC version 3.1, including but not limited to the direction of the MEI (the calculated values for χ/Q showed good agreement between Versions 3.1 and 4 in all directions);

(3) Air concentrations and deposition rates (where applicable) agree within 1% with those calculated using CAP88–PC Version 3.1; and,

(4) Results for dose rates and risks agree within 5% with independent calculations; the 5% criteria was used here to allow for differences caused by different modeling methods.

The objective of Test Case 7 was to verify the CAP88–PC Version 4 calculations of the air concentrations and working levels for radon-only are consistent with Version 3.1.

D. Limitations of the CAP88–PC Model

Like all models, there are some limitations in the CAP88–PC system. While up to six stacks or sources can be modeled, all the sources are modeled as if located at the same point; that is, stacks cannot be located in different areas of a facility. The same plume rise mechanism (buoyant or momentum) is used for each source. Also, multiple sources are treated as uniform. Variation in radionuclide concentrations due to complex terrain cannot be modeled. Errors arising from these assumptions will have a negligible effect for assessments where the distance of exposed individuals is large compared to the stack height, area or facility emissions.

E. Use of CAP88–PC Version 4 for Compliance Purposes

One of the primary requirements driving the production of CAP88–PC Version 4 was the desire to incorporate the age-specific dose conversion factors and intake rates contained in DCFPAK Version 2.2. The code now allows the user to select the ingestion and inhalation dose conversion and intake rates from the age groups modeled in DCFPAK Version 2.2, infant (100 days old), one-year old, five-year old, ten-year old, fifteen-year old, and adult. To accommodate this, many variables across the entire code have increased dimensionality and the dataset structure required significant modification. The need to examine the entire code base in order to include age-dependency drove the decision to look for a new architecture that would enhance the performance and maintenance of CAP88–PC both in Version 4 and future versions.

Additionally, our in-house analysis of calculated doses between Versions 3 and 4 has shown that the dose in Version 4 is usually less than the dose in Version 3. This is primarily because we have updated the intake factors in Version 4 to be consistent with the latest version of the EPA Exposure Factors Handbook. Therefore, the user will likely see lower calculated doses in Version 4 for the source term and receptor.

F. Summary of Changes for CAP88–PC Version 3 to Version 4

Version 4 of CAP88–PC is a significant update from Version 3. CAP88–PC Version 4 not only added significant features, but also redesigned the interface to give the user a more standard experience. The entire user interface module was re-written for Version 4 using VB.Net, the Microsoft.Net Framework Version 4, and the Visual Studio 2010 development environment, in order to better comply with updated code standards in Windows 7 and Windows 8. To conform to recent Windows security requirements, and to improve usability, the following additional significant changes were made:

Modeling and Architecture

(1) All DCFPAK Version 2.2 nuclides are included. Nuclides in the database having external but not internal dose factors are flagged to the user rather than crashing the run. *NOTE: the user must account for internal dose resulting from intake of these radionuclides using other methods, such as surrogates.*

(2) Age-specific data is now returned for dose, risk, and inhalation/ingestion rate values.

(3) Nuclide Release Rates less than 1.000e-25 Ci/yr (*e.g.,* ''0'') or greater than 7.92e+28 are no longer allowed. A FORTRAN numerical solver is now used to calculate decay-in-flight and ground build up concentrations for each sector. The time for decay in flight is calculated using the annual Pasquill category-averaged wind speed for each direction.

(4) Up to 500 radionuclides can be included in any case. The 500 limit includes both the nuclides released by the stacks and their progeny.

(5) Whole body and organ dose and risk factors are from DCFPAK Version 2.2. The data include six age groups; infant (100 days old), 1 year old, 5 years old, ten years old, fifteen years old, and adult.

(6) Age-specific inhalation and ingestion data developed by the U.S. Environmental Protection Agency have been included for the above age groups.

(7) The FORTRAN computational code has been consolidated into one

[3] EPA–HQ–OAR–2002–0050–0004.

module and variable names made consistent throughout the module. Data transfer between the routines was streamlined by the use of Include statements for COMMON block variables.

(8) All nuclide-specific data are now stored in eXtensible Markup Language (XML) format.

(9) All significant floating-point calculations have been moved to the FORTRAN routines, greatly speeding up the code.

(10) The code uses the Intel FORTRAN Composer XE 11 compiler that permits many of the calculations to be vectorized and multi-threaded to take advantage of these capabilities in modern desktop processors.

(11) The bit-length of variables has been doubled, allowing much greater computational ranges for cases with large or small release rates.

User Interface

(1) A traditional document-style interface has been designed, similar to major applications with which users are already familiar. Users can more easily open, edit and save datasets, population and wind files using Windows menus and familiar icons on the application bar.

(2) Dataset reports are now displayed in, and generated from a Reports tab when the dataset is opened. The code is now executed using the Report generation button rather than a ''Save and Close'' button. The reports to be generated and viewed are selectable from the Reports tab. The ''Save and Close'' button from Version 3 has been removed.

(3) Multiple files (datasets, population files, wind files) can be open at once.

(4) When editing files, changes and errors are displayed in real time.

(5) Editing of nuclides is clearer and easier. In-grid editing is allowed, but note that fields are not recorded until the user clicks away from the field being edited. A Save performed without first clicking away from a field being edited will result in that field's data not being saved.

(6) The application recognizes when a user is opening a Version 3 file, and launches the migration utility, offering to create a Version 4 copy of the file.

(7) The general layout, look, and feel of the user interface are similar to that in earlier versions of CAP88–PC in order to ease transition to CAP88–PC Version 4.

File Formats

The dataset file format has changed in Version 4 from Version 3 to accommodate the new requirements. The new dataset file format is documented both in the Version 4 User's Manual and the on-line help files.

(1) Population and Wind files previously had extended values such as State and Census stored in a Microsoft Access database. When migrating from Version 3, this data—if available—is stored in the file itself. Doing so removed the need for an external database, and allowed users to send their custom population/wind files with the extended values intact. These changes have been documented in the file format description in the Version 4 User's Manual and the on-line help files.

(2) Version 3 population and wind files can still be used in Version 4 datasets. Extended values are only added to the pop/wind files if they are edited to add them.

(3) The use of additional applications, such as Microsoft Access, to manage data has been eliminated in CAP88–PC Version 4. Radionuclide, agricultural, and other data previously held in the Microsoft Access database are now in a more portable and more easily accessible XML database.

Error Handling

CAP88–PC Version 4 contains an enhanced internal error logging and tracking system. In the case of internal code errors, the code will write errors to a file in the Message Log folder located in the same folder set as the folder containing the datasets. Sending this file to the EPA representative will facilitate troubleshooting.

On-Line Help System

CAP88–PC Version 4 includes a context-sensitive help system that is accessible during operation. The on-line help system is a hypertext version of the traditional user manual; the traditional user manual is included as part of the release distribution package in pdf format.

Dated: January 23, 2015.

Jonathan D. Edwards,

Director, Radiation Protection Division, Office of Radiation and Indoor Air.

[FR Doc. 2015–02704 Filed 2–9–15; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on February 12, 2015, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- January 8, 2015

B. New Business

- Farmer Mac Board Governance and Standards of Conduct—Proposed Rule
- Spring 2015 Abstract of the Unified Agenda of Federal Regulatory and Deregulatory Actions and Spring 2015 Regulatory Projects Plan

Closed Session *

Reports

- Office of Secondary Market Oversight Quarterly Report

Dated: February 5, 2015.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

* Session Closed—Exempt pursuant to 5 U.S.C. Section 552b(c)(8) and (9).

[FR Doc. 2015–02778 Filed 2–6–15; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

February 6, 2015.

TIME AND DATE: 1:00 p.m., Thursday, February 19, 2015.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Big Ridge, Inc.* v. *Secretary of Labor,* Docket Nos. LAKE 2011–699–R, et al.; and *Jim Walter Resources, Inc.* v. *Secretary of Labor,* Docket Nos. SE 2011–477–R, et al. (Issues include whether the Administrative Law Judges erred in upholding certain orders issued pursuant to sections 103(j) and 103(k) of the Federal Mine Safety and Health Act of 1977.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2015–02871 Filed 2–6–15; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

February 6, 2015.

TIME AND DATE: 10:00 a.m., Thursday, February 19, 2015.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Big Ridge, Inc.* v. *Secretary of Labor,* Docket Nos. LAKE 2011–699–R, et al. (Issues include whether the Administrative Law Judge erred in upholding certain orders issued pursuant to sections 103(j) and 103(k) of the Federal Mine Safety and Health Act of 1977.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2015–02869 Filed 2–6–15; 4:15 pm]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan 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 application also will 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 HOLA (12 U.S.C. 1467a(e)). 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 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). 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 6, 2015.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *Kearny MHC, and Kearny Financial Corp.,* to merge with Kearny Financial Corp., (a newly formed holding company), and thereby directly acquire Kearny Federal Savings Bank, both in Kearny, New Jersey.

Board of Governors of the Federal Reserve System, February 4, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–02597 Filed 2–9–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act (PRA). The FTC seeks public comments on its proposal to extend for three years the current PRA clearance for information collection requirements contained in the Pay-Per-Call Rule (Rule). That clearance expires on May 31, 2015.

DATES: Comments must be received on or before April 13, 2015.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comments part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Pay-Per-Call Rule: FTC File No. R611016'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/ppcrulepra,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the collection of information and supporting documentation should be addressed to Daniel O. Hanks, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Mail Drop CC–8528, Washington, DC 20580, (202) 326–2472.

SUPPLEMENTARY INFORMATION:

Proposed Information Collection Activities

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3520, federal agencies must get OMB approval for each collection of information they conduct, sponsor, or require. ''Collection of information'' means agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing PRA clearance for the information collection requirements associated with the Commission's Pay-Per-Call Rule, 16 CFR part 308 (OMB Control Number 3084–0102). The FTC is again seeking a three-year clearance for the Rule as was done in 2012.[1]

The FTC invites comments on: (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, 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. All comments must be received on or before April 13, 2015.

Burden Estimates

Brief Description of the Need for and Proposed Use of the Information

The existing reporting and disclosure requirements are mandated by the TDDRA to help prevent unfair and deceptive acts and practices in the advertising and operation of pay-per-call services and in the collection of charges for telephone-billed purchases. The information obtained by the Commission pursuant to the reporting requirement is used for law enforcement purposes. The disclosure requirements ensure that consumers are told about the costs of using a pay-per-call service, that they will not be liable for unauthorized non-toll charges on their telephone bills, and how to deal with disputes about telephone-billed purchases.

Likely Respondents and Their Estimated Number

Respondents are telecommunications common carriers (subject to the reporting requirement only, unless acting as a billing entity), information providers (vendors) offering one or more pay-per-call services or programs, and billing entities. Staff estimates that there are 6 common carriers,[2] approximately 6,700 vendors,[3] and approximately 1,700 possible billing entities.[4] The FTC seeks public comment or data on these estimates and those stated below.

Estimated annual reporting and disclosure burden: 1,165,428 hours; $50,178,450 in associated labor costs.[5]

The burden hour estimate for each reporting and disclosure requirement has been multiplied by a ''blended'' wage rate (expressed in dollars per hour), based on the particular skill mix needed to carry out that requirement, to determine its total annual cost. The blended rate calculations are based on the following skill categories and average wage rates and/or labor costs: $115/hour for professional (attorney) services; $17/hour for skilled clerical workers; $39/hour for computer programmers; and $56/hour for management time. These figures are averages, based on the most currently available Bureau of Labor Statistics (''BLS'') cost figures posted online.[6] FTC staff calculated labor costs by applying appropriate hourly cost figures to the burden hours discussed further below.

(1) *Reporting burden* (applies to common carriers):

The Rule provides that common carriers must make available to the Commission, upon written request, any records and financial information maintained by such carrier relating to the arrangements between the carrier and any vendor or service bureau (other than for the provision of local exchange service). *See* 16 CFR 308.6. Staff believes that the resulting burden on this segment of the industry will be minimal, since OMB's definition of ''burden'' for PRA purposes excludes

[1] On October 30, 1998, the Commission published a Notice of Proposed Rulemaking (''NPRM''), 63 FR 58524, to amend its Pay-Per-Call Rule, 16 CFR part 308. The Rule, which implements Titles II and III of the Telephone Disclosure and Dispute Resolution Act (''TDDRA''), 15 U.S.C. 5711–14, 5721–24, requires the disclosure of cost and other information regarding pay-per-call services and establishes dispute resolution procedures for telephone-billed purchases (*i.e.,* charges for pay-per-call services or other charges appearing on a telephone bill other than telecommunications charges). As was explained in the NPRM, the Rule contains certain reporting and disclosure requirements that are subject to OMB review under the PRA, 44 U.S.C. 3501–3521. Accordingly, the FTC submitted the Rule, with proposed amendments, to OMB (*see* 64 FR 70031, Dec. 15, 1999) for its approval, which was granted until December 31, 2002 (OMB control number 3084–0102). Thereafter, the FTC obtained renewed clearance from OMB covering both the existing Rule and the proposed changes up through April 30, 2009.

Since April 2009, the FTC has obtained two clearances, each of which covered only the existing rule without the proposed changes to the Rule. The proposed changes have not been adopted, and any final decision about them is too uncertain to merit inclusion in this request for clearance renewal. The Commission will seek PRA clearance separately for any proposed rule amendments if that becomes necessary at a future date.

[2] This estimate is based on the North American Numbering Plan Association Report, ''900–NXX Codes,'' found at *http://www.nanpa.com/enas/form900MasterReport.do,* which reports carriers that have been assigned blocks of 900 numbers for service. In calculating the estimate, Canadian entities and two carriers that have formally withdrawn from carrying 900 number service were excluded. See Federal Communications Commission, ''Section 63.71 Application of Sprint Communications Company L.P. for Authority to Discontinue Domestic Telecommunications Services,'' Order, WC Docket No. 08–116, DA 08–2557 (Wireline Competition Bureau Nov. 24, 2008); Federal Communications Commission, ''Comments Invited on Application of MCI Communications Services, Inc. d/b/a Verizon Business Services to Discontinue Domestic Telecommunications Services,'' WC Docket No. 13–139, DA 13–1256 (Wireline Competition Bureau May 30, 2013). The formal withdrawal of two national carriers from the provision of 900 number transport service suggests that other carriers on the NANPA list may also no longer be providing service on the blocks of 900 numbers assigned to them. This estimate may therefore overstate the number of carriers currently subject to rule requirements.

[3] The number of vendors is difficult to estimate as there is no ready source of such statistics. FTC staff has reduced a 2012 estimate of the number of vendors (13,800) by approximately 51 percent, reflecting a corresponding decrease in the allocation of 900 numbers, as reported annually by the North American Numbering Plan Administration (NANPA). In 2010, it was 123; in 2013, it fell to 60. The withdrawal of at least some carriers from the provision of 900 number transport service and the low call volumes and client bases for these services reported by those carriers, discussed in notes 2 and 12, provide reason to believe that this estimate of the number of current vendors may be overstated.

[4] The Federal Communications Commission report on telephone statistics indicated that at the end of 2013 there were 1,723 local telephone companies (local exchange carriers). See Local Telephone Competition: Status as of December 31, 2013 (released 10/14) (tables 4 and 5), available at *https://apps.fcc.gov/edocs_public/attachmatch/DOC-329975A1.pdf.*

[5] Non-labor (*e.g.,* capital/other start-up) costs are generally subsumed in activities otherwise undertaken in the ordinary course of business (*e.g.,* business records from which only existing information must be reported to the Commission, pay-per-call advertisements or audiotext to which cost or other disclosures are added, etc.). To the extent that entities incur operating or maintenance expenses, or purchase outside services to satisfy the Rule's requirements, staff believe those expenses are also included in (or, if contracted out, would be comparable to) the annual burden hour and cost estimates provided below (where such costs are labor-related), or are otherwise included in the ordinary cost of doing business (regarding non-labor costs).

[6] *http://www.bls.gov/news.release/pdf/ocwage.pdf* (Occupational Employment and Wages—May 2013, U.S. Department of Labor, Bureau of Labor Statistics, Table 1). Notwithstanding the referenced BLS data, estimated attorney costs are based on what staff believes may more closely reflect hourly attorney costs associated with Commission information collection activities under the Rule.

any business effort that would be expended regardless of a regulatory requirement. 5 CFR 1320.3(b)(2). Because this reporting requirement permits staff to seek information limited to that which is already maintained by the carriers, the only burden would be the time an entity expends to compile and provide the information to the Commission. Because the Commission has seldom needed to rely on this requirement, staff estimates the annual time for reporting at 3 hours per entity.

In obtaining OMB clearance for this reporting requirement in 2012, staff estimated a total reporting burden of 21 hours, with an annual cost of $1,600. Staff is now decreasing the total burden estimate to 18 hours, based on an average estimate of 3 hours expended by 6 common carriers. Using a $51/hour blended wage rate (assuming for all labor calculations herein, $39/hour for computer programmers, $115/hour for attorneys, $17/hour for skilled clerical workers, and $56/hour for managers),[7] the FTC now estimates an annual cost of $920.

(2) *Disclosure burden:*

(a) *Advertising* (applies to vendors). FTC staff estimates that the annual burden on the industry for the Rule's advertising disclosure requirements is 24,120 hours. The estimate reflects the burden on approximately 6,700 vendors who must make cost disclosures for all pay-per-call services and additional disclosures if the advertisement is (a) directed to individuals under 18 or (b) for certain pay-per-call services.[8] Because of continued industry changes and the fact that the Commission has seldom needed to rely on this requirement, staff is retaining the estimated percentage of advertising both directed to individuals under 18 and relating to certain other pay-per-call services to 20 percent of overall pay-per-call services. FTC staff estimates that each disclosure mandated by the Rule requires approximately one hour of compliance time. The total estimated annual cost of these burden hours is $1,061,280 applying a blended wage rate of $44/hour.[9]

(b) *The Rule's preamble disclosure* (applies to every pay-per-call service). To comply with the Act, the Pay-Per-Call Rule also requires that every pay-per-call service be preceded by a free preamble and that four different disclosures be made in each preamble. Additionally, preambles to sweepstakes pay-per-call services and services that offer information on federal programs must provide additional disclosures. Each preamble need only be prepared one time, unless the cost or other information is changed. There is no additional burden on the vendor to make the disclosures for each telephone call, because the preambles are taped and play automatically when a caller dials the pay-per-call number.

As noted above (see footnote 3), staff now believes that the industry has had at least a 51 percent reduction in size since 2012 (when there were an estimated 42,195 pay-per-call services). Accordingly, staff now estimates that there are no more than 20,580 advertised pay-per-call services.

As with advertising disclosures, preambles for certain pay-per-call services require additional preamble disclosures. Consistent with the estimates of advertised pay-per-call services discussed above, staff estimates that an additional 20 percent of all such pay-per-call services (4,120) relating to certain types of pay-per-call services would require such additional disclosures. Staff estimates that it would require no more than one hour to draft each type of disclosure because the disclosures applicable to the preamble closely approximate in content and volume the advertising disclosures discussed above. Accordingly, staff estimates a total of 24,700 burden hours (20,580 + 4,120) to comply with these requirements. At one hour each, cumulative labor cost associated with these disclosures is $1,086,800, using a blended wage rate of $44/hour (*i.e.,* similar to the blended rate used for advertising disclosures).

(c) *Telephone-billed charges in billing statements* (applies to vendors; applies to common carriers if acting as billing entity). Section 308.5(j) of the Rule, 16 CFR 308.5(j), requires that vendors ensure that certain disclosures appear on each billing statement that contains a charge for a call to a pay-per-call service. Because these disclosures appear on telephone bills already generated by the local telephone companies, and because the carriers are already subject to nearly identical requirements pursuant to the FCC's rules, FTC staff estimated that the burden to comply would be minimal. At most, the burden on the vendor would be limited to spot checking telephone bills to ensure that the charges are displayed in the manner required by the Rule.

As it had in the 2012 PRA submission, FTC staff estimates that only 10 percent of vendors would monitor billing statements in this manner and that it would take 12 hours per year to conduct such checks. Using the total estimated number of vendors (6,700), this results in a total of 8,040 burden hours. The total annual cost would be at most $361,800, using a blended rate of $45/hour.[10]

(d) *Dispute resolution procedures in billing statements* (applies to billing entities). This disclosure requirement is set forth in 16 CFR 308.7(c). The blended rate used for these disclosures is $43/hour.[11] FTC staff previously estimated that the billing entities would spend approximately 5 hours each to review, revise, and provide the disclosures on an annual basis. The estimated hour burden for the annual notice component of this requirement is 8,500 burden hours (based on 1,700 possible billing entities each requiring 5 hours), or a total cost of $365,500.

(e) *Further disclosures related to consumers reporting a billing error* (applies to billing entities). As in the 2012 PRA submission for this Rule, FTC staff estimates that the incremental disclosure obligations related to consumers reporting a billing error under section 308.7(d) requires, on average, about one hour per each billing error. Previously, staff projected that approximately 5 percent of an estimated 45,101,950 calls made to pay-per-call services each year involves such a billing error. The staff is now reducing its prior estimate of the number of those calls by approximately 51 percent[12] (to

[7] This blended wage rate is based upon an estimate of 30 percent for computer programming, 20 percent for attorney services, 30 percent for skilled clerical workers, and 20 percent for managerial time.

[8] Based on an assumed three advertisements per vendor, or a total of 20,100 ads (for 6,700 vendors, as explained in note 3), plus an estimated total 20 percent of which would require such additional disclosures, or 4,020 advertisements. Staff estimates that it would require no more than one hour to draft each type of disclosure. Accordingly, at an estimated one hour each, vendors would require cumulatively 24,120 burden hours to comply with these requirements.

[9] The blended rate is based upon 20 percent for attorney services, 60 percent for skilled clerical workers, and 20 percent for management time.

[10] The blended rate is 15 percent for attorney services, 40 percent for skilled clerical workers, 25 percent for computer programming, and 20 percent for management time.

[11] The blended rate is 40 percent for computer programming, 10 percent for attorney services, 30 percent for skilled clerical workers, and 20 percent for management time.

[12] This reduction is based on the decrease in the allocation of 900 numbers discussed in note 3. Even this reduced number may substantially overstate the current volume of calls made to pay-per-call services. For example, one national carrier that withdrew from carrying 900-number services reported that its call volume had dropped by more than 80% and that it had only two remaining customers for such services. See Federal Communications Commission, ''Comments Invited on Application of MCI Communications Services,

22,001,000 calls) to reflect recent changes in the amount of pay-per-call services and their billing. Assuming the same apportionment (5 percent) of overall calls to pay-per-call services, this amounts to 1,100,050 hours, cumulatively. Applying the $43/hour blended wage rate, the estimated annual cost is $47,302,150.

Request for Comments

You can file a comment online or on paper. Write ''Pay-Per-Call Rule: FTC File No. R611016'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as a Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is . . . privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you must follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, the Commission encourages you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/ppcrulepra* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Pay-Per-Call Rule: FTC File No. R611016'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610, (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610, (Annex J), Washington, DC 20024. If possible, please submit your paper comment to the Commission by courier or overnight service.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 13, 2015. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2015–02703 Filed 2–9–15; 8:45 am]

BILLING CODE 6750–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of The Waiting Period Under The Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title IT of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination on the dates indicated of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED
JANUARY 1, 2015 THRU JANUARY 30, 2015

01/02/2015		
20150352	G	Gregory B. Maffei: Liberty Interactive Corporation: Gregory B. Maffei.
20150388	G	Genstar Capital Partners VI, L.P.: Thoma Bravo Fund X. L.P. Genstar Capital Partners VI, L.P.
01/05/2015		
20150391	G	BCE Inc.; GLENTEL Inc.: BCE Inc.
20150397	G	EHL 2012 Marital Trust Two; Glenn and Shannon Dellimore; EFIL 2012 Marital Trust Two.
20150401	G	Thomas H. Lee Parallel (Cayman) Fund VII. L.P.; GTCR Fund IX/A, L.P. Thomas H Lee Parallel (Cayman) Fund VII, L.P.
01/06/2015		
20150399	G	Partners Group Precision Investment Limited; Dynacast International Inc.; Partners Group Precision Investment Limited.

Inc. d/b/a Verizon Business Services to Discontinue Domestic Telecommunications Services,'' WC Docket No. 13–139, DA 13–1256 (Wireline Competition Bureau May 30, 2013). Proceeding conservatively, however, staff has reduced the prior call volume estimate by only 51%.

EARLY TERMINATIONS GRANTED—Continued
JANUARY 1, 2015 THRU JANUARY 30, 2015

20150405	G	Asbury Automotive Group, Inc.; J. Clifford Johnson, Jr., Asbury Automotive Group, Inc.
		01/07/2015
20150387	G	InterContinental Hotels Group PLC: Kimpton Group Holding LLC; InterContinental Hotels Group PLC.
20150398	G	Stichting Administratiekantoor Lauwerecht; Nutreco N.V.; Stichting Administratiekantoor Lauwerecht.
20150403	G	Providence Equity Partners VII–A L.P.; Lincolnshire Equity Fund IV–A, L.P.; Providence Equity Partners VII–A L.P.
20150407	G	US Partnership, a to be formed Delaware partnership; PetSmart Inc.; US Partnership, a to be formed Delaware partnership.
		01/08/2015
20150392	G	Adobe Systems Incorporated; Picasso Holding Acquisition I, Inc.; Adobe Systems Incorporated.
		01/09/2015
20150313	G	Actavis plc; Allergan, Inc.; Actavis plc.
20150384	G	Winters Bros. Waste Holding Company, LLC; Progressive Waste Solutions Ltd.; Winters Bros. Waste Holding Company, LLC.
20150389	G	Republic Services, Inc.; Tervita Corporation; Republic Services, Inc.
20150412	G	David W. Nelms; Discover Financial Services; David W. Nelms.
20150414	G	Rogers Corporation; Steel Partners Holdings, L.P.; Rogers Corporation.
20150436	G	FedEx Corporation; Herbert S. Shear and Barbara S. Shear; FedEx Corporation.
		01/13/2015
20150415	G	Regal Beloit Corporation; Emerson Electric Co.; Regal Beloit Corporation.
20150422	G	LetterOne Holdings S.A.; Mason Wells Buyout Fund II, Limited Partnership; LetterOne Holdings S.A.
20150424	G	VSE Corporation: Mark D. Dobbin: VSE Corporation.
20150429	G	Oracle Corporation: Datalogix Holdings, Inc.; Oracle Corporation.
		01/14/2015
20150372	G	Cypress Semiconductor Corporation: Spansion Inc.; Cypress Semiconductor Corporation.
20150390	G	Expedia, Inc.; Sabre Corporation: Expedia, Inc.
20150423	G	Nasdaq OMX Group, Inc.; Dorsey, Wright & Associates; LLC; Nasdaq OMX Group, Inc.
		01/15/2015
20150417	G	Carl C. Icahn; The Manitowoc Company, Inc.; Carl C. Icahn.
		01/16/2015
20150376	G	Credit Bureau Stock Trust; Providence Equity Partners VI L.P.; Credit Bureau Stock Trust.
20150409	G	Roper Industries, Inc.: VSS Structured Capital II, L.P.; Roper Industries, Inc.
20150428	G	California Physicians' Service.; PAMC, Ltd.; California Physicians' Service.
20150430	G	Anchorage Capital Partners Offshore Ltd.; New Koosharem Corporation; Anchorage Capital Partners Offshore Ltd.
20150431	G	BlueMountain Credit Alternatives Fund Ltd.; New Koosharem Corporation; BlueMountain Credit Alternatives Fund Ltd.
20150432	G	New Koosharem Corporation; MSCP V EB Holdco, LLC; New Koosharem Corporation.
20150434	G	Energy Transfer Equity, L.P.; Exxon Mobil Corporation; Energy Transfer Equity, L.P.
20150448	G	Bain Capital Europe Fund III. L.P.; CRH plc; Bain Capital Europe Fund III, L.P.
20150461	G	Silver Oak Services Partners II, L.P.; Dr. Ronald B. Montano; Silver Oak Services Partners II, L.P.
		01/20/2015
20150383	G	Glenn F. Straub; Revel AC, Inc.; Glenn F. Straub.
20150418	G	Corvex Master Fund LP; American Realty Capital Properties, Inc.; Corvex Master Fund LP.
20150440	G	Amgen Inc.; Kite Pharma, Inc.; Amgen Inc.
20150444	G	Wingate Partners V, L.P.; Myers Industries, Inc.; Wingate Partners V. L.P.
20150446	G	The Progressive Corporation; ARX Holding Corp.; The Progressive Corporation.
20150449	G	Asahi Holdings. Inc.; Johnson Matthey Public Limited Company; Asahi Holdings, Inc.
20150454	G	Rogers Control Trust; BCE Inc.; Rogers Control Trust.
20150456	G	Arbor Investments III, L.P.; Shumway RE Holdings, Inc.; Arbor Investments III, L.P.
20150457	G	Linden Capital Partners II, LP.; Scott A. Severson and Victoria C. Severson; Linden Capital Partners II, LP.
20150468	G	Utility One Source L.P.; CTEC Holding Co., LLC; Utility One Source L.P.
		01/21/2015
20150433	G	Bristol-Myers Squibb Company; California Institute for Biomedical Research, Bristol-Myers Squibb Company.
		01/22/2015
20150426	G	Sanofi; Bayer AG; Sanofi.
20150437	G	Johnson & Johnson; MacroGenics, Inc.; Johnson & Johnson.

EARLY TERMINATIONS GRANTED—Continued
JANUARY 1, 2015 THRU JANUARY 30, 2015

20150439	G	SCTG, LLC; SCANA Corporation; SCTG, LLC.
20150450	G	Farmers Mutual Hall Insurance Company of Iowa; Deere & Company; Farmers Mutual Hall Insurance Company of Iowa.
20150466	G	Cisco Systems, Inc.; Altiostar Networks, Inc.; Cisco Systems, Inc.
20150471	G	Anthem, Inc.; Miguel B. Fernandez; Anthem, Inc.
		01/23/2015
20150465	G	Interfor Corporation; Kamilche Company; Interfor Corporation.
		01/26/2015
20150467	G	Robert Knit; Carolina Container Company; Robert Kraft.
20150472	G	ITO EN, LTD.; Centre Bregal Partners, L.P.; ITO EN, LTD.
20150473	G	LSF9 Stardust Holdings LLC; HeidelbergCement AG; LSF9 Stardust Holdings LLC.
20150474	G	Francisco Partners III, L.P.; Bill Creach; Francisco Partners III, L.P.
20150477	G	Coeur Mining, Inc.; Goldcorp Inc.; Coeur Mining, Inc.
20150478	G	Andy and Joyce Lee; West Corporation; Andy and Joyce Lee.
20150479	G	Repsol S.A.; Talisman Energy Inc.; Repsol S.A.
20150481	G	Envision Healthcare Holdings, Inc.; On Assignment, Inc.; Envision Healthcare Holdings, Inc.
20150485	G	Coach, Inc.; Stefan Kaluzny; Coach, Inc.
		01/27/2015
20140663	S	Cerbems Institutional Partners V, L.P.; Safeway Inc.; Cerberus Institutional Partners V, L.P.
20150411	G	Honeywell International Inc.; Dover Coporation; Honeywell International Inc.
20150463	G	Evergreen Pacific Partners II, L.P.; Christopher A. Polley; Evergreen Pacific Partners II, L.P.
20150464	G	Evergreen Pacific Partners II, L.P.; Donald J. Bebout; Evergreen Pacific Partners II, L.P.
20150483	G	Temasek Holdings (Private) Limited; Archer-Daniels-Midland Company; Temasek Holdings (Private) Limited.
20150490	G	Tallgrass Energy Partners, LP; Tallgrass Development, LP; Tallgrass Energy Partners, LP.
20150491	G	Shire plc; NPS Pharmaceuticals, Inc.; Shire plc.
20150494	G	Greenbriar Equity Fund III, L.P.; Sterling Investment Partners II, L.P. Greenbriar Equity Fund III, L.P.
20150496	G	Steven Boal; Coupons.com Incorporated; Steven Boal.
		01/28/2015
20150310	G	John Leonard Morris; Platinum Equity Capital Boat Partners, L.P.; John Leonard Morris.
20150441	G	Pfizer Inc.; OPKO Health, Inc.; Pfizer Inc.
		01/29/2015
20150420	G	Thenno Fisher Scientific Inc.; Advanced Scientifics, Inc., Thermo Fisher Scientific Inc.
		01/30/2015
20140879	G	Sun Pharmaceutical Industries Limited, Daiichi Sankyo Co., Ltd.; Sun Pharmaceutical Industries Limited.

FOR FURTHER INFORMATION CONTACT: Renee Chapman, Contact Representative or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room Cc–5301, Washington, DC 20024, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–02620 Filed 2–9–15; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–0390–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for extending the use of the approved information collection assigned OMB control number 0990–0390, scheduled to expire on 02/28/2015. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before March 12, 2015.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

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–0990–0390–30D for reference.

Information Collection Request Title: Challenge and Prize Competition Solicitations

Abstract: In 2011, Federal agencies including HHS were given prize authority for administering challenges and competitions. Challenges and competitions enable the Assistant Secretary for Administration, HHS to tap into the expertise and creativity of the public in new ways. In order for HHS to quickly and effectively launch competitions on a continual basis, HHS seeks an extension on currently approved generic clearance to collect information for these challenges and competitions, which will generally include first name, last name, email, city, state and when applicable other demographic information.

The information collected will be used to understand whether the participant has met the technical requirements for the challenge, assist in the technical review and judging of the solutions that are provided, and understand the impact and consequences of administering the competition and developing solutions for submission. Information may be collected during the competition or after its completion.

Need and Proposed Use of the Information

Challenges and competitions enable HHS to tap into the expertise and creativity of the public in new ways. HHS has sponsored challenges and competitions in a wide variety of areas such as recruitment efforts, health data applications and other types of data, development of novel technologies, and communications to increase public participation and solicit new ideas on a wide array of topics important to the agencies mission. HHS's goal is to engage a broader number of stakeholders who are inspired to work on some of our most pressing health issues, thus supporting a new ecosystem of scientists, developers, and entrepreneurs who can continue to innovate for public health. The generic clearance is necessary for HHS to quickly and effectively launch competitions on a continual basis.

Likely Respondents: Likely respondents include individuals, businesses, and state and local governments who choose to participate in a challenge or competition hosted by HHS.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Individuals or Households	1000	1	1/6	166.6
Organizations	1000	1	1/6	166.6
Businesses	1000	1	1/6	166.6
State, territory, tribal or local governments	60	1	1/6	10
Total				510

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2015–02652 Filed 2–9–15; 8:45 am]

BILLING CODE 4150–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier HHS–OS–0990–0263–30–D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for renewal of the approved information collection assigned OMB control number 0990–0263, scheduled to expire on March 31, 2015 Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before March 12, 2015.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

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 OMB control number 0990–0263 and document identifier HHS–OS–30D for reference.

Information Collection Request Title: Protection of Human Subjects: Assurance Identification/IRB Certification/Declaration of Exemption Form—Extension OMB No. 0990–0263, Assistant Secretary for Health, Office for Human Research Protections.

Abstract: The Office for Human Research Protections is requesting a three year extension of the Protection of Human Subjects: Assurance Identification/IRB Certification/ Declaration of Exemption Form. That form is designed to promote uniformity among departments and agencies, and to help ensure common means of ascertaining institutional review board certifications and other reporting requirements relating to the protection of human subjects in research. The Federal Policy for the Protection of Human Subjects, known as the Common Rule, requires that before engaging in non-exempt human subjects research that is conducted or supported by a Common Rule department or agency, each institution must: (1) Hold an applicable assurance of compliance [Section 103(a)]; and (2) certify to the awarding department or agency that the application or proposal for research has been reviewed and approved by an IRB designated in the assurance [Sections 103(b) and (f)].

Need and Proposed Use of the Information: The information collected through the *Protection of Human Subjects:* Assurance Identification/IRB

Certification/Declaration of Exemption Form is the minimum necessary to satisfy the assurance and certification requirements of Section 491 (a) of the Public Health Service Act and HHS Regulations for the protection of human subjects at 45 CFR 46.103.

Likely Respondents: Research institutions engaged in HHS-conducted or —supported research involving human subjects. Institutional use of the form is also relied upon by other federal departments and agencies that have codified or follow the Federal Policy for the Protection of Human Subjects (Common Rule).

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Protection of Human Subjects: Assurance Identification/IRB Certification/ Declaration of Exemption	12,000	2	30/60	12,000
Total				12,000

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2015–02649 Filed 2–9–15; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier HHS–0990–0260–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Office of the Assistant Secretary for 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, Department of Health and Human Services (HHS), 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 0990–0260, which expires on April 30, 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 13, 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 0990–0260 for reference.

Information Collection Request Title: Protection of Human Subjects: Assurance of Compliance with Federal Policy/IRB Review/IRB Recordkeeping/ Informed Consent/Consent Documentation-Extension—0990–0260, Assistant Secretary for Health, Office for Human Research Protections.

Abstract: Section 491(a) of Public Law 99–158 states that the Secretary of HHS shall by regulation require that each entity applying for HHS support (*e.g.,* a grant, contract, or cooperative agreement) to conduct research involving human subjects submit to HHS assurances satisfactory to the Secretary that it has established an institutional review board (IRB) to review the research in order to ensure protection of the rights and welfare of the human research subjects. IRBs are boards, committees, or groups formally designated by an entity to review, approve, and have continuing oversight of research involving human subjects.

Pursuant to the requirement of the Public Law 99–158, HHS promulgated regulations at 45 CFR part 46, subpart A, the basic HHS Policy for the Protection of Human Subjects. The June 18, 1991 adoption of the common Federal Policy (56 FR 28003) by 15 departments and agencies implements a recommendation of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research which was established on November 9, 1974, by Public Law 95–622. The Common Rule is based on HHS regulations at 45 CFR part 46, subpart A, the basic HHS Policy for the Protection of Human Subjects.

Need and Proposed Use of the Information: The information collected through the Protection of Human Subjects: Assurance Identification/IRB Certification/Declaration of Exemption Form Protection of Human Subjects: Assurance of Compliance with Federal Policy/IRB Review/IRB Recordkeeping/ Informed Consent/Consent Documentation collection requirement is the minimum necessary to satisfy the assurance, certification, reporting, disclosure, documentation and recordkeeping requirements of Section 491(a) of the Public Health Service Act and HHS Regulations for the protection of human subjects at 45 CFR part 46.

Likely Respondents: Research institutions engaged in HHS-conducted or —supported research involving human subjects. Institutional use of the form is also relied upon by other federal departments and agencies that have codified or follow the Federal Policy for the Protection of Human Subjects (Common Rule).

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Title	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
.103(b)(4), .109(d)IRB Actions, .116 and .117 Informed Consent	6,000	39.3 3	1	235,980
.115(a) IRB Recordkeeping	6,000	15	10	900,000

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

Title	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
.103(b)(5) Incident Reporting, .113 Suspension or Termination Reporting	6,000	0.5	45/60	2,250
Total	.....	.....	.....	1,138,230

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,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2015–02650 Filed 2–9–15; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0821]

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

Quarantine Station Illness Response Forms: Airline, Maritime, and Land/Border Crossing (0920–0821, exp. 08/31/15)—Revision—National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is requesting a revision to a currently approved information collection, Quarantine Station Illness Response Forms: Airline, Maritime, and Land/Border Crossing). This revision seeks to incorporate the changes that resulted from activities undertaken during the response to Ebola. These changes include two major components, both of which have been given previous emergency clearance by OMB under Control Number 0920–1031 and 0920–1034, with an expiration date of April 30, 2015. As a part of this revision, CDC is requesting the full three year approval and 12 months of burden for the following:

The incorporation of two public health screening forms that are currently used to assess risk for Ebola in travelers coming to the United States from countries experiencing widespread transmission of the disease. These forms are the United States Traveler Health Declaration and a completely revised Ebola Entry Screening Risk Assessment Form, each given approval from OMB under OMB Control No 0920–1031. The additional burden requested for the English versions of the health declaration and the risk assessment form, as well as the French and Arabic translation guides for the health declaration and risk assessment forms, is 13,664 hours.

In this revision, CDC is maintaining the ability to use the Ebola Entry Screening Risk Assessment Form in the event that a traveler is identified as ill on a U.S.-bound flight prior to arrival. In the no material or non-substantive change to a currently approved collection granted by OMB on 9/18/2014, CDC requested 100 respondents and 5 hours of burden. Because the risk assessment form is more comprehensive, it requires more time for a traveler to complete the assessment. CDC is requesting an additional 20 hours of burden for the purpose of assessing ill travelers, for a total of 25 hours of burden. No additional respondents are requested.

CDC is also requesting the incorporation of a telephonic, automated survey administered through the Interactive Voice Response (IVR) phone system, which asks travelers if they have developed a fever or any other symptoms potentially indicative of Ebola exposure (OMB Control No 0920–1034). The IVR system would be implemented to assist state and local public health authorities with active monitoring of individuals coming to the United States from countries affected by the current Ebola outbreak. Use of this information collection tool would be voluntary and provides a cost- and time-saving mechanism for supporting states with their active monitoring responsibilities. The additional 12-month annualized burden requested for the use of the IVR system is approximately 71,400 hours.

No revisions are requested to the Air Travel, Maritime Conveyance or Land Travel Illness and Death Investigation forms or burden associated with these forms. The current burden associated with these routine information collections is 314 hours.

This revision to 0920–0821 incorporates burden estimates provided for the emergency information collection 0920–1031 and 0920–1034, which have been updated and annualized. The total additional burden requested for this revision is 105,571 respondents and 85,063 burden hours. The estimated total burden for 0920–0821 is 109,429 respondents and 85,382 burden hours. There is no burden to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondent	Form	Number of respondents	Number of responses per respondent	Average burden per response (in minutes)
Traveler	Airline Travel Illness or Death Investigation Form	1,626	1	5/60
Traveler	Maritime Conveyance Illness or Death Investigation Form	1,873	1	5/60
Traveler	Land Travel Illness or Death Investigation Form	259	1	5/60
Traveler	Ebola Entry Screening Risk Assessment Form (Ill traveler interview: English, French, Arabic, or other as needed).	100	1	15/60
Traveler	United States Travel Health Declaration (English: Hard Copy, fillable PDF, electronic portal).	49,238	1	15/60
Traveler	United States Travel Health Declaration (French translation guide)	1,586	1	15/60
Traveler	United States Travel Health Declaration (Arabic translation guide)	176	1	15/60
Traveler	Ebola Entry Screening Risk Assessment Form (English hard copy)	3,447	1	15/60
Traveler	Ebola Entry Screening Risk Assessment French translation guide	111	1	15/60
Traveler	Ebola Entry Screening Risk Assessment Arabic translation guide	13	1	15/60
Traveler	IVR Active Monitoring Survey (English: Recorded)	49,238	21	4/60
Traveler	IVR Active Monitoring Survey (French: Recorded)	1,586	21	4/60
Traveler	IVR Active Monitoring: Arabic translation assistance	176	21	4/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–02624 Filed 2–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15EC]

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

Improving Organizational Management and Worker Behavior through Worksite Communication—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NIOSH, under Public Law 91–596, Sections 20 and 22 (Section 20–22, Occupational Safety and Health Act of 1977) has the responsibility to conduct research relating to innovative methods, techniques, and approaches dealing with occupational safety and health problems.

This research assesses best practices for communicating and employing a strategic health and safety management system (HSMS) to facilitate workers' health and safety behaviors, including ways that lateral communication from management influences worker perceptions and behaviors. Currently, ambivalence exists about how to strategically communicate aspects of an HSMS top-down in the mining industry. Research indicates that, to answer questions about effectively using an HSMS to improve safety, research needs to follow a sample of workplaces over time, measuring the introduction or utilization of an HSMS and then measuring outcomes of interest at the workplace level and worker level.

Therefore, analyzing workers' perceptions of the organization's HSMS, leaders' implementation of the organization's HSMS, and communication gaps between these two groups, may provide more insight into the best, most feasible practices and approaches to worker H&S performance within a system. This project is initiating such an approach by implementing a series of multilevel intervention (MLI) case studies that assess the utility of a safety system that includes aspects of both safety management on the organizational level and behavior-based safety on the worker level. By studying these levels separately and introducing an

intervention to bridge these two groups together to improve safety, the communication practices within an HSMS may be enhanced.

NIOSH proposes a 3 year approval for a project that seeks to empirically understand what HSMS communication practices are important for mine worker H&S and how those practices can be developed, implemented, and maintained over time via desired communication from mine site leadership. The following questions guide this study:

What impact does the MLI communication model that was designed and implemented have on: (1) Workers' health/safety behaviors, including those that lower exposure to dust; (2) workers' perceptions of their organization's values; and (3) changes in managers' strategic HSMS communication and implementation with workers to facilitate health/safety performance, including those that lower exposure to dust.

To answer the above questions, NIOSH researchers developed a multilevel intervention (MLI) that focuses on both management and workers' communication about, and subsequent actions taken, to reduce respirable dust exposure over time. This MLI will inform how leadership communicates to their employees and what affect(s) this communication has on individual behavior such as corrective dust actions taken by workers. By assessing the ongoing safety/health interactions between individual workers and their organizational capacities (*i.e.* levels of leadership and management of safety), and how these interactions influence and shape personal H&S performance, we can better understand what aspects of both systems need attention in a merged, more balanced and comprehensive system of health and safety management (DeJoy, 2005).

Specifically, this project is using mine technology, the Helmet-CAM, as a communication medium to help merge these two worksite systems. Previous research indicates that the use of information technology can enhance lateral and horizontal communication within organizations, showing support for using the Helmet-CAM in the current study (Hinds & Kiesler, 1995). NIOSH researchers can analyze what and how communication practices should be implemented to influence worker perceptions of their organization's H&S values and how this impacts their subsequent H&S behavior. Eventually, practices used to influence behavior related to dust control can be extrapolated to inform ways to communicate about and manage additional health/safety problems within the industry via an HSMS as implemented by site leaders.

The Helmet-CAM incorporates video footage and real-time dust measurements of workers while performing their job duties and tasks in various locations throughout the workday. This technology has been a viable assessment tool to provide a comparison of where and when miners are exposed to their highest respirable dust concentrations. As a result, Helmet-CAM technology is being employed at many mines as a way to identify dust exposures of workers and to help reduce dust hazards in the environment. However, we do not yet know how mine site management is using, if at all, this technology to communicate with workers about their personal health and safety behaviors. Discussions about the tasks workers perform when exposure levels are high and what actions they can take to reduce their dust exposure may be valuable to the industry in helping advance the way engineering-control technology is used from a behavioral vantage point as well.

Previous research (Yorio et al. 2014) identified three areas that influence the relationship between the strategic HSMS and its overall success in implementing and encouraging worker behavior change: Worksite leadership, organizational values, and worker perceptions and interpretations of management. Data on these three contingencies are collected from the management and worker levels during three time points throughout a six-week intervention to assess the ongoing communication via the Helmet-CAM and effects of the communication on behavior. Data collection and analysis pertaining to these three areas may occur via a pre/post survey with workers and pre/mid/post interviews/focus groups with workers and mine site leaders, some of which include dialogue around Helmet-CAM footage as provided by the workers who choose to participate.

NIOSH proposes this intervention design at a minimum of three and no more than five industrial mineral metal/nonmetal mine sites. All of the data collection instruments have been used in previous studies to examine worker and leadership variables and factors. Therefore, NIOSH knows that the data collection instruments are valid and reliable to use in studying the worker and leader levels simultaneously, within the same mine. Industrial mineral sites will be recruited who have inquired interest in learning how to use the Helmet-CAM on their site and/or interest in improving their site wide communication efforts. Only a small sample of workers will participate at each mine site because of the time required for completion and to ensure the longitudinal data can be adequately collected over the six weeks. In other words, we would rather collect data multiple times with the same worker and have fewer participants than collect data from more workers but not have the ability to appropriately follow-up during the subsequent two visits.

Data collection will take place with no more than 150 mine workers and 30 mine site leaders over three years. The respondents targeted for this study includes any active mine worker and any active site leader at an industrial mineral metal/nonmetal mine. It is estimated that a sample of up to 150 mine workers will participate in the intervention, which includes wearing the Helmet-CAM for a portion of their job tasks (no more than two hours total) during three time periods (when NIOSH is present during the field visit). In addition to wearing the Helmet-CAM, workers will be asked to complete a pre and post-test survey (~15 minutes) and an interview during three time points throughout the study (~30 minutes each). The interviews include a debriefing of Helmet-CAM footage with participants at various mining operations who agreed to participate. It also is estimated that a sample of up to 30 mine site leaders will participate in interviews/focus groups about HSMS practices at the same participating mining operations. The interviews/focus groups also occur three times during each of the NIOSH field visits and will take no more than 45 minutes each. All participants will be between the ages of 18 and 75, currently employed, and living in the United States. Participation will require no more than 4.5 hours of workers' time over the six-week intervention and no more than 2.5 hours of site leaders' time over the six-week intervention period.

There are 278 total burden hours. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Mine Site Leaders/Managers	Mine Recruitment Script	10	1	5/60
	Pre/Mid/Post HSMS Interview/Focus Group Questions.	10	3	45/60
Mine Worker	Mine Worker Recruitment Script	50	1	5/60
	Mine Worker Survey	50	2	15/60
	Pre/Mid/Post Behaviors and Helmet-CAM Interview Questions.	50	3	90/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–02623 Filed 2–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0572]

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

Health Message Testing System (HMTS)—(0920–0572, Expiration February 28, 2015)—Extension—Office of the Associate Director for Communication (OADC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Before CDC disseminates a health message to the public, the message always undergoes scientific review. However, even though the message is based on sound scientific content, there is no guarantee that the public will understand a health message or that the message will move people to take recommended action. Communication theorists and researchers agree that for health messages to be as clear and influential as possible, target audience members or representatives must be involved in developing the messages and provisional versions of the messages must be tested with members of the target audience.

In the interest of timely health message dissemination, many programs forgo the important step of testing messages on dimensions such as clarity, salience, appeal, and persuasiveness (*i.e.,* the ability to influence behavioral intention). Skipping this step avoids the delay involved in the standard OMB review process, but at a high potential cost. Untested messages can waste communication resources and opportunities because the messages can be perceived as unclear or irrelevant. Untested messages can also have unintended consequences, such as jeopardizing the credibility of Federal health officials.

The Health Message Testing System (HMTS), a generic information collection, enables programs across CDC to collect the information they require in a timely manner to:

- Ensure quality and prevent waste in the dissemination of health information by CDC to the public.
- Refine message concepts and to test draft materials for clarity, salience, appeal, and persuasiveness to target audiences.
- Guide the action of health communication officials who are responding to health emergencies, Congressionally-mandated campaigns with short timeframes, media-generated public concern, time-limited communication opportunities, trends, and the need to refresh materials or dissemination strategies in an ongoing campaign.

Each testing instrument will be based on specific health issues or topics. Although it is not possible to develop one instrument for use in all instances, the same kinds of questions are asked in most message testing. This package includes generic questions and formats that can be used to develop health message testing data collection instruments. These include a list of screening questions, comprised of demographic and introductory questions, along with other questions that can be used to create a mix of relevant questions for each proposed message testing data collection method. However, programs may request to use additional questions if needed.

Message testing questions will focus on issues such as comprehension, impressions, personal relevance, content and wording, efficacy of response, channels, and spokesperson/sponsor. Such information will enable message developers to enhance the

effectiveness of messages for intended audiences.

Data collection methods proposed for HMTS includes intercept interviews, telephone interviews, focus groups, online surveys, and cognitive interviews. In almost all instances, data will be collected by outside organizations under contract with CDC.

For many years CDC programs have used HMTS to test and refine message concepts and test draft materials for clarity, salience, appeal, and persuasiveness to target audiences. Having this generic clearance available has enabled them to test their information and get critical health information out to the public quickly. Over the last three years, more than 20 messages have been tested using this clearance. For example: *Evaluation of Emergency Preparedness Materials for Limited English Proficient Spanish Speakers.* Risk communication is a top priority in CDC's anthrax preparedness activities. The Anthrax Management Team developed materials to provide LEP Spanish-speakers with information needed to increase the chances for survival in the event that bioterrorists attacked the U.S. using anthrax. Once refined, based on participant feedback, these materials will be used in creating additional public education materials to be utilized during an anthrax emergency. The lessons learned about communication with vulnerable populations have application to others who are seeking to improve communication during a domestic or global public health emergency.

The Division of Diabetes Translation obtained OMB approval through HMTS for *Testing of Brand Concepts, Messages and Materials* for CDC's National Diabetes Prevention Program (National DPP). Materials testing was conducted with multiple audiences, and provided the detailed level of feedback needed to make materials that resonate with each audience. Findings have also been used to inform the development and testing of a new brand for the National DPP which will be launched in 2015.

The National Institute for Occupational Safety and Health (NIOSH) conducted a field study, *Spanish Trench Safety CD–ROM,* to determine the most effective way to disseminate trench safety information to Latino immigrant workers using computer-based training. Using results of this study, NIOSH produced the CD–ROM and are preparing to field test the product. As part of this project, a tutorial was also created for workers with limited computer literacy teaching them how to use the computer. The tutorial has been field tested and the English and Spanish versions will become NIOSH numbered publications.

Over 12,000 respondents were queried and over 5,500 burden hours used during this time period. Because the availability of this ICR has been so critical to programs in disseminating their materials and information to the public in a timely manner, OADC is requesting a three year extension of this information collection.

There is no cost to the respondents other than their time. The total estimated annualized burden hours are 2,470.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Public Health Professionals, Health Care Providers, State and Local Public Health Officials, Emergency Responders, General Public.	Moderator's Guides, Eligibility Screeners, Interview Guides, Opinion Surveys, Consent Forms.	18, 525	1	8/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–02592 Filed 2–9–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care Development Fund (CCDF)—Reporting Improper Payments—Instructions for States.

OMB No.: 0970–0323.

Description: Section 2 of the Improper Payments Act of 2002 provides for estimates and reports of improper payments by Federal agencies. Subpart K of 45 CFR, Part 98 will require States to prepare and submit a report of errors occurring in the administration of CCDF grant funds once every three years.

The Office of Child Care (OCC) is completing the third 3-year cycle of case record reviews to meet the requirements for reporting under IPIA. The current forms and instructions expire September 30, 2015. OCC is submitting the information collection for renewal clearance with minor changes. Responders will now have additional guidance and clarification in the instructions and errors have been corrected. New language incorporates requirements from the 2014 Child Care and Development Fund Block Grant Act passed in November 2014.

Respondents: State grantees, the District of Columbia, and Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Sampling Decisions and Fieldwork Preparation Plan	17	1	106	1802
Record Review Worksheet	17	276	6.33	29,700.36

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Improper Authorizations for Payment Report	17	1	639	10,863
Corrective Action Plan	8	1	156	1248

Estimated Total Annual Burden Hours: 43,613.36.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–02698 Filed 2–9–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–D–0973]

Complicated Intra-Abdominal Infections: Developing Drugs for Treatment; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Complicated Intra-Abdominal Infections: Developing Drugs for Treatment.'' The purpose of this guidance is to assist sponsors in the clinical development of drugs for the treatment of complicated intra-abdominal infections (cIAIs). Specifically, this guidance addresses FDA's current thinking regarding the overall drug development program for the treatment of cIAIs, including clinical trial designs to support approval of drugs. This guidance finalizes the draft guidance of the same name issued October 1, 2012.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Bldg., 4th Floor, Silver Spring, MD 20993. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Joseph G. Toerner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6244, Silver Spring, MD 20993–0002, 301–796–1300.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Complicated Intra-Abdominal Infections: Developing Drugs for Treatment.'' The purpose of this guidance is to assist sponsors in the development of drugs for the treatment of cIAIs.

Intra-abdominal infections including cIAIs are common in clinical practice and comprise a wide variety of clinical presentations and differing sources of infection. Different bacterial pathogens are responsible for cIAI, including Gram-negative aerobic bacteria, Gram-positive bacteria, and anaerobic bacteria, including mixed infections. This guidance describes the efficacy endpoint of clinical success as resolution of the baseline signs and symptoms attributable to cIAI. The guidance provides a scientific justification for a noninferiority margin.

This guidance finalizes the draft guidance of the same name issued October 1, 2012. After consideration of comments received in response to the draft guidance, FDA updated the guidance to include clarifications about the primary efficacy endpoint and the use of prior nontrial antibacterial drugs. In addition, issuance of this guidance fulfills a portion of the requirements of Title VIII, section 804 of the Food and Drug Safety and Innovation Act of 2012 (Pub. L. 112–144), which requires FDA to review and, as appropriate, revise not fewer than three guidance documents per year for the conduct of clinical trials with respect to antibacterial and antifungal drugs.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: February 4, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–02591 Filed 2–9–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Arthritis Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Arthritis Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 17, 2015, from 8 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Stephanie L. Begansky, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8533, email: *AAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss biologics license application (BLA) 125544 for CT–P13, a proposed biosimilar to Janssen Biotech Inc.'s REMICADE (infliximab), submitted by Celltrion, Inc. The proposed indications (uses) for this product are: (1) Reducing signs and symptoms and inducing and maintaining clinical remission in adult patients with moderately to severely active Crohn's disease who have had an inadequate response to conventional therapy; (2) reducing the number of draining enterocutaneous and rectovaginal fistulas and maintaining fistula closure in adult patients with fistulizing Crohn's disease; (3) reducing signs and symptoms and inducing and maintaining clinical remission in pediatric patients 6 years of age and older with moderately to severely active Crohn's disease who have had an inadequate response to conventional therapy; (4) reducing signs and symptoms, inducing and maintaining clinical remission and mucosal healing, and eliminating corticosteroid use in adult patients with moderately to severely active ulcerative colitis who have had an inadequate response to conventional therapy; (5) reducing signs and symptoms and inducing and maintaining clinical remission in pediatric patients 6 years of age and older with moderately to severely active ulcerative colitis who have had an inadequate response to conventional therapy; [1] (6) in combination with methotrexate, reducing signs and symptoms, inhibiting the progression of structural damage, and improving physical function in patients with moderately to severely active rheumatoid arthritis; (7) reducing signs and symptoms in patients with active ankylosing spondylitis; (8) reducing signs and symptoms of active arthritis, inhibiting the progression of structural damage, and improving physical function in patients with psoriatic arthritis; and (9) treatment of adult patients with chronic severe (*i.e.,* extensive and/or disabling) plaque psoriasis who are candidates for systemic therapy and when other systemic therapies are medically less appropriate.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 3, 2015. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 23, 2015. Time allotted for each

[1] This indication is protected by orphan drug exclusivity expiring on September 23, 2018. See the Orphan Drug Designations and Approvals database at *http://www.accessdata.fda.gov/scripts/opdlisting/oopd/index.cfm.*

presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 24, 2015.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Stephanie L. Begansky at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 5, 2015.

Jill Hartzler Warner,

Associate Commissioner for Special Medical Programs.

[FR Doc. 2015–02670 Filed 2–9–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received no later than March 12, 2015.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: National Practitioner Data Bank for Adverse Information on Physicians and Other Health Care Practitioners—45 CFR part 60 Regulations and Forms. OMB No. 0915–0126—Revision.

Abstract: This is a request for a revision of OMB approval of the information collection contained in regulations found at 45 CFR part 60 governing the National Practitioner Data Bank (NPDB) and the forms to be used in registering with, reporting information to, and requesting information from the NPDB. Administrative forms are also included to aid in monitoring compliance with federal reporting and querying requirements. Responsibility for NPDB implementation and operation resides in the Bureau of Health Workforce, Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

The intent of the NPDB is to improve the quality of health care by encouraging hospitals, state licensing boards, professional societies, and other entities providing health care services to identify and discipline those who engage in unprofessional behavior, and to restrict the ability of incompetent health care practitioners, providers, or suppliers to move from state to state without disclosure of previous damaging or incompetent performance. It also serves as a fraud and abuse clearinghouse for the reporting and disclosing of certain final adverse actions (excluding settlements in which no findings of liability have been made) taken against health care practitioners, providers, or suppliers by health plans, federal agencies, and state agencies.

The reporting forms, request for information forms (query forms), and administrative forms (used to monitor compliance) are accessed, completed, and submitted to the NPDB electronically through the NPDB Web site at *http://www.npdb.hrsa.gov/.* All reporting and querying is performed through this secure Web site.

Need and Proposed Use of the Information: The NPDB acts primarily as a flagging system; its principal purpose is to facilitate comprehensive review of practitioners' professional credentials and background. Information is collected from, and disseminated to, eligible entities (entities that are entitled to query and/or report to the NPDB as authorized in Title 45 part 60 of the Code of Federal Regulations) on the following: (1) Medical malpractice payments, (2) licensure actions taken by Boards of Medical Examiners, (3) state licensure and certification actions, (4) federal licensure and certification actions, (5) negative actions or findings taken by peer review organizations or private accreditation entities, (6) adverse actions taken against clinical privileges, (7) federal or state criminal convictions related to the delivery of a health care item or service, (8) civil judgments related to the delivery of a health care item or service, (9) exclusions from participation in federal or state health care programs, and (10) other adjudicated actions or decisions. It is intended that NPDB information should be considered with other relevant information in evaluating credentials of health care practitioners, providers, and suppliers.

Likely Respondents: Eligible entities that are entitled to query and/or report to the NPDB as authorized in regulations found at 45 CFR part 60.

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

Regulation citation	Form name	Number of respondents	Responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
§ 60.6: Reporting errors, omissions, revisions, or whether an action is on appeal.	Correction, Revision to Action, Correction of Revision to Action, Void, Notice of Appeal (manual).	20,482	1	20,482	.25	5,121
	Correction, Revision to Action, Correction of Revision to Action, Void, Notice of Appeal (automated).	17,185	1	17,185	.0003	5
§ 60.7: Reporting medical malpractice payments.	Medical Malpractice Payment (manual).	12,613	1	12,613	.75	9,460
	Medical Malpractice Payment (automated).	250	1	250	.0003	.1
§ 60.8: Reporting licensure actions taken by Boards of Medical Examiners & § 60.9: Reporting licensure and certification actions taken by States.	State Licensure (manual)	16,770	1	16,770	.75	12,578
	State Licensure (automated).	17,422	1	17,422	.0003	5
§ 60.10: Reporting Federal licensure and certification actions.	DEA/Federal Licensure	114	1	114	.75	86
§ 60.11: Reporting negative actions or findings taken by peer review organizations or private accreditation entities.	Peer Review Organization	10	1	10	.75	8
	Accreditation	12	1	12	.75	9
§ 60.12: Reporting adverse actions taken against clinical privileges.	Title IV Clinical Privileges Actions.	671	1	671	.75	503
	Professional Society	50	1	50	.75	38
§ 60.13: Reporting Federal or State criminal convictions related to the delivery of a health care item or service.	Criminal Conviction (Guilty Plea or Trial) (manual).	1,308	1	1,308	.75	981
	Criminal Conviction (Guilty Plea or Trial) (automated).	937	1	937	.0003	.3
	Deferred Conviction or Pre-Trial Diversion.	50	1	50	.75	38
	Nolo Contendere (No Contest) Plea.	80	1	80	.75	60
	Injunction	10	1	10	.75	8
§ 60.14: Reporting civil judgments related to the delivery of a health care item or service.	Civil Judgment	14	1	14	.75	11
§ 60.15: Reporting exclusions from participation in Federal or State health care programs.	Exclusion/Debarment (manual).	1,185	1	1,185	.75	889
	Exclusion/Debarment (automated).	5,094	1	5,094	.0003	2
	Health Plan Action	524	1	524	.75	393
§ 60.18 Requesting Information from the NPDB.	One Time Query for an Individual (manual).	1,980,825	1	1,980,825	.08	158,466
	One Time Query for an Individual (automated).	2,163,208	1	2,163,208	.0003	649
	One Time Query for an Organization (manual).	39,920	1	39,920	.08	3,194
	One Time Query for an Organization (automated).	2,266	1	2,266	.0003	1
	Self-Query on an Individual.	77,318	1	77,318	.42	30,201

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS—Continued

Regulation citation	Form name	Number of respondents	Responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
	Self-Query on an Organization.	427	1	427	1	427
	Continuous Query (manual).	508,203	1	508,203	.08	40,656
	Continuous Query (automated).	121,718	1	121,718	.0003	37
§ 60.21: How to dispute the accuracy of NPDB information.	Subject Statement and Dispute.	3,501	1	3,501	.75	2,626
	Request for Dispute Resolution.	94	1	94	8	752
Administrative	Non-Hospital Entity Registration (Initial).	524	1	524	1	524
	Non-Hospital Entity Registration (Renewal).	6,383	1	6,383	.25	1,596
	Hospital Registration (Initial).	37	1	37	1	37
	Hospital Registration (Renewal).	3,198	1	3,198	.25	800
	Licensing Board Data Request.	140	1	140	10.5	1,470
	Reporting Entity Discrepancy Letter.	389	1	389	4	1556
	Licensing Board Attestation.	354	1	354	1	354
	Corrective Action Plan	10	1	10	.08	1
	Reconciling Missing Actions.	2,176	1	2,176	0.8	174
	Agent Registration (Initial)	30	1	30	1	30
	Agent Registration (Renewal).	194	1	194	.08	16
	Electronic Transfer of Funds (EFT) Authorization.	566	1	566	.08	45
	Authorized Agent Designation.	788	1	788	.25	197
	Account Discrepancy	41	1	41	.25	10
Total		5,009,324		5,009,324		275,689

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–02658 Filed 2–9–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Food and Drug Administration (FDA) and the National Cancer Institute (NCI) Health Communication Survey (FDA–NCI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 4, 2014 (Vol. 79, No. 233, pages 72003–4) and allowed 60 days for public comment. A total of five public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Bradford W. Hesse, Ph.D., Health Communication and Informatics Research Branch, 9609 Medical Center Drive, MSC 9761, Room 3E610, Rockville, MD 20850 or call non-toll free number 240–276–6721 or Email your request, including your address, to *hesseb@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Health Information National Trends Survey (HINTS) 0925–0538, Reinstatement with Change, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This partnership between NCI and FDA will include assessing the public's knowledge of medical devices, communications related to product recalls, nutritional supplement labeling, and topics to inform FDA's regulatory authority over tobacco, such as such as risk perceptions about new tobacco products, product pack color gradations, perceptions of product harm, and tobacco product claims and labels. This HINTS survey will couple knowledge-related questions with inquiries into the communication channels through which understanding is being obtained, and assessment of FDA-regulated material. This survey will extend the information collected and priorities from HINTS which have been to provide a comprehensive assessment of the American public's current access to, and use of, information about cancer across the cancer care continuum from cancer prevention, early detection, diagnosis, treatment, and survivorship.

OMB approval is requested for 1 year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,159.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hour
Individuals	4,318	1	30/60	2,159

Dated: February 4, 2015.

Karla Bailey,

NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2015–02691 Filed 2–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Diabetes Mellitus Interagency Coordinating Committee Meeting

SUMMARY: The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on April 8–9, 2015. The topic for this meeting will be ''Opportunities for Research Supported by the Special Statutory Funding Program for Type 1 Diabetes Research.'' The meeting is open to the public.

DATES: The meeting will be held on April 8, 2015 from 8:00 a.m. to 5:45 p.m. and on April 9, 2015 from 8:00 a.m. to 4:45 p.m.

ADDRESSES: The meeting will be held at the NIH Neuroscience Center, Conference Room C (April 8) and Conference Room A1/A2 (April 9), 6001 Executive Boulevard, Rockville, MD 20852. Non-federal individuals planning to attend the workshop should register by email to Denise Hoffman, The Scientific Consulting Group, Inc. (*dhoffman@scgcorp.com;* please put ''Registration DMICC T1D Meeting'' in the subject line) at least 7 days prior to the workshop.

FOR FURTHER INFORMATION CONTACT: An agenda for the DMICC meeting will be available by contacting Denise Hoffman, The Scientific Consulting Group, Inc. (*dhoffman@scgcorp.com;* please put ''Agenda Request for DMICC T1D Meeting'' in the subject line). For further information concerning this meeting, contact Dr. B. Tibor Roberts, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 31 Center Drive, Building 31A, Room 9A19, MSC 2560, Bethesda, MD 20892–2560, telephone: 301–496–6623; FAX: 301–480–6741; email: *dmicc@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The DMICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) comprising members of the Department of Health and Human Services and other federal agencies that support diabetes-related activities, facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for Committee members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The April 8–9, 2015 DMICC meeting will focus on ''Opportunities for Research Supported by the Special Statutory Funding Program for Type 1 Diabetes Research.''

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, there will not be time on the agenda for oral comments from members of the public.

Members of the public who would like to receive email notification about future DMICC meetings should register for the listserv available on the DMICC Web site, *www.diabetescommittee.gov.*

Date: February 4, 2015.

B. Tibor Roberts,

Executive Secretary, DMICC, Office of Scientific Program and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2015–02693 Filed 2–9–15; 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 Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program project: Center for Integrative Biomedical Computing.

Date: February 17–19, 2015.

Time: 7:00 p.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Salt Lake City, 150 West 500 South, Salt Lake, UT 84101.

Contact Person: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scentific

Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC, Bethesda, MD 20892, *belangerm@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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: February 4, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02594 Filed 2–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Contract review on Fetal Body Composition and Volumes Study.

Date: March 2, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5b01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02601 Filed 2–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group; Clinical Trials Review Committee.

Date: February 23–24, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Keary A Cope, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7190, Bethesda, MD 20892–7924, 301–435–2222, *copeka@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02599 Filed 2–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Improvement of Animal Models for Stem Cell-based Regenerative Medicine.

Date: March 4–5, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jonathan Arias, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7840, Bethesda, MD 20892, 301–435–2406, *ariasj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR14–092: Bioengineering Research Partnership (BRP).

Date: March 4, 2015.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ping Fan, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301–408–9971, *fanp@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; AREA Grants: Microbial and Invertebrate Genetics.

Date: March 11, 2015.

Time: 3:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ronald Adkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–4511, *ronald.adkins@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.

Date: March 12–13, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.

Contact Person: Kristin Kramer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5205, MSC 7846, Bethesda, MD 20892, (301) 437–0911, *kramerkm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Learning, Memory, Language, Communication and Related Neurosciences.

Date: March 12, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Grand Georgetown, Washington DC.

Contact Person: Robert C Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Basic and Integrative Bioengineering.

Date: March 12–13, 2015.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: David R Filpula, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6181, MSC 7892, Bethesda, MD 20892, 301–435–2902, *filpuladr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02598 Filed 2–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 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: Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel; SBIR/STTR Review: Tools for Assessment and Improvement of Neurologic Outcomes in Perinatal Medicine.

Date: February 24, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5b01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 4, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02600 Filed 2–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed 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 meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; P41 BTRC review.

Date: March 23–25, 2015.

Time: 06:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: The Carolina Inn, 211 Pittsboro Street, Chapel Hill, NC 27516.

Contact Person: Manana Sukhareva, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, 301–451–3397, *sukharem@mail.nih.gov.*

Dated: February 4, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02595 Filed 2–9–15; 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; Topics in Bacterial Pathogenesis.

Date: March 2–3, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240–519–7808, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biological Chemistry, Biophysics and Drug Discovery.

Date: March 2, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Sergei Ruvinov, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7806, Bethesda, MD 20892, 301–435–1180, *ruvinser@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Genes, Genomes, and Genetics.

Date: March 2–3, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5181, MSC 7804, Bethesda, MD 20892, *belangerm@csr.nih.gov.*

Name of Committee: AIDS and Related Research Integrated Review Group; HIV/AIDS Vaccines Study Section.

Date: March 6, 2015.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, DC 20036.

Contact Person: Mary Clare Walker, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7852, Bethesda, MD 20892, (301) 435–1165, *walkermc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Endocrinology, Metabolism, Nutrition, and Reproductive Sciences.

Date: March 11, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Clara M. Cheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170 MSC 7892, Bethesda, MD 20817, 301–435–1041, *chengc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Synthetic Genome Analysis.

Date: March 11, 2015.

Time: 2:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Richard Panniers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Chemo Dietary Prevention of Cancer.

Date: March 11, 2015.

Time: 2:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, (301) 806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Research Resource: Computational and Network Biology.

Date: March 11–13, 2015.

Time: 6:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriot La Jolla, 4240 La Jolla Village Drive, San Diego, CA 92037.

Contact Person: Ross D. Shonat, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6172, MSC 7892, Bethesda, MD 20892, 301–435–2786, *ross.shonat@nih.hhs.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: February 4, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–02593 Filed 2–9–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Announcement of Modification of ACE Cargo Release Test To Permit the Combined Filing of Cargo Release and Importer Security Filing (ISF) Data

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document announces U.S. Customs and Border Protection's (CBP's) plan to modify the National Customs Automation Program (NCAP) test concerning Cargo Release in the Automated Commercial Environment (ACE) by modifying the name of one data element and allowing certain authorized importers and licensed customs brokers to submit the ACE Cargo Release entry and the Importer Security Filing (ISF) in a combined transmission to CBP.

DATES: The ACE Cargo Release Test modifications set forth in this document are effective on February 10, 2015. The ACE Cargo Release Test will run until approximately November 1, 2015.

ADDRESSES: Comments or questions concerning this notice and indication of interest in participation in ACE Cargo Release Test should be submitted, via email, to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov.* In the subject line of your email, please use, ''Comment on Combined ACE Cargo Release and ISF Filing.'' The body of the email should identify the ports where filings are likely to occur.

FOR FURTHER INFORMATION CONTACT: For policy questions related to ACE, contact Stephen Hilsen, Director, Business Transformation, ACE Business Office, Office of International Trade, at *stephen.r.hilsen@cbp.dhs.gov.* For policy questions related to ISF, contact Craig Clark, Program Manager, Cargo and Conveyance Security, Office of Field Operations, at *craig.clark@cbp.dhs.gov.* For technical questions, contact Steven Zaccaro, Client Representative Branch, ACE Business Office, Office of International Trade, at *steven.j.zaccaro@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. The National Customs Automation Program

The National Customs Automation Program (NCAP) was established by Subtitle B of Title VI—Customs Modernization in the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057, 2170, December 8, 1993) (Customs Modernization Act). *See* 19 U.S.C. 1411. Through NCAP, the initial thrust of customs modernization was on trade compliance and the development of the Automated Commercial Environment (ACE), the planned successor to the Automated Commercial System (ACS). ACE is an automated and electronic system for commercial trade processing which is intended to streamline business processes, facilitate growth in trade, ensure cargo security, and foster participation in global commerce, while ensuring compliance with U.S. laws and regulations and reducing costs for U.S. Customs and Border Protection (CBP)

and all of its communities of interest. The ability to meet these objectives depends on successfully modernizing CBP's business functions and the information technology that supports those functions. CBP's modernization efforts are accomplished through phased releases of ACE component functionality designed to replace specific legacy ACS functions. Each release will begin with a test and, if the test is successful, will end with implementation of the functionality through the promulgation of regulations governing the new ACE feature and the retirement of the legacy ACS function.

For the convenience of the public, a chronological listing of **Federal Register** publications detailing ACE test developments is set forth below in *Section VII,* entitled, ''*Development of ACE Prototypes.''* The procedures and criteria applicable to participation in the ACE Cargo Release test and prior ACE tests remain in effect unless otherwise explicitly changed by this notice.

B. ACE Cargo Release Test

On November 9, 2011, CBP published in the **Federal Register** (76 FR 69755) a notice announcing an NCAP test concerning ACE Simplified Entry to simplify the entry process by reducing the number of data elements required to obtain release for cargo imported by air. In a general notice titled ''Modification of National Customs Automation Program Test Concerning Automated Commercial Environment (ACE) Cargo Release'' published in the **Federal Register** (78 FR 66039) on November 4, 2013, CBP modified the ACE Simplified Entry Test and renamed it the ACE Cargo Release Test. The ACE Cargo Release Test provided more capabilities to test participants and expanded eligibility by eliminating the Customs-Trade Partnership Against Terrorism (C–TPAT) status requirement for importer self-filers and customs brokers. On February 3, 2014, CBP published a notice in the **Federal Register** (79 FR 6210) announcing modification of the ACE Cargo Release Test to include the ocean and rail modes of transportation.

C. Importer Security Filing

On November 25, 2008, pursuant to section 343(a) of the Trade Act of 2002 and section 203 of the Security and Accountability for Every (SAFE) Port Act of 2006, CBP published an interim final rule titled Importer Security Filing and Additional Carrier Requirements in the **Federal Register** (73 FR 71730). That interim final rule required importers and carriers to submit certain information pertaining to maritime cargo prior to loading on vessels at foreign seaports by means of a CBP-approved electronic data interchange (EDI) system. On March 29, 2012, CBP published a notice in the **Federal Register** (77 FR 19030) announcing that, as of September 29, 2012, ACE is the only CBP-approved EDI for carriers to transmit required advance ocean cargo information, including ISF data.

The interim final rule, which is commonly known as the ''Importer Security Filing'' (ISF) or ''10 + 2'' rule, generally requires the ISF Importer to transmit certain cargo information consisting of 10 data elements for security purposes to CBP at least 24 hours before goods are loaded onto an ocean vessel destined for the United States. The ISF Importer is also required to transmit information regarding the container stuffing location and consolidator (stuffer) to CBP no later than 24 hours prior to arrival in a U.S. port or upon lading at a foreign port that is less than a 24 hour voyage to the closest U.S. port. *See* 19 CFR 149.2 and 149.3. Section 149.6 allows ISF data to be filed via the same electronic transmission as entry or entry/entry summary documentation pursuant to 19 CFR 142.3. CBP currently accepts this combined transmission through ACS. Now, as explained in Section III.B. below, ACE, under the ACE Cargo Release Test, has this functionality. Accordingly, in this notice, CBP announces it will be testing the filing of the combined transmission under ACE for filers participating in the ACE Cargo Release test. Until this functionality is generally available, anyone wishing to file a combined transmission who is not a participant in the ACE Cargo Release test should continue to use ACS to make that transmission. Although the interim final rule also requires the incoming carrier to provide additional information in advance as provided in 19 CFR 4.7a, these additional information requirements for carriers are not relevant to the ACE Cargo Release Test.

The ISF Importer is defined in 19 CFR 149.1 as the party causing goods to arrive within the limits of a U.S. port by vessel. Section 149.1 further provides that except for certain types of shipments not relevant to the ACE Cargo Release Test, the ISF Importer will be the goods' owner, purchaser, consignee, or agent such as a licensed customs broker.

II. Authorization for Modification of the ACE Cargo Release Test

The Customs Modernization Act provides the Commissioner of CBP with authority to conduct limited test programs or procedures designed to evaluate planned components of the NCAP. The ACE Cargo Release Test, as modified in this notice, is authorized pursuant to § 101.9(b) of title 19 of the Code of Federal Regulations (19 CFR 101.9(b)), which provides for the testing of NCAP programs or procedures. *See* Treasury Decision (T.D.) 95–21.

III. Modifications of ACE Cargo Release Test

A. Modification of One of the ACE Cargo Release Data Elements

CBP is modifying one of the data elements required under the ACE Cargo Release Test. CBP is renaming the data element ''Buyer Employer Identification Number (consignee number)'' to ''Consignee Number.'' *See* data element 3 highlighted below. The definition of ''Consignee Number'' is specified in 19 CFR 149.3. This is the same definition that applied previously.

The ACE Cargo Release data elements, as modified by this general notice, are:

(1) Importer of Record Number.
(2) Buyer name and address.
(3) Consignee Number.
(4) Seller name and address.
(5) Manufacturer/supplier name and address.
(6) HTS 10-digit number.
(7) Country of origin.
(8) Bill of lading.
(9) Bill of lading issuer code.
(10) Entry number.
(11) Entry type.
(12) Estimated shipment value.
(13) Bill Quantity (The quantity of shipping units shown in the bill of lading. If the bill of lading quantity is specified in the entry, it becomes the entered and released quantity for that bill. If the bill quantity is not specified, full bill quantity will be entered and released for that bill).

Data element (1) and data elements (6) through (12) are defined in the same manner as when they are used for entry filing. Data elements (2) through (5) are defined in accordance with the provisions of 19 CFR 149.3.

B. Modification of ACE Cargo Release Test To Permit the Combined Submission of ACE Cargo Release and ISF Data

CBP is also modifying the ACE Cargo Release Test to permit the transmission of ACE Cargo Release and ISF data in a combined submission when certain requirements are met. In order to participate in the ACE Cargo Release Test and submit ACE entry and ISF data in a combined submission, filers must meet certain eligibility, data, timeliness, and other requirements.

1. *Eligibility for combined filing:* In order to file a combined submission the

filer must meet the definition of an ISF Importer as defined in § 149.1 and be either a: (1) Self-filing importer who has the ability to file ACE Entry Summaries certified for cargo release or a broker who has the ability to file ACE Entry Summaries certified for cargo release; or (2) self-filing importer or broker who has stated his or her intent to file entry summaries in ACE in its request to participate in the test. Parties seeking to participate in this test must use a software package that has completed ABI certification testing for ACE and offers the ACE Cargo Release message set prior to transmitting data under the test. *See* the General Notice of August 26, 2008 (73 FR 50337) for a complete discussion on the procedures for obtaining an ACE Portal Account. Importers not self-filing must ensure their broker has the capability to file entry summaries in ACE. Although the ACE Cargo Release Test is open to all importers and customs brokers filing ACE Entry Summaries for cargo transported in the air, ocean and rail modes, the ISF is required only for cargo transported by vessel in the ocean mode of transportation. Therefore, the combined submission is available only for cargo transported by vessel. Entries requiring Partner Government Agency (PGA) information and certification from entry summary are not available for a combined filing at this time.

2. *Procedures for combined filing:* Any party seeking to file a combined submission that is not already a participant in the ACE Cargo Release Test must request to participate in the test and provide their filer code to CBP and identify the port(s) at which they are interested in filing their combined ACE Cargo Release and ISF data. For a description of the application process and selection criteria for the ACE Cargo Release Test see the instruction published in the general notice titled ''Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Ocean and Rail Carriers,'' 79 FR 6210 (February 3, 2014). A party that is currently participating in the ACE Cargo Release Test may file a combined submission after notifying their ACE account representative.

3. *Additional data elements required for combined filing:* To submit a combined filing, importers and customs brokers need to transmit the following data elements: (1) The ACE Cargo Release data elements, as described and modified in Section III. A and (2) the three data elements listed below, as defined in 19 CFR 149.3. The three additional data elements are:

(1) Ship to party.
(2) Container stuffing location.
(3) Consolidator (stuffer).

4. *Timeframe for the combined filing:* Because the applicable timeframes for submitting ISF data as set forth in 19 CFR part 149 are earlier than the required timeframe for submitting ACE Cargo Release data, test participants must transmit all of the required information within the applicable timeframes specified in 19 CFR part 149. With certain exceptions, the ISF Importer must transmit the ISF data no later than 24 hours before the cargo is laden aboard the vessel at the foreign port. *See* 19 CFR 149.2 and 149.3.

5. *Other requirements:* The submission of a combined filing does not relieve the ISF Importer of any of its other obligations under 19 CFR part 149. With regard to the submission of ISF data, test participants should be aware that they will not be able to utilize the ISF flexible filing provisions in 19 CFR 149.2(f) (which permits the ISF Importer to submit an initial response for four of the data elements based on the best available data available and to update the information as soon as more precise or more accurate information is available) if they submit a combined filing. This limitation is necessary because the Cargo Release information will be used by CBP to make determinations regarding the admissibility of imported merchandise.

Upon receipt of the ACE Cargo Release data and the three additional ISF data elements, CBP will process the submission and separately transmit the ISF filing response and cargo release decision to the filer. As provided in 19 CFR 141.68(e), the merchandise will not be considered to be entered until the merchandise has arrived in the port with the intent to unlade.

6. *Test duration:* The ACE Cargo Release Test, as modified, will run until approximately November 1, 2015.

IV. Misconduct Under the Test

The terms for misconduct under the ACE Cargo Release Test set forth in 78 FR 66039 (November 4, 2013) continue to apply.

V. Previous Notices

All requirements and aspects of the ACE test discussed in previous notices are hereby incorporated by reference into this notice and continue to be applicable, unless changed by this notice.

VI. Paperwork Reduction Act

The collection of information for the ACE Cargo Release Test and ISF have been approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507). The OMB information collection number for the ACE Cargo Release Test is 1651–0024 and the OMB information collection number for ISF is 1651–0001. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

VII. Development of ACE Prototypes

A chronological listing of **Federal Register** publications detailing ACE test developments is set forth below.

- ACE Portal Accounts and Subsequent Revision Notices: 67 FR 21800 (May 1, 2002); 70 FR 5199 (February 1, 2005); 69 FR 5360 and 69 FR 5362 (February 4, 2004); 69 FR 54302 (September 8, 2004).
- ACE System of Records Notice: 71 FR 3109 (January 19, 2006).
- Terms/Conditions for Access to the ACE Portal and Subsequent Revisions: 72 FR 27632 (May 16, 2007); 73 FR 38464 (July 7, 2008).
- ACE Non-Portal Accounts and Related Notice: 70 FR 61466 (October 24, 2005); 71 FR 15756 (March 29, 2006).
- ACE Entry Summary, Accounts and Revenue (ESAR I) Capabilities: 72 FR 59105 (October 18, 2007).
- ACE Entry Summary, Accounts and Revenue (ESAR II) Capabilities: 73 FR 50337 (August 26, 2008); 74 FR 9826 (March 6, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR III) Capabilities: 74 FR 69129 (December 30, 2009).
- ACE Entry Summary, Accounts and Revenue (ESAR IV) Capabilities: 76 FR 37136 (June 24, 2011).
- Post-Entry Amendment (PEA) Processing Test: 76 FR 37136 (June 24, 2011).
- ACE Announcement of a New Start Date for the National Customs Automation Program Test of Automated Manifest Capabilities for Ocean and Rail Carriers: 76 FR 42721 (July 19, 2011).
- ACE Simplified Entry: 76 FR 69755 (November 9, 2011).
- National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS): 77 FR 20835 (April 6, 2012).
- National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Simplified Entry: Modification of Participant Selection Criteria and Application Process: 77 FR 48527 (August 14, 2012).
- Modification of NCAP Test Regarding Reconciliation for Filing

Certain Post-Importation Preferential Tariff Treatment Claims under Certain FTAs: 78 FR 27984 (May 13, 2013).

- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE): 78 FR 44142 (July 23, 2013).
- Modification of Two National Customs Automation Program (NCAP) Tests Concerning Automated Commercial Environment (ACE) Document Image System (DIS) and Simplified Entry (SE); Correction: 78 FR 53466 (August 29, 2013).
- Modification of NCAP Test Concerning Automated Commercial Environment (ACE) Cargo Release (formerly known as Simplified Entry): 78 FR 66039 (November 4, 2013).
- Post-Summary Corrections to Entry Summaries Filed in ACE Pursuant to the ESAR IV Test: Modifications and Clarifications: 78 FR 69434 (November 19, 2013).
- National Customs Automation Program (NCAP) Test Concerning the Submission of Certain Data Required by the Environmental Protection Agency and the Food Safety and Inspection Service Using the Partner Government Agency Message Set Through the Automated Commercial Environment (ACE): 78 FR 75931 (December 13, 2013).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Ocean and Rail Carriers: 79 FR 6210 (February 3, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release To Allow Importers and Brokers To Certify From ACE Entry Summary: 79 FR 24744 (May 1, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment (ACE) Cargo Release for Truck Carriers: 79 FR 25142 (May 2, 2014).
- Modification of National Customs Automation Program (NCAP) Test Concerning Automated Commercial Environment Document Image System: 79 FR 36083 (June 25, 2014).

Dated: February 5, 2015.

Sandra L. Bell,

Acting Assistant Commissioner, Office of International Trade.

[FR Doc. 2015–02719 Filed 2–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R5–FHC–2015–N033; FF05F24400–FXFR13350500000]

Proposed Information Collection; Horseshoe Crab Tagging Program

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on May 31, 2015. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by April 13, 2015.

ADDRESSES: Send your comments on the IC to the Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or *hope_grey@fws.gov* (email). Please include ''1018–0127'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey at *hope_grey@fws.gov* (email) or 703–358–2482 (telephone).

SUPPLEMENTARY INFORMATION:

I. Abstract

Horseshoe crabs play a vital role commercially, biomedically, and ecologically along the Atlantic coast. Horseshoe crabs are commercially harvested and used as bait in eel and conch fisheries. Biomedical companies along the coast also collect and bleed horseshoe crabs at their facilities. Limulus Amoebocyte Lysate is derived from crab blood, which has no synthetic substitute, and is used by pharmaceutical companies to test sterility of products. Finally, migratory shorebirds also depend on the eggs of horseshoe crabs to refuel on their migrations from South America to the Arctic. One bird in particular, the red knot, feeds primarily on horseshoe crab eggs during its stopover. Effective January 12, 2015, this species was listed as threatened under the Endangered Species Act.

In 1998, the Atlantic States Marine Fisheries Commission (ASMFC), a management organization with representatives from each State on the Atlantic Coast, developed a horseshoe crab management plan. The ASMFC plan and its subsequent addenda established mandatory State-by-State harvest quotas, and created the 1,500-square-mile Carl N. Shuster, Jr., Horseshoe Crab Sanctuary off the mouth of Delaware Bay.

Restrictive measures have been taken in recent years, but populations are increasing slowly. Because horseshoe crabs do not breed until they are 9 years or older, it may take some time before the population measurably increases. Federal and State agencies, universities, and biomedical companies participate in a Horseshoe Crab Cooperative Tagging Program. The Maryland Fishery Resources Office, U.S. Fish and Wildlife Service, maintains the information that we collect under this program and uses it to evaluate migratory patterns, survival, and abundance of horseshoe crabs.

Agencies that tag and release the crabs complete FWS Form 3–2311 (Horseshoe Crab Tagging) and provide the Service with:

- Organization name.
- Contact person name.
- Tag number.
- Sex of crab.
- Prosomal width.
- Capture site, latitude, longitude, waterbody, State, and date.

Members of the public who recover tagged crabs provide the following information using FWS Form 3–2310 (Horseshoe Crab Recapture Report):

- Tag number.
- Whether or not tag was removed.
- Whether the tag was circular or square.
- Condition of crab.
- Date captured/found.
- Crab fate.
- Finder type.
- Capture method.
- Capture location.
- Reporter information.
- Comments.

If the public participant who reports the tagged crab requests information, we send data pertaining to the tagging program and tag and release information on the horseshoe crab that was found or captured.

I. Data

OMB Control Number: 1018–0127.

Title: Horseshoe Crab Tagging Program.

Service Form Number(s): 3–2310 and 3–2311.

Type of Request: Extension of currently approved collection.

Description of Respondents: Tagging agencies include Federal and State agencies, universities, and biomedical companies. Members of the general public provide recapture information.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion when horseshoe crabs are tagged and when horseshoe crabs are found or captured.

Activity	Number of annual respondents	Number of annual responses	Completion time per response	Annual burden hours
FWS Form 3–2310	1,160	2,750	5 minutes	229
FWS Form 3–2311	18	18	95 hours*	1,710
Totals	1,178	2,768		1,939

* Average time required per response is dependent on the number of tags applied by an agency in 1 year. Agencies tag between 25 and 9,000 horseshoe crabs annually, taking between 2 to 5 minutes per crab to tag, record, and report data. Each agency determines the number of tags it will apply.

Estimated Annual Nonhour Burden Cost: None.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 4, 2015.

Tina A. Campbell,

Chief, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service.

[FR Doc. 2015–02656 Filed 2–9–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2014–N249; FF09E15000–FXHC112509CBRA1–156]

John H. Chafee Coastal Barrier Resources System; Collier County, FL; Availability of Draft Maps and Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of three John H. Chafee Coastal Barrier Resources System (CBRS) draft revised maps for public review and comment. The draft maps, all dated November 10, 2014, are for three existing CBRS units and two proposed new CBRS units located in Collier County, Florida.

DATES: To ensure consideration, we must receive your written comments by March 27, 2015.

ADDRESSES: Mail or hand-deliver (during normal business hours) comments to Katie Niemi, Coastal Barriers Coordinator, Division of Budget and Technical Support, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: ES, Falls Church, VA 22041, or send comments by electronic mail (email) to *CBRAcomments@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Katie Niemi, Coastal Barriers Coordinator, (703) 358–2071 (telephone); or *CBRA@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

Coastal barriers are typically elongated, narrow landforms located at the interface of land and sea, and are inherently dynamic ecosystems. Coastal barriers provide important habitat for fish and wildlife, and serve as the mainland's first line of defense against the impacts of severe storms. With the passage of the Coastal Barrier Resources Act (CBRA) in 1982 (Pub. L. 97–348), Congress recognized that certain actions and programs of the Federal Government have historically subsidized and encouraged development on coastal barriers, where severe storms are much more likely to occur, and the result has been the loss of natural resources; threats to human life, health, and property; and the expenditure of millions of tax dollars each year.

The CBRA established the CBRS, which comprised 186 geographic units encompassing approximately 453,000 acres of undeveloped lands and associated aquatic habitat along the Atlantic and Gulf of Mexico coasts. The CBRS was expanded by the Coastal Barrier Improvement Act of 1990 (Pub. L. 101–591) to include additional areas along the Atlantic and Gulf of Mexico coasts, as well as areas along the coasts of the Great Lakes, the U.S. Virgin Islands, and Puerto Rico. The CBRS now comprises a total of 856 geographic units, encompassing approximately 3.2 million acres of relatively undeveloped coastal barrier lands and associated aquatic habitat. These areas are depicted on a series of maps entitled ''John H. Chafee Coastal Barrier Resources System.''

Most new Federal expenditures and financial assistance that would have the effect of encouraging development are prohibited within the CBRS. However, development can still occur within the CBRS, provided that private developers or other non-Federal parties bear the full cost, rather than the American taxpayers.

The CBRS includes two types of units, System units and Otherwise Protected Areas (OPAs). System units generally comprise private lands that were relatively undeveloped at the time of their designation within the CBRS. Most

new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System units. OPAs generally comprise lands established under Federal, State, or local law or held by a qualified organization primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. OPAs are denoted with a ''P'' at the end of the unit number. The only Federal spending prohibition within OPAs is the prohibition on Federal flood insurance.

The Secretary of the Interior (Secretary), through the Service, is responsible for administering the CBRA, which includes maintaining the official maps of the CBRS, consulting with Federal agencies that propose to spend funds within the CBRS, preparing updated maps of the CBRS, and making recommendations to Congress regarding proposed changes to the CBRS. Aside from three minor exceptions, only Congress—through new legislation—can modify the maps of the CBRS to add or remove land. These exceptions, which allow the Secretary to make limited modifications to the CBRS (16 U.S.C. 3503(c)–(e)), are for: (1) Changes that have occurred to the CBRS as a result of natural forces, (2) voluntary additions to the CBRS by property owners, and (3) additions of excess Federal property to the CBRS.

Comprehensive Remapping Approach

When the Service is asked to determine whether a proposed change to remove land from the CBRS constitutes an appropriate technical correction, we consider whether the original intent of the boundaries is reflected on the maps (*i.e.,* whether the lines on the maps appropriately follow the features they were intended to follow on the ground). We also consider the level of development that was on the ground when the area was originally included in the CBRS by Congress. The CBRA requires that we consider the following criteria when assessing the development status of a CBRS unit: (1) The density of development on an undeveloped coastal barrier is less than one structure per 5 acres of land above mean high tide; and (2) an undeveloped coastal barrier does not contain a full complement of infrastructure, which would include a road, fresh water supply, wastewater disposal system, and electric service for each lot or building site. These criteria were originally published in a notice in the **Federal Register** by the Department of the Interior in 1982 and were later codified by Congress in the 2000 reauthorization of the CBRA (section 2 of Pub. L. 106–514).

The Service does not support removing land from the CBRS, unless there is compelling evidence that a mapping error was made. In cases where mapping errors are found, the Service supports changes to the maps and works with Congress and other interested parties to create comprehensively revised maps using modern digital technology.

When the Service finds a technical mapping error that warrants a change in one part of a CBRS map, we review all adjacent areas to ensure that the entire map is accurate. The Service strongly believes that instead of pursuing targeted changes to CBRS maps, Congress should enact comprehensively revised CBRS maps. This comprehensive approach to map revisions treats equitably all landowners who may be affected. It is also more efficient and cost effective in the long run because it ensures that all legitimate errors are corrected and any new areas appropriate for inclusion within the CBRS are identified (per a directive in section 4 of Pub. L. 109–226) at the same time, so that the Service and Congress will not have to revisit the same map in the future.

Proposed Changes to the CBRS in Florida

The Service has prepared comprehensively revised draft maps for Cape Romano Unit P15, Keewaydin Island Unit P16, and Tigertail Unit FL–63P, all of which are dated November 10, 2014. The draft maps also include two proposed new OPAs, Cape Romano Unit P15P and Keewaydin Island Unit P16P, which are within the vicinity of the existing units and contain undeveloped coastal barrier lands and associated aquatic habitat. The draft maps for Units P15/P15P, P16/P16P, and FL–63P remove approximately 99 acres from the CBRS (73 acres of uplands and 26 acres of associated aquatic habitat) and add approximately 17,143 acres to the CBRS (442 acres of uplands and 16,701 acres of associated aquatic habitat). The draft maps remove areas that were inappropriately included within the CBRS in the past and add areas that meet the CBRA criteria for inclusion within the CBRS. The draft maps also reclassify certain areas from System unit to OPA, and vice versa, in accordance with the Service's standard CBRS remapping protocols and with consideration given to input provided by landowners.

The proposed boundary of Unit P15 does not remove any areas from the CBRS. The proposed boundary of the unit is modified to add to the CBRS areas that meet the CBRA criteria for an undeveloped coastal barrier, including areas owned by the Service that are part of the Ten Thousand Islands National Wildlife Refuge; areas owned by the State of Florida (State) that are part of the Cape Romano—Ten Thousand Islands Aquatic Preserve, Rookery Bay Aquatic Preserve (RBAP), and Rookery Bay National Estuarine Research Reserve (RBNERR); and some privately owned areas on the southeastern side of Horrs Island and along Barfield Bay. The proposed boundary of the unit does not include within the CBRS portions of Horrs Island (also known as Key Marco), where the existing level of development exceeds the development threshold codified by the Coastal Barrier Resources Reauthorization Act of 2000 (section 2 of Pub. L. 106–514).

The proposed boundary of Unit P16 is modified to remove from the CBRS the Royal Marco Point, La Peninsula, and Twin Dolphins condominium complexes, and a few private homes on the Isles of Capri. The proposed boundary of the unit is also modified to add to the CBRS areas that meet the CBRA criteria for an undeveloped coastal barrier, including areas owned by the National Audubon Society, areas owned by the State that are part of RBAP and RBNERR, submerged areas in Tarpon Bay owned by Collier County, and some privately owned areas (including a mangrove island, portions of the ''Isles of Collier Preserve'' Planned Unit Development, and areas owned by the Hideaway Beach Association). Portions of Sand Dollar Island that are owned by the State and are currently within Unit FL–63P are proposed for reclassification to Unit P16. The Service's review found no documentation indicating that this area is held for conservation or recreation (in accordance with the CBRA definition of an OPA); however, it does meet the criteria for a System Unit. There is also a portion of Sand Dollar Island that is proposed for addition to Unit P16; this portion is currently located outside of the CBRS between Unit FL–63P and Unit P16.

The proposed boundary of Unit FL–63P is modified to remove from the CBRS several structures in the South Seas Club community and more precisely follow the boundary of Tigertail Beach Park, which is owned by Collier County. Portions of Sand Dollar Island that are owned by the State and are currently within Unit FL–63P are proposed for reclassification to Unit P16.

The proposed boundary of Unit P15P includes within the CBRS areas owned

by the State that are part of the RBNERR, minor portions of the RBAP owned by the State, and areas owned by the Key Marco Community Association that are subject to a conservation easement. There are no known private inholdings within the proposed boundaries of Unit P15P.

The proposed boundary of Unit P16P includes within the CBRS areas owned by the State that are part of the RBNERR; minor portions of the RBAP owned by the State; areas owned by the City of Naples that are subject to a conservation easement; the Shell Island Preserve, and other conservation areas in Tarpon Bay that are owned by Collier County; and a private inholding at the northern end of Henderson Creek that is completely surrounded by the RBNERR.

Proposed Additions to the CBRS

The draft maps for Units P15/P15P, P16/P16P, and FL–63P propose additions to the CBRS that are consistent with a directive in section 4 of Public Law 109–226 concerning recommendations for expansion of the CBRS. The proposed boundaries depicted on the draft maps for Florida are based upon the best data available to the Service at the time the draft maps were created. Our assessment indicated that any new areas proposed for addition to the CBRS were relatively undeveloped at the time the draft maps were created.

Section 2 of Public Law 106–514 codified the following guidelines for what the Secretary shall consider when making recommendations to the Congress regarding the addition of any area to the CBRS and in determining whether, at the time of inclusion of a System unit within the CBRS, a coastal barrier is undeveloped: (1) The density of development is less than one structure per 5 acres of land above mean high tide; and (2) there is existing infrastructure consisting of a road, with a reinforced road bed, to each lot or building site in the area; a wastewater disposal system sufficient to serve each lot or building site in the area; electric service for each lot or building site in the area; and a fresh water supply for each lot or building site in the area.

If, upon review of the draft maps for Florida, interested parties find that any areas proposed for addition to the CBRS currently exceed the development threshold established by section 2 of Public Law 106–514, they may submit supporting documentation of such development to the Service during this public comment period. For any areas proposed for addition to the CBRS on the draft maps, we will consider the density of development and level of infrastructure on the ground as of the close of the comment period on the date listed in the **DATES** section.

Request for Comments

Section 4 of Public Law 109–226 requires the Secretary to provide an opportunity for the submission of public comments. We invite the public to review and comment on the draft maps dated November 10, 2014 for CBRS Units P15/P15P, P16/P16P, and FL–63P. The Service is specifically notifying the following stakeholders concerning the availability of the draft revised maps: The Chair and Ranking Member of the House of Representatives Committee on Natural Resources; the Chair and Ranking Member of the Senate Committee on Environment and Public Works; the members of the Senate and House of Representatives for the potentially affected areas; the Governor of Florida; other Federal, State, and local officials; and nongovernmental organizations.

Interested parties may submit written comments and accompanying data to the individual and location identified in the **ADDRESSES** section. The Service will also accept digital Geographic Information System (GIS) data files that are accompanied by written comments. Comments regarding specific units should reference the appropriate CBRS unit number and unit name. We must receive comments on or before the date listed in the **DATES** section.

Following the close of the comment period on the date listed in the **DATES** section, we will review all comments received on the draft maps and we will make adjustments to the draft maps, as appropriate, based on information received through public comments, updated aerial imagery, CBRA criteria, and objective mapping protocols. We will then prepare final recommended maps to be submitted to Congress. The final recommended maps will become effective only if they are enacted by Congress through legislation.

Availability of Draft Maps and Related Information

The draft maps, unit summaries (containing historical and more detailed information regarding proposed changes to the units), and digital boundary data can be accessed and downloaded from the Service's Web site: *http://www.fws.gov/CBRA.* The digital boundary data are available for reference purposes only. The digital boundaries are best viewed using the base imagery to which the boundaries were drawn; this information is printed in the title block of the draft maps. The Service is not responsible for any misuse or misinterpretation of the digital boundary data.

Interested parties may also contact the Service individual identified in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements to view the draft maps at the Service's Headquarters Office. Interested parties who are unable to access the draft maps via the Service's Web site or at the Service's Headquarters Office may contact the Service individual identified in the **FOR FURTHER INFORMATION CONTACT** section, and reasonable accommodations will be made to ensure the individual's ability to view the draft maps.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 27, 2015.

Gary Frazer,

Assistant Director for Ecological Services.

[FR Doc. 2015–02655 Filed 2–9–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOF00000 L19900000.PO0000]

Notice of Public Meetings, Rio Grande Natural Area Commission Meetings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meetings.

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) Rio Grande Natural Area Commission will meet as indicated below.

DATES: The Rio Grande Natural Area Commission scheduled its 2015 meetings for March 9, June 17, September 16 and December 9. Each meeting will begin at 10 a.m. and adjourn at approximately 3:30 p.m., with public comment periods regarding matters on the agenda at 10:15 a.m. Agendas will be available before the meeting at *http://www.blm.gov/co/st/en/fo/slvfo/rio_grande_natural/rgna_commission_meeting.html.*

ADDRESSES: Rio Grande Water Conservation District Offices, 10900 East U.S. Highway 160, Alamosa, CO 81101.

FOR FURTHER INFORMATION CONTACT: Kyle Sullivan, Public Affairs Specialist, Royal Gorge Field Office, 3028 E. Main Street, Cañon City, CO; (719)–269–8553. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Rio Grande Natural Area Commission was established in the Rio Grande Natural Area Act (16 U.S.C. 460rrr–2). The nine-member Commission advises the Secretary of the Interior, through the BLM, concerning the preparation and implementation of a management plan for non-Federal land in the Rio Grande Natural Area, as directed by law. Planned agenda topics for the meetings include finalizing the draft management plan, conducting public outreach for the plan, and discussing property boundaries with the Rio Grande Natural Area. The public may offer oral comments at 10:15 a.m. or written statements, which may be submitted for the Commission's consideration. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Summary minutes for the Commission meeting will be maintained in the San Luis Valley Field Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting. Meeting minutes and agendas are also available at: *www.blm.gov/co/st/en/fo/slvfo.html.*

Ruth Welch,

BLM Colorado State Director.

[FR Doc. 2015–02664 Filed 2–9–15; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0019; DS63610000 DR2PS0000.CH7000 156D0102R2]

Agency Information Collection Activities: Accounts Receivable Confirmations—OMB Control Number 1012–0001; 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 under the Chief Financial Officers Act of 1990 (CFO).

DATES: Submit written comments on or before April 13, 2015.

ADDRESSES: You may submit comments on this ICR to ONRR by using one of the following three methods (please reference ''ICR 1012–0001'' in your comments):

1. Electronically go to *http://www.regulations.gov.* In the entry titled ''Enter Keyword or ID,'' enter ''ONRR–2011–0019'' and then click ''Search.'' Follow the instructions to submit public comments. ONRR will post all 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. Hans Meingast, Financial Management, MRM, ONRR, telephone (303) 231–3382 or email at *hans.meingast@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:

I. Abstract

The Secretary of the United States Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands and the Outer-Continental Shelf (OCS). The Secretary's responsibility, under various laws, is 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 under those laws. ONRR performs the royalty management functions for the Secretary.

We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

Minerals produced from Federal and Indian leases vary greatly in the nature of occurrence, production, and processing methods. 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 such minerals. The information we collect includes data necessary to ensure that lessees accurately value production and appropriately pay royalties.

Companies submit financial information monthly to ONRR on Forms ONRR–2014, Report of Sales and Royalty Remittance (OMB Control Number 1012–0004), and ONRR–4430, Solid Minerals Production and Royalty Report (OMB Control Number 1012–0010).

Every year, under the Chief Financial Officer (CFO), the Department's Office of Inspector General, or its agent (agent), audits the Department's financial statements. The Department's goal is to receive an unqualified opinion. Accounts receivable confirmations are a common practice in the audit business. Due to continuously increasing scrutiny on financial audits, third-party confirmation of the validity of ONRR's financial records is necessary.

As part of the CFO audit, the agent selects a sample of accounts receivable items and provides the sample items to ONRR. ONRR then identifies the company names and addresses for the sample items selected, and creates accounts receivable confirmation letters. In order to meet the CFO requirements, the letters must be on ONRR letterhead; and the Deputy Director for ONRR, or his or her designee, must sign the letters. The letter requests third-party confirmation responses by a specified date on whether or not ONRR's accounts receivable records agree with royalty payor records for the following items: customer identification; royalty/invoice number; payor-assigned document number; date of ONRR receipt; original amount the payor reported; and remaining balance due ONRR. The agent mails the letters to the payors,

instructing them to respond directly to the agent to confirm the accuracy and validity of selected royalty receivable items and amounts. Verifying the amounts reported and the balances due requires research and analysis by payors.

We are requesting OMB's approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge the duties of the office. ONRR protects proprietary information that payors submit, and there are no questions of a sensitive nature included in this information collection.

II. Data

Title: Accounts Receivable Confirmations.

OMB Control Number: 1012–0001.

Bureau Form Number: None.

Frequency: Annually.

Estimated Number and Description of Respondents: 24 randomly selected Federal and Indian oil and gas and solid mineral royalty payors.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 6 hours. We estimate that each response will take 15 minutes for payors to complete.

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.

III. Request for Comments

Section 3506(c)(2)(A) of the PRA 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/ICR0162.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 your address, phone number, email address, or other personal information in your comment(s), you should be aware that your entire comment (including PII) may be made available to the public at any time. While you may ask us, in your comment, to withhold PII from public view, we cannot guarantee that we will be able to do so. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget control number.

Dated: February 2, 2015.

Gregory J. Gould,

Director, Office of Natural Resources Revenue.

[FR Doc. 2015–02638 Filed 2–9–15; 8:45 am]

BILLING CODE 4335–30–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–511 and 731–TA–1246–1247 (Final)]

Certain Crystalline Silicon Photovoltaic Products From China and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)) (''the Act''), that an industry in the United States is materially injured by reason of imports of certain crystalline silicon photovoltaic (''CSPV'') products from China and Taiwan, provided for in subheadings 8541.40.60 (statistical reporting numbers 8541.40.6020 and 8541.40.6030) of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (''LTFV''), and subsidized by the government of China.[2]

Background

The Commission instituted these investigations effective December 31, 2013, following receipt of petitions filed with the Commission and Commerce by SolarWorld America, Inc., Hillsboro, Oregon. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of CSPV products from China and Taiwan were dumped within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)) and were subsidized by the government of China within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 25, 2014 (79 FR

[1] The record is defined in section 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Vice Chairman Dean A. Pinkert and Commissioners Irving A. Williamson, David S. Johanson, and Rhonda K. Schmidtlein voted in the affirmative. Chairman Meredith M. Broadbent voted in the affirmative with respect to CSPV modules from China and Taiwan and in the negative with respect to CSPV cells from Taiwan (CSPV cells from China were not included in the scope of these investigations). Commissioner F. Scott Kieff did not participate in these investigations.

50696). The hearing was held in Washington, DC, on December 8, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determinations in these investigations on February 5, 2015. The views of the Commission are contained in USITC Publication 4519 (February 2015), entitled *Certain Crystalline Silicon Photovoltaic Products from China and Taiwan, Inv. Nos. 701–TA–511 and 731–TA–1246–1247 (Final).*

By order of the Commission.

Issued: February 5, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–02709 Filed 2–9–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0027]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Semi-Annual Progress Report for Grantees From the Engaging Men and Youth Program; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 13, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) Type of Information Collection: Extension of a currently approved collection.

(2) Title of the Form/Collection: Semi-Annual Progress Report for Grantees from the Engaging Men and Youth Program.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form Number: 1122–0027. U.S. Department of Justice, Office on Violence Against Women.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: The affected public includes the approximately 35 grantees of the Engaging Men and Youth Program. The grant program is designed to support projects fund projects that develop or enhance new or existing efforts to engage men and youth in preventing crimes of violence against women with the goal of developing mutually respectful, nonviolent relationships.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that it will take the approximately 35 respondents (grantees from the Engaging Men and Youth Program) approximately one hour to complete a semi-annual progress report.

The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage an Engaging Men and Youth.

(6) Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(7) An estimate of the total public burden (in hours) associated with the collection: The total annual hour burden to complete the data collection forms is 70 hours, that is 35 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: February 4, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–02589 Filed 2–9–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0026]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Semi-Annual Progress Report for the Court Training and Improvements Program Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day Notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 13, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for the Court Training and Improvements Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0026. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 23 grantees of the Court Training and Improvements Program. The grant program creates a unique opportunity for Federal, State, Territorial, and Tribal courts or court-based programs to significantly improve court responses to sexual assault, domestic violence, dating violence, and stalking cases utilizing proven specialized court processes to ensure victim safety and offender accountability. The program challenges courts and court-based programs to work with their communities to develop specialized practices and educational resources that will result in significantly improved responses to sexual assault, domestic violence, dating violence and stalking cases, ensure offender accountability, and promote informed judicial decision making.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 23 respondents (grantees from the Court Training and Improvements Program) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Court Training and Improvements Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 46 hours, that is 23 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: February 4, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–02588 Filed 2–9–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Public Meeting for the Draft Environmental Impact Statement for Proposed United States Penitentiary and Federal Prison Camp in Letcher County, Kentucky

AGENCY: Federal Bureau of Prisons, U.S. Department of Justice.

ACTION: Notice of public meeting.

SUMMARY: The U.S. Department of Justice, Federal Bureau of Prisons (Bureau) is announcing a public meeting for the Draft Environmental Impact Statement (EIS) for the Proposed United States Penitentiary (USP) and Federal Prison Camp (FPC) in Letcher County, Kentucky. A 45-day public comment period on the Draft EIS was initiated with the publication of the Notice of Availability (NOA) of the Draft EIS in the **Federal Register** on February 13, 2015. The 45-day public comment period is from February 13, 2015 through March 30, 2015.

This notice announces the date, time, and location of the public meeting for the Draft EIS and provides supplementary information about the environmental planning effort.

DATES AND ADDRESSES: A public meeting will be held on March 12, 2015 between 5:30 p.m. and 8:00 p.m. at the Letcher County Central High School located at 435 Cougar Drive, Whitesburg, Kentucky. Bureau representatives will be available at poster stations during the public meeting to clarify information related to the Draft EIS.

Federal, state, and local agencies and officials, and interested groups and individuals are encouraged to provide comments in person at the public meeting or in writing anytime during the public comment period. At the public meeting, attendees will be able to submit comments in writing and orally to a stenographer who will transcribe comments. All comments received during the public comment period will be given equal consideration. Comments may also be submitted to Mr. Thomas A. Webber, Chief, Capacity Planning and Construction Branch, Federal Bureau of Prisons, 320 First Street, NW., Washington, DC 20534 (Telephone: (202) 514–6470, Fax: (202) 616–6024, or Email: *txwebber@bop.gov*). All statements, both written and oral, submitted during the public comment period will become part of the public record on the Draft EIS and will be responded to in the Final EIS. All written comments must be postmarked by March 30, 2015 to ensure they become part of the official record.

SUPPLEMENTARY INFORMATION: The proposed action being evaluated in this Draft EIS is the acquisition of property and the construction and operation of a federal correctional facility in Letcher County, Kentucky. The Bureau proposes to acquire approximately 800 acres to construct a USP (approximately 61,654 square meters) and FPC (approximately 6,063 square meters) in Letcher County. Inmates housed in the USP would be high-security male inmates and those housed in the FPC would be minimum-security male inmates. The proposed facilities would house approximately 1,216 total inmates (approximately 1,088 within the USP and 128 within the FPC). In addition to the USP and FPC, several ancillary facilities necessary for the operation of the USP and FPC would be constructed. A non-lethal/lethal fence would also be installed along the perimeter of the USP. The non-lethal/lethal fence would be placed between two parallel, chain link and razor wire fences.

The official scoping period for this project began when the Bureau published a Notice of Intent in the **Federal Register** to prepare an EIS on July, 26, 2013. The Bureau held a 30-day public scoping period between July 26 and August 26, 2013. A public scoping meeting was held on August 13, 2013 to inform the public about the proposed project and to explain the National

Environmental Policy Act (NEPA) and the associated environmental impact analysis.

Three alternatives were analyzed in this Draft EIS, the No Action Alternative and two build alternatives: Alternative 1—Payne Gap and Alternative 2—Roxana.

No Action Alternative

Under the No Action Alternative, the Bureau would not acquire property or construct and operate a new USP or FPC. Existing USPs would remain overcrowded and prevent the Bureau from meeting its mission. The No Action Alternative does not meet the project purpose and need and is therefore, not considered a viable alternative. However, the No Action Alternative is analyzed in the Draft EIS because it serves as a baseline for comparing the proposed action. The purpose for this comparison is to allow the federal agency to assess the effects of taking no action versus implementing the proposed action. In some cases the no action alternative would result in impacts to certain resources if the proposed action is not implemented. Therefore, the assessment of the no action alternative is an important component of all NEPA documents.

Alternative 1—Payne Gap

Under Alternative 1, the Bureau would acquire approximately 753 acres of land known as the Payne Gap site. The site is located in eastern Letcher County, approximately 7 miles northeast of Whitesburg, along the Kentucky and Virginia border. The Bureau would then construct and operate a USP and FPC on this site.

Alternative 1 would require extensive earthwork to prepare the site for development. Approximately 10,912,130 cubic yards (yd^3) of excavation and 13,823,012 yd^3 of fill would be required prior to beginning construction activities. The Bureau would require a minimum of 300 acres for construction of the USP and FPC at this site.

Alternative 2—Roxana

Under Alternative 2, the Bureau would acquire approximately 700 acres of land known as the Roxana site. The site is located 7.5 miles west of Whitesburg, Kentucky. The Bureau would construct and operate a USP and FPC on this site.

Alternative 2 would also require extensive earthwork to prepare the site for development. Approximately 3,831,749 yd^3 of material would need to be excavated from the site and approximately 4,293,001 yd^3 of fill would be required to prepare the site for construction activities. The Bureau would require a minimum of 300 acres for construction of the USP and FPC at this site.

Alternative 1 and Alternative 2 would both have significant impacts to geology, topography, and soils, as well as infrastructure and utilities, and traffic and transportation. Implementation of the proposed action under either alternative would also have the potential to impact threatened and endangered species, including the gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalist*). Studies are ongoing to determine detailed impacts to winter and summer habitat. Coordination with the U.S. Fish and Wildlife Service is ongoing.

Dated: February 5, 2015.

Thomas A. Webber,

Chief, Capacity Planning and Construction Branch.

[FR Doc. 2015–02663 Filed 2–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Community Oriented Policing Services Public Meetings With Members of the Research Community, Subject-Matter Experts and the Public To Discuss Topics Relating to Policing; Correction

AGENCY: Community Oriented Policing Services, Justice.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Justice published a document in the **Federal Register** of January 29, 2015, concerning a public meeting notice to discuss topics relating to policing. The document contains an updated address for the meeting location.

FOR FURTHER INFORMATION CONTACT: Ronald L. Davis, 202–514–4229 or *PolicingTaskForce@usdoj.gov.*

Correction

In 80 FR 4947, published on January 29, 2015, correct the **ADDRESSES** caption to read:

ADDRESSES: The meeting location is the Executive Conference Center, Lecture Hall, Phoenix Convention Center, 100 N. 3rd Street, Phoenix, AZ 85004 (Second Level, Room 207). In order to be considered by the Task Force in advance of the meeting, comments relating to the topic areas of Community Policing & Crime Reduction and Training & Education should be emailed in Adobe Acrobat format to *Comment@taskforceonpolicing.us* by Friday, February 6, 2015. Written comments should be no more than five pages in length and no smaller than 12 point font. Citations should be put in an ''endnote'' format and do not count towards the page limit. Recommendations should be clearly identified in the text of the testimony. The public may also submit comments via U.S. Mail to: President's Task Force on Policing in the 21st Century, Office of Community Oriented Policing Services, U.S. Department of Justice, 145 N Street NE., 11th Floor, Washington, DC 20530.

Dated: February 4, 2015.

Melanca Clark,

Chief of Staff.

[FR Doc. 2015–02738 Filed 2–9–15; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Public Teleconference With the President's Task Force on 21st Century Policing Discussing Best Practices and Recommendations

AGENCY: Community Oriented Policing Services, Justice.

ACTION: Notice of meeting.

SUMMARY: On December 18, 2014, President Barack Obama signed an Executive Order titled ''Establishment of the President's Task Force on 21st Century Policing'' establishing the President's Task Force on 21st Century Policing (''Task Force''). The Task Force seeks to identify best practices and make recommendations to the President on how policing practices can promote effective crime reduction while building public trust and examine, among other issues, how to foster strong, collaborative relationships between local law enforcement and the communities they protect. This publication announces tentative public teleconferences.

The tentative meeting agenda is as follows:

Call to Order
Discussion of best practices and recommendations
Conclusion

DATES: The tentative teleconferences are:

1. Wednesday, February 25, 2015 from 8:00 a.m. to 5:00 p.m. Eastern Standard Time.

2. Thursday, February 26, 2015 from 8:00 a.m. to 5:00 p.m. Eastern Standard Time.

3. Friday, February 27, 2015 from 8:00 a.m. to 5:00 p.m. Eastern Standard Time.

For disability access please call 1–800–888–8888 (TTY users call via Relay).

ADDRESSES: The tentative meetings will be held by teleconference only. To access the conference line, please call 1–866–906–7447 and, when prompted, enter access code 8072024#.

FOR FURTHER INFORMATION CONTACT: Director, Ronald L. Davis, 202–514–4229 or *PolicingTaskForce@usdoj.gov.*

Address all comments concerning this notice to *PolicingTaskForce@usdoj.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing Addresses

The Task Force is interested in receiving written comments including proposed recommendations from individuals, groups, advocacy organizations, and professional communities. Additional information on how to provide your comments will be posted to *www.cops.usdoj.gov/PolicingTaskForce.*

Because the schedule is tentative, amendments to this notice will not be published in the **Federal Register**. However, changes to the schedule will be posted on the Task Force Web site located at *www.cops.usdoj.gov/PolicingTaskForce.*

Availability of Meeting Materials: The agenda and other materials in support of the teleconference will be available on the Task Force Web site at *www.cops.usdoj.gov/PolicingTaskForce* in advance of a confirmed teleconference.

Melanca Clark,

Chief of Staff.

[FR Doc. 2015–02733 Filed 2–9–15; 8:45 a.m.]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Sematech, Inc. d/b/a International Sematech

Notice is hereby given that, on January 6, 2015, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Sematech, Inc. d/b/a International Sematech (''SEMATECH'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Dianippon Screen Mfg. Co., Ltd., Sunnyvale, CA; Soitec, San Diego, CA; Applied Materials, Santa Clara, CA; Freescale Semiconductor, Austin, TX; and Winbond, San Jose, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and SEMATECH intends to file additional written notifications disclosing all changes in membership.

On April 22, 1988, SEMATECH filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on May 19, 1988 (53 FR 17987).

The last notification was filed with the Department on October 30, 2014. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on November 26, 2014 (79 FR 70555).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–02735 Filed 2–9–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (NIJ) Docket No. 1685]

Selection and Application Guide to Ballistic-Resistant Body Armor

AGENCY: National Institute of Justice, DOJ.

ACTION: Notice.

SUMMARY: The National Institute of Justice (NIJ) announces publication of *Selection and Application Guide to Ballistic-Resistant Body Armor for Law Enforcement, Corrections and Public Safety,* NIJ Selection and Application Guide-0101.06. The document can be found here: *https://www.ncjrs.gov/pdffiles1/nij/247281.pdf.* NIJ has developed this document to provide guidance concerning the selection, procurement, use, care and maintenance, and other considerations related to ballistic-resistant body armor. NIJ Guide-0101.06 is a companion document to NIJ Standard-0101.06, *Ballistic Resistance of Body Armor.*

The previous guide published by NIJ on body armor, NIJ Guide 100–01, *Selection and Application Guide to Personal Body Armor,* was released in 2001. NIJ Guide-0101.06 incorporates new knowledge about ballistic-resistant armor that has been gained in the intervening 13 years as the result of both NIJ-funded research and research funded by others. Whereas NIJ Guide 100–01 deals with both ballistic- and stab-resistant armor, NIJ Guide-0101.06 deals only with ballistic-resistant armor. It supersedes those portions of NIJ Guide 100–01 that deal with ballistic-resistant armor. It does not supersede those portions that deal with stab-resistant armor. A separate guide on stab-resistant armor will be published when NIJ Standard-0115.00, *Stab Resistance of Personal Body Armor,* is updated. For more information about NIJ standards, please visit *http://nij.gov/standards.*

FOR FURTHER INFORMATION CONTACT: Michael O'Shea, by telephone at (202) 305–7954 [**Note:** this is not a toll-free telephone number], or by email at *Michael.O'Shea@ojp.usdoj.gov.*

William Sabol,

Acting Director, National Institute of Justice.

[FR Doc. 2015–02640 Filed 2–9–15; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act; Native American Employment and Training Council

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended, and Section 166 (h)(4) of the Workforce Investment Act (WIA) [29 U.S.C. 2911(h)(4)], notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIA.

DATES: The meeting will begin at 9:00 a.m., (Pacific Standard Time) on Wednesday, February 25, 2015, and continue until 5:00 p.m. that day. The meeting will reconvene at 9:00 a.m., on Thursday, February 26, 2015, and adjourn at 5:00 p.m. that day. The period from 3:30 p.m. to 5:00 p.m. on February 25, 2015, will be reserved for participation and comment by members of the public.

ADDRESSES: The meeting will be held at the Rincon Tribal Hall on the Rincon Band of Luiseno Indians Reservation, 1 West Tribal Road, Valley Center, California 92082.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public.

Members of the public not present may submit a written statement on or before February 18, 2015, to be included in the record of the meeting. Statements are to be submitted to Athena R. Brown, Designated Federal Officer (DFO), U.S. Department of Labor, 200 Constitution Avenue NW., Room S–4209, Washington, DC 20210. Persons who need special accommodations should contact Craig Lewis at (202) 693–3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) U.S. Department of Labor, Employment and Training Administration Update and follow up on the Workforce Innovation and Opportunity Act of 2014 (WIOA) recommendations; (2) Performance Outcomes and Reporting; (3) Recommendations on WIOA regulations; (4) Training and Technical Assistance; (5) Council and Workgroup Updates and Recommendations; (6) New Business and Next Steps; and (7) Public Comment.

FOR FURTHER INFORMATION CONTACT: Athena R. Brown, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number (202) 693–3737 (VOICE) (this is not a toll-free number).

Portia Wu,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2015–02707 Filed 2–9–15; 8:45 am]

BILLING CODE 4501–FR–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of ''General Inquiries to State Agency Contacts.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before April 13, 2015.

ADDRESSES: Send comments to Erin Good, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE., Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Erin Good, BLS Clearance Officer, 202–691–7763 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Labor Statistics (BLS) awards funds to State agencies in the 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands, hereinafter referred to as the ''States'') in order to jointly conduct BLS/State Labor Market Information and Occupational Safety and Health Statistics cooperative statistical programs, which themselves have been approved by OMB separately, as follows:

Current Employment Statistics	1220–0011
Local Area Unemployment Statistics	1220–0017
Occupational Employment Statistics	1220–0042
Quarterly Census of Employment and Wages Report	1220–0012
Annual Refiling Survey	1220–0032
Labor Market Information Cooperative Agreement	1220–0079
Multiple Worksite Report	1220–0134
Annual Survey of Occupational Injuries and Illnesses	1220–0045
Census of Fatal Occupational Injuries	1220–0133
BLS/OSHS Federal State Cooperative Agreement	1220–0149

To ensure the timely flow of information and to be able to evaluate and improve the BLS/State cooperative programs' management and operations, it is necessary to conduct ongoing communications between the BLS and its State partners. Whether information requests deal with program deliverables, program enhancements, operations, or administrative issues, questions and dialogue are crucial to the successful implementation of these programs.

II. Current Action

Office of Management and Budget clearance is being sought for the General Inquiries to State Agency Contacts. Information collected under this clearance is used to support the administrative and programmatic needs of jointly conducted BLS/State Labor Market Information and Occupational Safety and Health Statistics cooperative statistical programs.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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 submissions of responses.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: General Inquiries to State Agency Contacts.

OMB Number: 1220–0168.

Affected Public: State, Local, or Tribal Government.

Total Respondents: 54.

Frequency: As needed.

Total Responses: 23,890.

Average Time per Response: 40 minutes.

Estimated Total Burden Hours: 15,927.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 4th day of February 2015.

Kimberley D. Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2015–02646 Filed 2–9–15; 8:45 am]

BILLING CODE 4510–24–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8584; NRC–2015–0025]

Kennecott Uranium Company; Kennecott Facility

AGENCY: Nuclear Regulatory Commission.

ACTION: License renewal application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application from Kennecott Uranium Company for renewal of Materials License No. SUA–1530, which authorizes the operation of a uranium milling facility in Sweetwater County, Wyoming (Kennecott Facility). If approved, the license renewal would allow the Kennecott Facility to be operated for an additional 10-year period through November 2024.

DATES: A request for a hearing or petition for leave to intervene must be filed by April 13, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0025 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0025. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that 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: James Webb, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–6252, email: *James.Webb@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

By letter dated July 24, 2014, Kennecott Uranium Company submitted an application to renew Materials License No. SUA–1530 for the Kennecott Facility in Sweetwater County, Wyoming (ADAMS Accession No. ML14251A113). This license was issued under Part 40 of Title 10 of the *Code of Federal Regulations* (CFR), ''Domestic licensing of source material,'' and allows Kennecott Uranium Company to operate a uranium recovery facility and possess certain uranium and uranium byproduct material generated from these operations. The license's current expiration date is November 10, 2014. However, in accordance with 10 CFR 40.42, the existing license will not expire during the pendency of the NRC staff's review of the renewal application. If granted, the license would be renewed for another 10 years, through November 2024.

An NRC administrative completeness review, dated November 25, 2014, found the application acceptable to begin a technical review (ADAMS Accession No. ML14314B032). Prior to approving the license renewal application, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report and an environmental assessment. The environmental assessment will be the subject of a subsequent notice in the **Federal Register**.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to the application to renew Materials License No. SUA–1530. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located in One White Flint North, Room O1–F21 (first floor), 11555 Rockville Pike, Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition. The Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth, with particularity, the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible

effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the renewal application under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, federally-recognized Indian tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by April 13, 2015. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section. A State, local governmental body, Federally-recognized Indian tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by April 13, 2015.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The

E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 22nd day of January 2015.

For the Nuclear Regulatory Commission.

Christepher McKenney,

Acting Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–02708 Filed 2–9–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Rules 8b–1 to 8b–33; SEC File No. 270–135, OMB Control No. 3235–0176.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rules 8b–1 to 8b–33 (17 CFR 270.8b–1 to 8b–33) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (''Investment Company Act'') set forth the procedures for preparing and filing a registration statement under the Investment Company Act. These procedures are intended to facilitate the registration process. These rules generally do not require respondents to report information.[1]

The Commission believes that it is appropriate to estimate the total respondent burden associated with preparing each registration statement form rather than attempt to isolate the impact of the procedural instructions under Section 8(b) of the Investment Company Act, which impose burdens only in the context of the preparation of the various registration statement forms. Accordingly, the Commission is not submitting a separate burden estimate for rules 8b–1 through 8b–33, but instead will include the burden for these rules in its estimates of burden for each of the registration forms under the Investment Company Act. The Commission is, however, submitting an hourly burden estimate of one hour for administrative purposes.

The collection of information under rules 8b–1 to 8b–33 is mandatory. The information provided under rules 8b–1 to 8b–33 is not kept confidential. 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.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi

[1] Although the rules under Section 8(b) of the Investment Company Act are generally procedural in nature, two of the rules require respondents to disclose some limited information. Rule 8b–3 (17 CFR 270.8b–3) provides that whenever a registration form requires the title of securities to be stated, the registrant must indicate the type and general character of the securities to be issued. Rule 8b–22 (17 CFR 270.8b–22) provides that if the existence of control is open to reasonable doubt, the registrant may disclaim the existence of control, but it must state the material facts pertinent to the possible existence of control. The information required by both of these rules is necessary to insure that investors have clear and complete information upon which to base an investment decision.

Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 4, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–02615 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form 10–Q; SEC File No. 270–051, OMB Control No. 3235–0064.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for approval of extensions on the following:

Form 10–Q (17 CFR 249.308a) is filed by issuers of securities to satisfy their quarterly reporting obligations pursuant to Sections 13 or 15(d) of the Exchange Act (''Exchange Act'') (15 U.S.C. 78m or 78o(d)). The information provided by Form 10–Q is intended to ensure the adequacy of information available to investors about an issuer. Form 10–Q takes approximately 187.43 hours per response to prepare and is filed by approximately 22,907 respondents. We estimated that 75% of the approximately 187.43 hours per response (140.57 hours) is prepared by the company for an annual reporting burden of 3,220,037 hours (140.57 hours per response × 22,907 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

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 control number.

Please direct your written comments to Pamela Dyson, Acting Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 4, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–02616 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 31446; 812–14234]

Exceed Advisory LLC and Exceed ETFs; Notice of Application

February 4, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

APPLICANTS: Exceed Advisory LLC (''Exceed'') and Exceed ETFs (the ''Trust'').

SUMMARY OF APPLICATION: Applicants request an order that permits: (a) Actively-managed series of certain open-end management investment companies to issue shares (''Shares'') redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days from the tender of Shares for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares.

FILING DATES: The application was filed on November 14, 2013.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 2, 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: Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Exceed and the Trust: Exceed Advisory LLC, 10 West 46th Street, #4A, New York, New York 10036.

FOR FURTHER INFORMATION CONTACT: Kieran G. Brown, Senior Counsel, at (202) 551–6773 or Daniele Marchesani, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is a statutory trust organized under the laws of Delaware and will register with the Commission as an open-end management investment company. Applicants currently intend that the initial series of the Trust that will rely on the order will be the Exceed Market Opportunity ETF (the ''Initial Fund''), which will seek to protect against a portion of market losses and to provide enhanced returns on market gains up to a maximum return at the end of a specified term. To achieve its investment objective, under normal market conditions, the Initial Fund will

primarily invest in U.S. dollar denominated fixed income securities, consisting of U.S. Treasuries, other U.S. government securities and investment grade corporate bonds, and purchases and sells exchange-traded options.

2. Exceed, a Delaware limited liability company that is registered with the Commission as an investment adviser under the Investment Adviser Act of 1940 (''Advisers Act''), will be the investment adviser to the Initial Fund. The Advisor (as defined below) may enter into sub-advisory agreements with investment advisers to act as sub-advisors with respect to the Funds (as defined below) (each a ''Sub-Advisor''). Applicants state that any Sub-Advisor will be registered, or not subject to registration, under the Advisers Act. A registered broker-dealer (''Broker'') under the Securities Exchange Act of 1934 (the ''Exchange Act''), will be selected and approved by the Board (as defined below) to act as the distributor and principal underwriter of the Funds (the ''Distributor'').

3. Applicants request that the order apply to the Initial Fund and any future series of the Trust or of any other open-end management companies that may utilize active management investment strategies (collectively, ''Future Funds''). Any Future Fund will (a) be advised by Exceed or an entity controlling, controlled by, or under common control with Exceed (Exceed and each such other entity and any successor thereto included in the term ''Advisor''),[1] and (b) comply with the terms and conditions of the application.[2] The Initial Fund and Future Funds together are the ''Funds''.[3] Each Fund will consist of a portfolio of securities (including fixed income securities and/or equity securities) and/or currencies traded in the U.S. and/or non-U.S. markets, and derivatives, other assets, and other investment positions (''Portfolio Instruments'').[4] Funds may invest in ''Depositary Receipts''.[5] Each Fund will operate as an actively managed exchange-traded fund (''ETF'').

4. Applicants request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) Any Fund that is currently or subsequently part of the same ''group of investment companies'' as the Initial Fund within the meaning of section 12(d)(1)(G)(ii) of the Act; (ii) any principal underwriter for the Fund; (iii) any Brokers selling Shares of a Fund to an Investing Fund (as defined below); and (iv) each management investment company or unit investment trust registered under the Act that is not part of the same ''group of investment companies'' as the Funds, and that enters into a FOF Participation Agreement (as defined below) with a Fund (such management investment companies, ''Investing Management Companies,'' such unit investment trusts, ''Investing Trusts,'' and Investing Management Companies and Investing Trusts together, ''Investing Funds''). Investing Funds do not include the Funds.[6]

5. Applicants anticipate that a Creation Unit will consist of at least 25,000 Shares. Applicants anticipate that the trading price of a Share will range from $10 to $100. All orders to purchase Creation Units must be placed with the Distributor by or through a party that has entered into a participant agreement with the Distributor and the transfer agent of the Fund (''Authorized Participant'') with respect to the creation and redemption of Creation Units. An Authorized Participant is either: (a) A Broker or other participant, in the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC''), a clearing agency registered with the Commission and affiliated with the Depository Trust Company (''DTC''), or (b) a participant in the DTC (''DTC Participant'').

6. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments (''Deposit Instruments''), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments (''Redemption Instruments'').[7] On any given Business Day,[8] the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or redemption, as the ''Creation Basket.'' In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),[9] except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots; [10] or (c) TBA Transactions,[11] short positions and other positions that cannot be transferred in kind [12] will be excluded from the Creation Basket.[13] If there is a

[1] For the purposes of the requested order, a ''successor'' is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

[2] Any Advisor to a Future Fund will be registered as an investment adviser under the Advisers Act. All entities that currently intend to rely on the order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application.

[3] Applicants further request that the order apply to any future Distributor of the Funds, which would be a Broker and would comply with the terms and conditions of the application. The Distributor of any Fund may be an affiliated person of the Advisor and/or Sub-Advisors.

[4] If a Fund invests in derivatives, then (a) the board of trustees (''Board'') of the Fund will periodically review and approve the Fund's use of derivatives and how the Advisor assesses and manages risk with respect to the Fund's use of derivatives and (b) the Fund's disclosure of its use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

[5] Depositary Receipts are typically issued by a financial institution, a ''depositary'', and evidence ownership in a security or pool of securities that have been deposited with the depositary. A Fund will not invest in any Depositary Receipts that the Advisor or Sub-Advisor deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants, any Future Fund, any Advisor or any Sub-Advisor will serve as the depositary bank for any Depositary Receipts held by a Fund.

[6] An Investing Fund may rely on the order only to invest in Funds and not in any other registered investment company.

[7] The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 (''Securities Act''). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

[8] Each Fund will sell and redeem Creation Units on any day the Fund is open, including as required by section 22(e) of the Act (each, a ''Business Day'').

[9] The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value (''NAV'') for that Business Day.

[10] A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

[11] A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

[12] This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

[13] Because these instruments will be excluded from the Creation Basket, their value will be

Continued

difference between NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the ''Cash Amount'').

7. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Cash Amount, as described above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC or DTC; or (ii) in the case of Funds holding non-U.S. investment (''Global Funds''), such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.[14]

8. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (''Stock Exchange''), on which Shares are listed, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Stock Exchange will disseminate every 15 seconds throughout the trading day an amount representing, on a per Share basis, the sum of the current value of the Portfolio Instruments that were publicly disclosed prior to the commencement of trading in Shares on the Stock Exchange.

9. A Fund may recoup the settlement costs charged by NSCC and DTC by imposing a transaction fee on investors purchasing or redeeming Creation Units (the ''Transaction Fee''). The Transaction Fee will be borne only by purchasers and redeemers of Creation Units and will be limited to amounts that have been determined appropriate by the Advisor to defray the transaction expenses that will be incurred by a Fund when an investor purchases or redeems Creation Units.[15] All orders to purchase Creation Units will be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit all purchase orders to the relevant Fund. The Distributor will be responsible for delivering a prospectus (''Prospectus'') to those persons purchasing Creation Units and for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

10. Shares will be listed and traded at negotiated prices on a Stock Exchange and traded in the secondary market. Applicants expect that Stock Exchange specialists or market makers (''Market Makers'') will be assigned to Shares. The price of Shares trading on the Stock Exchange will be based on a current bid/offer in the secondary market. Transactions involving the purchases and sales of Shares on the Stock Exchange will be subject to customary brokerage commissions and charges.

11. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Specialists or Market Makers, acting in their unique role to provide a fair and orderly secondary market for Shares, also may purchase Creation Units for use in their own market making activities.[16] Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.[17] Applicants expect that arbitrage opportunities created by the ability to continually purchase or redeem Creation Units at their NAV per Share should ensure that the Shares will not trade at a material discount or premium in relation to their NAV.

12. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant.

13. Neither the Trust nor any Fund will be marketed or otherwise held out as a ''mutual fund.'' Instead, each Fund will be marketed as an ''actively managed exchange-traded fund''. In any advertising material where features of obtaining, buying or selling Shares traded on the Stock Exchange are described, there will be an appropriate statement to the effect that Shares are not individually redeemable.

14. The Funds' Web site, which will be publicly available prior to the public offering of Shares, will include a Prospectus and additional quantitative information updated on a daily basis, including, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of the calculation of such NAV (''Bid/Ask Price''), and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV. On each Business Day, before commencement of trading in

reflected in the determination of the Cash Amount (defined below).

[14] A ''custom order'' is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).

[15] Where a Fund permits an in-kind purchaser to deposit cash in lieu of depositing one or more Deposit Instruments, the purchaser may be assessed a higher Transaction Fee to offset the cost to the Fund of buying those particular Deposit Instruments. In all cases, the Transaction Fee will be limited in accordance with the requirements of the Commission applicable to open-end management investment companies offering redeemable securities.

[16] If Shares are listed on The NASDAQ Stock Market LLC (''Nasdaq'') or a similar electronic Stock Exchange (including NYSE Arca), one or more member firms of that Stock Exchange will act as Market Maker and maintain a market for Shares trading on that Stock Exchange. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq, for example, stipulate that at least two Market Makers must be registered in Shares to maintain a listing. In addition, on Nasdaq and NYSE Arca, registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares as discussed below.

[17] Shares will be registered in book-entry form only. DTC or its nominee will be the record or registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Instruments held by the Fund (including any short positions held in securities (''Short Positions'')) that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[18]

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) of the Act for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

Sections 2(a)(32) and 5(a)(1) of the Act

3. Section 5(a)(1) of the Act defines an ''open-end company'' as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer. Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit each Fund to redeem Shares in Creation Units only. Applicants state that investors may purchase Shares in Creation Units from each Fund and redeem Creation Units from each Fund. Applicants further state that because the market price of Creation Units will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

Section 22(d) of the Act and Rule 22c–1 Under the Act

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c–1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c–1 under the Act. Applicants request an exemption under section 6(c) from these provisions.

5. Applicants assert that the concerns sought to be addressed by section 22(d) of the Act and rule 22c–1 under the Act with respect to pricing are equally satisfied by the proposed method of pricing Shares. Applicants maintain that while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c–1, appear to have been designed to (a) prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) prevent unjust discrimination or preferential treatment among buyers resulting from sales at different prices, and (c) assure an orderly distribution system of investment company shares by eliminating price competition from brokers offering shares at less than the published sales price and repurchasing shares at more than the published redemption price.

6. Applicants believe that none of these purposes will be thwarted by permitting Shares to trade in the secondary market at negotiated prices. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in Shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants contend that the proposed distribution system will be orderly because arbitrage activity should ensure that the difference between the market price of Shares and their NAV remains narrow.

Section 22(e) of the Act

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that settlement of redemptions of Creation Units of Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Instruments to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to 14 calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within the maximum number of calendar days required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Instruments of each Global Fund customarily clear and settle, but in all cases no later than 14 calendar days following the tender of a Creation Unit.[19]

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed and unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the requested relief will not lead to the problems that section 22(e) was designed to prevent. Applicants state that allowing redemption payments for Creation Units of a Fund to be made

[18] Applicants note that under accounting procedures followed by the Funds, trades made on the prior Business Day will be booked and reflected in NAV on the current Business Day. Accordingly, each Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for its NAV calculation at the end of such Business Day.

[19] Applicants acknowledge that no relief obtained from the requirements of section 22(e) will affect any obligations that it may otherwise have under rule 15c6–1 under the Exchange Act. Rule 15c6–1 requires that most securities transactions be settled within three business days of the trade date.

within a maximum of 14 calendar days would not be inconsistent with the spirit and intent of section 22(e). Applicants state each Global Fund's statement of additional information (''SAI'') will disclose those local holidays (over the period of at least one year following the date of the SAI), if any, that are expected to prevent the delivery of redemption proceeds in seven calendar days and the maximum number of days needed to deliver the proceeds for each affected Global Fund. Applicants are not seeking relief from section 22(e) with respect to Global Funds that do not affect redemptions in-kind.

Section 12(d)(1) of the Act

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Investing Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Investing Funds in excess of the limits in section 12(d)(l)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address any concerns regarding the potential for undue influence. To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Investing Management Company (''Investing Fund Advisor''), sponsor of an Investing Trust (''Sponsor''), any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Advisor, the Sponsor, or any person controlling, controlled by, or under common control with the Investing Fund Advisor or Sponsor (''Investing Fund's Advisory Group'') from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Investing Management Company (''Investing Fund Sub-Advisor''), any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Sub-Advisor or any person controlling, controlled by or under common control with the Investing Fund Sub-Advisor (''Investing Fund's Sub-Advisory Group'').

12. Applicants propose a condition to ensure that no Investing Fund or Investing Fund Affiliate [20] (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting''). An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor of the Investing Fund, or a person of which any such officer, director, member of an advisory board, Investing Fund Advisor, Investing Fund Sub-Advisor, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the board of directors or trustees of any Investing Management Company, including a majority of the directors or trustees who are not ''interested persons'' within the meaning of section 2(a)(19) of the Act (''independent directors or trustees''), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Investing Management Company may invest. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.[21]

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Investing Fund is aware of the terms and conditions of the requested order, the Investing Funds must enter into an agreement with the respective Funds (''FOF Participation Agreement''). The FOF Participation Agreement will include an acknowledgement from the Investing Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

Sections 17(a)(1) and (2) of the Act

16. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such a person (''second tier affiliate''), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines ''affiliated person'' to include any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines ''control'' as the power to exercise a controlling influence over the

[20] An ''Investing Fund Affiliate'' is any Investing Fund Advisor, Investing Fund Sub-Advisor, Sponsor, promoter and principal underwriter of an Investing Fund, and any person controlling, controlled by or under common control with any of these entities. ''Fund Affiliate'' is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

[21] Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

management or policies of a company and provides that a control relationship will be presumed where one person owns more than 25% of another person's voting securities. Each Fund may be deemed to be controlled by an Advisor and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other registered investment company (or series thereof) advised by an Advisor (an ''Affiliated Fund'').

17. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units by persons that are affiliated persons or second tier affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or in excess of 25% of the outstanding Shares of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25% of the Shares of one or more Affiliated Funds.[22] Applicants also request an exemption in order to permit a Fund to sell its Shares to and redeem its Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, certain Investing Funds of which the Funds are affiliated persons or second-tier affiliates.[23]

18. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Absent the unusual circumstances discussed in the application, the Deposit Instruments and Redemption Instruments available for a Fund will be the same for all purchasers and redeemers, respectively, and will correspond *pro rata* to the Fund's Portfolio Instruments. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the relevant Funds, and the valuation of the Deposit Instruments and Redemption Instruments will be made in the same manner and on the same terms for all, regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions will result in abusive self-dealing or overreaching of the Fund.

19. Applicants also submit that the sale of Shares to and redemption of Shares from an Investing Fund meets the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund in accordance with policies and procedures set forth in the Fund's registration statement.[24] The FOF Participation Agreement will require any Investing Fund that purchases Creation Units directly from a Fund to represent that the purchase of Creation Units from a Fund by an Investing Fund will be accomplished in compliance with the investment restrictions of the Investing Fund and will be consistent with the investment policies set forth in the Investing Fund's registration statement. Applicants also state that the proposed transactions are consistent with the general purposes of the Act and appropriate in the public interest.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. ETF Relief

1. As long as a Fund operates in reliance on the requested order, the Shares of the Fund will be listed on a Stock Exchange.

2. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or a mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

3. The Web site for the Funds, which is and will be publicly accessible at no charge, will contain, on a per Share basis, for each Fund the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

4. On each Business Day, before commencement of trading in Shares on the Stock Exchange, the Fund will disclose on its Web site the identities and quantities of the Portfolio Instruments held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.

5. The Advisor or any Sub-Advisor, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for the Fund through a transaction in which the Fund could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds.

B. Section 12(d)(1) Relief

1. The members of the Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of the Investing Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of the Fund's Shares. This condition does not apply to the Investing Fund's Sub-Advisory Group with respect to a Fund for which the Investing Fund Sub-Advisor or a person controlling, controlled by or under common control with the Investing Fund Sub-Advisor acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing

[22] Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person, of an Investing Fund because an investment adviser to the Funds is also an investment adviser to an Investing Fund.

[23] Applicants expect most Investing Funds will purchase Shares in the secondary market and will not purchase Creation Units directly from a Fund. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Investing Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Investing Fund and redemptions of those Shares. The requested relief is intended to also cover the in-kind transactions that may accompany such sales and redemptions.

[24] Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by the Investing Fund of Shares of the Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Investing Fund, may be prohibited by section 17(e)(1) of the Act. The FOF Participation Agreement also will include this acknowledgment.

Fund in a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund or a Fund Affiliate.

3. The board of directors or trustees of an Investing Management Company, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to ensure that the Investing Fund Advisor and any Investing Fund Sub-Advisor are conducting the investment program of the Investing Management Company without taking into account any consideration received by the Investing Management Company or an Investing Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in the Shares of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board of a Fund, including a majority of the independent directors or trustees, will determine that any consideration paid by the Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

5. The Investing Fund Advisor, or Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Investing Fund Advisor, or Trustee or Sponsor, or an affiliated person of the Investing Fund Advisor, or Trustee or Sponsor, other than any advisory fees paid to the Investing Fund Advisor, or Trustee, or Sponsor, or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Sub-Advisor will waive fees otherwise payable to the Investing Fund Sub-Advisor, directly or indirectly, by the Investing Management Company in an amount at least equal to any compensation received from a Fund by the Investing Fund Sub-Advisor, or an affiliated person of the Investing Fund Sub-Advisor, other than any advisory fees paid to the Investing Fund Sub-Advisor or its affiliated person by the Fund, in connection with the investment by the Investing Management Company in the Fund made at the direction of the Investing Fund Sub-Advisor. In the event that the Investing Fund Sub-Advisor waives fees, the benefit of the waiver will be passed through to the Investing Management Company.

6. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an Affiliated Underwriting.

7. The Board of a Fund, including a majority of the independent directors or trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting, once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in the Fund. The Board will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to assure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

8. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

9. Before investing in a Fund in excess of the limits in section 12(d)(1)(A), an Investing Fund will execute a FOF Participation Agreement with the Fund stating that their respective boards of directors or trustees and their investment advisers, or Trustee and Sponsor, as applicable, understand the terms and conditions of the order, and agree to fulfill their responsibilities under the order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list as soon as reasonably practicable after a change occurs. The Fund and the Investing Fund will maintain and preserve a copy of the order, the FOF Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

10. Before approving any advisory contract under section 15 of the Act, the board of directors or trustees of each Investing Management Company, including a majority of the independent directors or trustees, will find that the advisory fees charged under such contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Management Company may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Management Company.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund relying on the section 12(d)(1) relief will acquire securities of any investment company or company

relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, under delegated authority.

Brent J. Fields,

Secretary.

[FR Doc. 2015–02660 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, February 12, 2015 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Gallagher, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Opinion; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: February 5, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–02797 Filed 2–6–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, February 12, 2015, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 10:00 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:30 a.m. Visitors will be subject to security checks. The meeting will be Webcast on the Commission's Web site at *www.sec.gov.*

On January 21, 2015, the Commission issued notice of the Committee meeting (Release No. 33–9707), indicating that the meeting is open to the public (except during portions of the meeting reserved for meetings of the Committee's subcommittees), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Remarks from Commissioners; a recommendation of the Market Structure subcommittee on shortening the trade settlement cycle; a discussion of proxy access; an update on the rule proposal of the Financial Industry Regulatory Authority (''FINRA'') regarding implementation of the Comprehensive Automated Risk Data System; an update on Municipal Securities Rulemaking Board and FINRA proposals for improved disclosures for same-day, retail-size principal transactions in fixed income securities; and nonpublic subcommittee meetings.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: February 5, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–02795 Filed 2–6–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Securities Act of 1933, Release No. 9721/February 4, 2015; Securities Exchange Act of 1934, Release No. 74203/February 4, 2015; Order Approving Public Company Accounting Oversight Board Budget and Annual Accounting Support Fee for Calendar Year 2015

The Sarbanes-Oxley Act of 2002, as amended (the ''Sarbanes-Oxley Act''),[1] established the Public Company Accounting Oversight Board (''PCAOB'') to oversee the audits of companies that are subject to the securities laws, and related matters, in order to protect the interests of investors and further the public interest in the preparation of informative, accurate and independent audit reports. The PCAOB is to accomplish these goals through registration of public accounting firms and standard setting, inspection, and disciplinary programs. The PCAOB is subject to the comprehensive oversight of the Securities and Exchange Commission (the ''Commission'').

Section 109 of the Sarbanes-Oxley Act provides that the PCAOB shall establish a reasonable annual accounting support fee, as may be necessary or appropriate to establish and maintain the PCAOB. Under Section 109(f) of the Sarbanes-Oxley Act, the aggregate annual accounting support fee shall not exceed the PCAOB's aggregate ''recoverable budget expenses,'' which may include operating, capital and accrued items. The PCAOB's annual budget and accounting support fee are subject to approval by the Commission.

Section 982 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'') [2] amended the Sarbanes-Oxley Act to provide the PCAOB with explicit authority to oversee auditors of broker-dealers registered with the Commission. In addition, the PCAOB must allocate the annual accounting support fee among issuers and among brokers and dealers.

Section 109(b) of the Sarbanes-Oxley Act directs the PCAOB to establish a budget for each fiscal year in accordance with the PCAOB's internal procedures, subject to approval by the Commission. Rule 190 of Regulation P facilitates the Commission's review and approval of PCAOB budgets and annual accounting support fees.[3] This budget rule provides, among other things, a timetable for the preparation and

[1] 15 U.S.C. 7201 *et seq.*

[2] Public Law 111–203, 124 Stat. 1376 (2010).

[3] 17 CFR 202.190.

submission of the PCAOB budget and for Commission actions related to each budget, a description of the information that should be included in each budget submission, limits on the PCAOB's ability to incur expenses and obligations except as provided in the approved budget, procedures relating to supplemental budget requests, requirements for the PCAOB to furnish on a quarterly basis certain budget-related information, and a list of definitions that apply to the rule and to general discussions of PCAOB budget matters.

In accordance with the budget rule, in March 2014 the PCAOB provided the Commission with a narrative description of its program issues and outlook for the 2015 budget year. In response, the Commission provided the PCAOB with economic assumptions and budgetary guidance for the 2015 budget year. The PCAOB subsequently delivered a preliminary budget and budget justification to the Commission. Staff from the Commission's Offices of the Chief Accountant and Financial Management dedicated a substantial amount of time to the review and analysis of the PCAOB's programs, projects and budget estimates; reviewed the PCAOB's estimates of 2014 actual spending; and attended several meetings with management and staff of the PCAOB to further develop its understanding of the PCAOB's budget and operations. During the course of this review, Commission staff relied upon representations and supporting documentation from the PCAOB. Based on this review, the Commission issued a ''pass back'' letter to the PCAOB. On November 25, 2014, the PCAOB approved its 2015 budget during an open meeting, and subsequently submitted that budget to the Commission for approval.

After considering the above, the Commission did not identify any proposed disbursements in the 2015 budget adopted by the PCAOB that are not properly recoverable through the annual accounting support fee, and the Commission believes that the aggregate proposed 2015 annual accounting support fee does not exceed the PCAOB's aggregate recoverable budget expenses for 2015. The Commission also acknowledges the PCAOB's updated strategic plan and encourages the PCAOB to continue keeping the Commission and its staff apprised of developments throughout the PCAOB's implementation of its near-term priority projects. The Commission looks forward to providing views to the PCAOB as future updates are made to the plan.

The Commission is aware that some of the projects on the PCAOB's standard setting agenda to update auditing and quality control standards have been slow to advance. The Commission also understands that the Board intends to undertake a review of performance and management of the standard setting agenda. The Commission directs the PCAOB during 2015 to provide timely updates to the Commission's staff on the Board's evaluation of all aspects of its standard setting process including performance and management of the process and the potential actions being considered by the Board for process improvements. The Commission also directs the PCAOB, upon its finalization of a process improvement plan for the standard setting agenda, to include in its quarterly reports to the Commission updates on the Board's assessment of the improvements in the performance and management of the standard setting agenda.

Similarly, as part of its review of the 2015 budget, the Commission notes that the Center for Economic Analysis (''Center''), established in 2014, requires continued Board oversight to align its activities with the PCAOB's mission. The Commission directs the PCAOB during 2015 to provide timely updates to the Commission's staff on the activities of the Center, including with respect to defining its role and aligning its activities with the Board's mission. The Commission also directs the PCAOB to include in its quarterly reports to the Commission, updates on the Board's assessment of the performance of the Center.

The Commission understands that in recent years the PCAOB has taken significant and productive steps to improve its information technology (''IT'') program. These steps include IT staffing changes, implementing stronger IT governance structures, and strengthening Board oversight of its IT program. Based upon updates provided by the PCAOB, the Commission also understands that these efforts are ongoing; and directs the Board to continue to provide in its quarterly reports to the Commission detailed information about the state of the PCAOB's IT program, including planned, estimated, and actual costs for IT projects, and the level of involvement of consultants. These reports also should continue to include: (a) A discussion of the Board's assessment of the progress and implementation of the Board actions mentioned above; and (b) the quarterly IT report that is prepared by PCAOB staff and submitted to the Board.

The Commission also directs the PCAOB during 2015 to continue to include in its quarterly reports to the Commission information about the PCAOB's inspections program. Such information is to include: (a) Statistics relative to the numbers and types of firms budgeted and expected to be inspected in 2015, including by location and by year the inspections are required to be conducted in accordance with the Sarbanes-Oxley Act and PCAOB rules; (b) information about the timing of the issuance of inspections reports for domestic and non-U.S. inspections; and (c) updates on the PCAOB's efforts to establish cooperative arrangements with respective non-U.S. authorities for inspections required in those countries.

The Commission understands that the Office of Management and Budget (''OMB'') has determined the 2015 budget of the PCAOB to be sequestrable under the Budget Control Act of 2011.[4] Unless legislation occurs that avoids sequestration, we expect the PCAOB will have approximately $1 million in excess funds available from the 2014 sequestration for spending in 2015. As such, the PCAOB has reduced its accounting support fee for 2015 by approximately $1 million.

The Commission has determined that the PCAOB's 2015 budget and annual accounting support fee are consistent with Section 109 of the Sarbanes-Oxley Act. Accordingly,

It is ordered, pursuant to Section 109 of the Sarbanes-Oxley Act, that the PCAOB budget and annual accounting support fee for calendar year 2015 are approved.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2015–02637 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74201; File No. SR–BOX–2015–08]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Options Regulatory Fee

February 4, 2015.

Pursuant to Section 19(b)(1) under the Securities Exchange Act of 1934 (the

[4] See ''OMB Report to the Congress on the Joint Committee Reductions for Fiscal Year 2015'', Appendix page 17 of 17 at: *http://www.whitehouse.gov/sites/default/files/omb/assets/legislative_reports/sequestration_order_report_march2014.pdf*

''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2015, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule to increase the ORF from $0.0030 per contract to $0.0038 per contract. While changes to the fee schedule pursuant to this proposal will be effective upon filing, the changes will become operative on February 2, 2015. 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to increase the ORF from $0.0030 per contract to $0.0038 per contract. The Exchange proposes to increase the ORF in light of increased regulatory costs and expected volume levels in 2015. The filing is based on the substantially similar filings filed by Miami International Securities Exchange, LLC. The proposed fee change would be operative on February 2, 2015.

The Exchange proposes to increase the ORF from $0.0030 per contract to $0.0038 per contract in light of increased regulatory costs and expected volume levels in 2015. The ORF is assessed by the Exchange on each Participant for all options transactions executed or cleared by the Participant that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (*i.e.,* transactions that clear in the customer account of the Participant's clearing firm at OCC) regardless of the exchange on which the transaction occurs. The fee is collected indirectly from Participants through their clearing firms by OCC on behalf of the Exchange. The dues and fees paid by Participants go into the general funds of the Exchange, a portion of which is used to help pay the costs of regulation. The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Participant customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities. The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs. The Exchange notes that its regulatory responsibilities with respect to Participant compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation. The Exchange will continue to monitor the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. If the Exchange determines regulatory revenues exceed regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission, as set forth in the BOX Fee Schedule.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act, in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed fee change is reasonable because it would help the Exchange offset increased regulatory expenses, but would not result in total regulatory revenue exceeding total regulatory costs. Moreover, the Exchange believes the ORF ensures fairness by assessing higher fees to those Participants that require more Exchange regulatory services based on the amount of customer options business they conduct. Regulating customer trading activity is much more labor intensive and requires greater expenditure of human and technical resources than regulating non-customer trading activity, which tends to be more automated and less labor intensive. As a result, the costs associated with administering the customer component of the Exchange's overall regulatory program are materially higher than the costs associated with administering the noncustomer component—Participant proprietary transactions) of its regulatory program. The Exchange believes that the proposed change is equitable and not unfairly discriminatory because it will apply in the same manner to all Participants that are subject to the ORF.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their trading practices, the Exchange believes that the degree to which fee or credit changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed change will impair the ability of Participants or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [5] and Rule 19b–4(f)(2) thereunder,[6] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2015–08 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–2015–08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2015–08, and should be submitted on or before March 3, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02642 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74205; File No. SR–ISE Gemini–2015–03]

Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

February 4, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 23, 2015, ISE Gemini, LLC (the ''Exchange'' or ''ISE Gemini'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

ISE Gemini proposes to amend the Schedule of Fees to eliminate fees and rebates for Mini Options, which were delisted on the Exchange as of the close of business on December 17, 2014. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The 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 is permitted to list Mini Option contracts overlying ten shares of the following five symbols: SPY, AAPL, GLD, GOOGL, and AMZN, pursuant to Supplementary Material .13 to Rule 504. Due to the smaller exercise and assignment value of Mini Options contracts, the Exchange charges fees and provides rebates in these Mini Option classes at a rate that is 1/10th the rate of fees and rebates the Exchange provides for trading in Standard Options. As the Exchange has delisted all Mini Options as of the close of business on December 17, 2014, the Exchange now proposes to eliminate fees and rebates for Mini Options in the Schedule of Fees. In particular, the Exchange also proposes to remove language related to Mini Options in the following sections of the Schedule of Fees:

1. Sections II, which contains tables on Regular Order Fees and Rebates for Mini Options, including Qualifying Tier Thresholds. This section will be eliminated in its entirety.[3]

2. The definition of Mini Options in the Preface.

3. Language related to basing volume thresholds on both Standard and Mini Option volume in the footnotes to the Qualifying Tier Thresholds of section I.

4. Route-out fees for Mini Options in section III, A.

5. Language related to charging the Options Regulatory Fee for options transactions in Mini Options in section IV, A.

[3] The Exchange proposes to update section references to take into account the new section numbers when this section is removed. Section references in this proposed rule change are to the current section numbers.

In connection with the above changes, the Exchange further proposes to remove related references to Standard Options, as the distinction between Standard Options and Mini Options is no longer necessary with the delisting of Mini Options.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of section 6 of the Act,[4] in general, and section 6(b)(4) of the Act,[5] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

Specifically, the Exchange believes that the proposed rule change is reasonable, equitable, and not unfairly discriminatory as all Mini Option classes have been delisted on the Exchange as of the close of business on December 17, 2014. The Exchange believes that eliminating fees and rebates for Mini Options (and removing superfluous references to Standard Options) will simplify the Schedule of Fees and reduce investor confusion as to what products trade on the Exchange. The Exchange represents that in the event it determines to relist Mini Options in the future it will first submit a proposed rule change to adopt fees and rebates applicable to Mini Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with section 6(b)(8) of the Act,[6] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is intended solely to eliminate investor confusion as to the products that trade on the Exchange. As such, the Exchange believes the proposed rule change will have no competitive impact.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(ii) of the Act,[7] and subparagraph (f)(2) of Rule 19b–4 thereunder,[8] because it establishes a due, fee, or other charge imposed by ISE Gemini.

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 to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE Gemini–2015–03 *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–ISE Gemini–2015–03. 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–ISE Gemini–2015–03 and should be submitted on or before March 3, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2015–02644 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78f(b)(8).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74200; File No. SR–CBOE–2015–010]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To Amend Rules 6.41 and 24.8

February 4, 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 22, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to add an interpretation to each of Rules 6.41 and 24.8. The text of the proposed rule change is provided below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(additions are in *italics;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.41. Meaning of Premium Bids and Offers

(a)–(c) No change.

. . . *Interpretations and Policies:*

.01 When a customer submits to a Trading Permit Holder for open outcry handling a complex order with a total cash price (the ''total order price'') and the total number of contracts for each leg, if pricing the legs for execution would result in a difference between the total execution price and the total order price, the Trading Permit Holder must resolve the difference in a manner that provides price improvement to the customer (i.e. the broker must determine leg prices that correspond to a total purchase (sale) price that is less (greater) than the total order price).

* * * * *

Rule 24.8. Meaning of Premium Bids and Offers

No change.

. . . *Interpretations and Policies:*

.01 When a customer submits to a Trading Permit Holder for open outcry handling a complex order with a total cash price (the ''total order price'') and the total number of contracts for each leg, if pricing the legs for execution would result in a difference between the total execution price and the total order price, the Trading Permit Holder must resolve the difference in a manner that provides price improvement to the customer (i.e. the broker must determine leg prices that correspond to a total purchase (sale) price that is less (greater) than the total order price).

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to adopt Interpretation and Policy .01 to each of Rules 6.41 and 24.8 to describe the process of establishing final leg execution prices when a broker receives from a customer a complex order for open-outcry handling at a total cash price for the order. Rules 6.41 (with respect to equities) and 24.8 (with respect to indexes) provide that bids and offers must be expressed in terms of dollars per unit of the underlying security or index, as applicable.[3] However, the Exchange understands that a customer will sometimes express interest in executing a complex order at a total cash price for the order (rather than at a price per contract for each leg) (the ''total order price'') and the total number of contracts of each leg. In this situation, the broker may represent the order to the trading crowd at the total order price, and Trading Permit Holders in the trading crowd may respond to trade with the order at that total order price. Due to the complexity of the order and the price and number of contracts involved, there may be instances in which the complex order may not break down into a per-unit price for each leg based on the existing market for the leg that corresponds to the total order price. When this occurs, the broker resolves any difference in a manner that provides price improvement to the customer (*i.e.* the broker must determine leg prices that correspond to a total purchase (sale) price that is less (greater) than the total order price). The proposed rule change codifies in its rules the requirement that Trading Permit Holders resolve any difference between the total order price and total execution price in this manner.

For example, suppose a customer sends to its broker a complex order in class XYZ to buy 371 July 50 Calls and buy 400 July 50 Puts for a total order price of $96,920. The market for July 50 Calls is 1.21–1.22, and the market for the July 50 Puts is 1.29–1.30. The floor broker represents the order to the trading crowd, and two Market-Makers respond with a willingness to participate in the trade (the floor broker is unable to reasonably determine the sequence in which the Market-Makers responded so determines to apportion the order equally).[4] They establish a per-contract price of 1.21 for the July 50 Calls and 1.30 for the July 50 Puts. Because there is an uneven number of July 50 Calls, in splitting up the order, one Market-Maker (''Market-Maker A'') agrees to sell 185 July 50 Calls, and the other Market-Maker (''Market-Maker B'') agrees to sell 186 July 50 Calls, and Market-Makers A and B each agree to sell 200 July 50 Puts.[5] These market participants execute the trade at the leg prices set forth above: Market-Maker A sells the July 50 Calls for $22,385 ($1.21 price/share × 100 shares/contract × 185 contracts = $22,385) and the July 50 Puts for $26,000 ($1.30 price/share × 100 shares/contract × 200 contracts = $26,000), and Market-Maker B sells the July 50 Calls for $22,506 ($1.21 price/share × 100 shares/contract × 186 contracts = $22,506) and the July 50 Puts for $26,000 ($1.30 price/share × 100 shares/contract × 200 contracts = $26,000). Therefore, the customer's total purchase price is $96,891 ($22,385 + $22,506 + $26,000 + $26,000), which represents price improvement of $29 to the customer's total order price. Pursuant to the proposed rule change, the broker and Market-Makers could not execute the order at, for example, $1.22 for the July 50 Calls and $1.30 for the July 50 Puts, because the total purchase price for the customer would be $97,262, which is higher than the customer's total order price.[6] Brokers

[3] Additionally, Rule 6.44 requires that bids and offers made on the trading floor be for one option contract unless a specific number is expressed in the bid or offer.

[4] Rules 6.45 (with respect to options that do not trade on the Hybrid trading system), 6.45A(b) (with respect to equity options that trade on the Hybrid trading system), and 6.45B(b) (with respect to index and exchange-traded fund options that trade on the Hybrid trading system) sets forth the allocation and priority rules for orders represented in open outcry. Generally, when there are multiple bids (offers) at the best price, public customer orders have first priority (multiple public customer orders at the same price are ranked based on time priority), then orders of other market participants are prioritized by time (for classes on the Hybrid trading system, in-crowd market participants have priority ahead of market participants with orders or quotes in the electronic book). If the sequence in which bids (offers) were made cannot reasonably be determined, then priority will be apportioned equally.

[5] As described above, if the floor broker cannot reasonably determine the sequence in which the Market-Makers responded, it should apportion the order equally. The allocation and priority provisions for open outcry trading do not address to which market participant the ''extra'' contract should be allocated. *See* Rules 6.45, 6.45A(b) and 6.45B(b). Generally, the market participants involved in the transaction will agree which one should receive the extra contract; ultimately the Trading Permit Holder representing the order (in this example, the floor broker) reasonably determines how to allocate the order in accordance with the applicable rule.

[6] This process of leg price determination becomes far more complicated and time-consuming for

may not be able to execute a complex order at a customer's exact total order price because the current markets for the legs and allocation among Trading Permit Holders may not break down in such a manner. In addition, brokers must exercise due diligence and obtain the best price for their customers and comply with the Exchange's rules regarding minimum increments and complex order priority.[7] The Exchange believes the proposed rule change eliminates any potential confusion in the rules regarding how Trading Permit Holders in the trading crowd must determine the leg execution prices of these orders in these situations.

The proposed rule change does not amend the allocation or priority rules for open outcry trading.[8] For example, if a customer submitted an order in class XYZ to buy 371 July 50 Calls for $1.21 and 400 July 50 Puts for $1.30, the order would execute in the same manner (with respect to allocation and priority) as the order originally communicated with a total order price in the example above. The legs would be required to trade in accordance with Exchange pricing rules, including the requirement to trade at prices at the applicable increment for the class that are at or better than the Exchange's best bid or offer, and the complex order priority rule.[9] Similarly, in both situations, the order would be allocated to the two responding Market-Makers in time priority, or apportioned equally if the floor broker could not reasonably determine the sequence in which the Market-Makers responded (as was done in the example above). Thus, the proposed rule change does not impact how complex orders trade in open outcry; it only makes explicit in the rules that Trading Permit Holders must handle orders for which the customer's total order price does not equal the total execution price in a manner that ensures any price improvement accrues to the customer.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that specifying in its rules how Trading Permit Holders must handle complex orders submitted by customers with a total order price rather than individual leg prices protects investors and the public interest, because it ensures that price improvement accrues to the customer. The Exchange believes that the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers because, even though the proposed rule changes provides customers with benefits. The Exchange believes it is appropriate to ensure price improvement accrues to customers because they send orders from off the Exchange and are not in a position to adjust their prices like the market participants on the floor executing the orders. In addition, the proposed rule change is consistent with the long-established history in the options industry of providing beneficial treatment to customers in various circumstances (such as providing for public customer priority in trade allocations) for the purpose of encouraging continuing customer investment.

The Exchange notes that the proposed rule change does not amend the allocation or priority rules for open outcry trading, including the complex order priority exception. Any orders represented to the crowd at a customer's total order price will execute in accordance with the Exchange's current allocation and priority rules, and will execute in the same manner as order represented at individual leg prices. In addition, the Exchange notes that orders represented to the crowd at a customer's order price must execute at the applicable increment for the class (or the complex order minimum increment if eligible) and in accordance with all other pricing rules. The proposed rule change merely addresses how brokers that receive customer orders with a total order price must handle those orders and simplifies the process of determining the leg prices for such order to accelerate the executions of complex orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. All brokers that receive complex orders from customers at a total order price must comply with the proposed rule change.

complex orders with more than two legs or when there are more than two responses from Trading Permit Holders (which occurs regularly). The purpose of this filing is to simplify this process (to the potential benefit of customers) so that executions of these complex orders can be completed more quickly.

[7] Complex orders may be executed at a net debit or credit price with another Trading Permit Holder without giving priority to equivalent bids (offers) in the individual leg series that are represented in the trading crowd or in the public customer limit order book provided at least one leg of the order betters the corresponding bid (offer) in the public customer limit order book by at least one minimum trading increment or $0.01, as applicable. The Exchange intends to make explicit in its rules in a separate rule filing that a complex order (with any number of legs and in any ratio) may be represented on the Exchange; however only those complex orders that satisfy certain requirements (such as ratio requirements) are eligible for this complex order priority, as well as other special complex order treatment under the rules (such as the ability to execute complex orders at minimum increments different than simple orders). The proposed rule change in this filing applies to all complex orders (both eligible and noneligible for complex order priority and treatment). A complex order must continue to satisfy eligibility requirements in the rules to receive such priority and treatment (complex orders that do not satisfy those eligibility requirements do not receive such priority and treatment). *See* Rule 6.42 (minimum increment for complex orders) and Rules 6.45(e), 6.45A(b)(ii) and 6.45B(b)(ii) (complex order priority exception).

[8] *See id.*

[9] As set forth above, to be eligible for complex order priority in open outcry, one leg would have to improve the best public customer price of the strategy by $0.01 for the order to receive complex order priority. *See id.* In the initial example above, the leg price for the July 50 Puts improved on the market, so the July 50 Calls could receive priority over all other orders and quotes at the leg execution price, which was the best bid. The complex order would not have been eligible for complex order priority had it executed at leg prices of $1.21 (for the July 50 Calls) and $1.29 (for the July 50 Puts). The Exchange notes that each strategy must execute at least at these prices to receive the priority (in this example, all 371 calls and 400 puts must have prices of $1.21 or [sic] $1.29 [sic], respectively, or better to qualify for complex order priority). The Commission notes that the Exchange incorrectly noted in the previous sentence that to receive priority, the strategy in the example must have prices of $1.21 or $1.29. The Exchange clarified in an email that the sentence should have stated that to receive priority, the strategy must have prices of $1.21 and $1.30. *See* Email to David Hsu, Assistant Director, Division of Trading and Markets, Commission from Laura Dickman, Senior Attorney, CBOE, dated February 2, 2015.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

Additionally, these complex orders will trade in the same manner as, including in accordance with allocation, priority and pricing rules applicable to, complex orders that brokers receive from customers with individual leg prices. All complex orders must continue to satisfy eligibility requirements in the rules to receive complex order priority and other complex order treatment. While the proposed rule change provides customers with benefits, the Exchange believes it is appropriate to ensure price improvement accrues to customers because they send orders from off the Exchange and are not in a position to adjust their prices like the market participants on the floor executing the orders. In addition, the proposed rule change is consistent with the a long-established history in the options industry of providing beneficial treatment to customers in various circumstances (such as providing for public customer priority in trade allocations) for the purpose of encouraging continuing customer investment. CBOE does not believe that the proposed rule change will impose any burden on intermarket competition because the proposed rule change relates to the form in which customer orders may be presented to the Exchange for execution, not how orders may be allocated or prioritized. To the extent the proposed change makes CBOE a more attractive marketplace for customers to submit orders, those customers may elect to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2015–010 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–010. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–010 and should be submitted on or before March 3, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02641 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74204; File No. SR–CFE–2015–001]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding Ownership and Control Reports

February 4, 2015.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 28, 2015 CBOE Futures Exchange, LLC (''CFE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC''). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act (''CEA'') [2] on January 28, 2015.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to amend its rule related to reportable positions. The scope of this filing is limited solely to the application of the rule amendments to security futures traded on CFE. The only security futures currently traded on CFE are traded under Chapter 16 of CFE's Rulebook which is applicable to Individual Stock Based and Exchange-Traded Fund Based Volatility Index security futures. The text of the proposed rule change is attached as Exhibit 4 to the filing but is not attached to the publication of this notice.

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(7).

[2] 7 U.S.C. 7a–2(c).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE 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. CFE 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 purpose of the proposed CFE rule amendments included as part of this rule change is to amend CFE Rule 412B (Reportable Positions): (i) To require that CFE Trading Privilege Holders (''TPHs'') and non-TPHs must, in a form and manner prescribed by the Exchange, concurrently file with the Exchange a copy of all submissions required by the CFTC pursuant to the Final Rule adopted by the CFTC under the caption Ownership and Control Reports (''new OCR Rule'')[3]; and (ii) to require that TPHs that are not CFE clearing members report to the Exchange certain information that the new OCR Rule requires for TPHs that are clearing members. The rule amendments included as part of this rule change are to apply to all products traded on CFE, including both non-security futures and security futures. CFE is making these rule amendments in conjunction with other rule amendments to CFE Rules that are not required to be submitted to the Commission pursuant to Section 19(b)(7) of the Act[4] and thus are not included as part of this rule change.

CFE currently requires TPHs and non-TPHs to report to the Exchange, in a form and manner prescribed by the Exchange, reportable positions and related information relating to Exchange contracts that TPHs and non-TPHs are required to report to the CFTC under the CFTC's prior reporting rules. The new OCR Rule revises the information that TPHs and non-TPHs are required to report to the CFTC, including, among other things, a new CFTC Form 102 (Identification of Special Accounts, Volume Threshold Accounts, and Consolidated Accounts), which includes a new CFTC Form 102A (Identifying and reporting a *special account*) and a new CFTC Form 102B (Identifying and reporting a *volume threshold account*), and a new CFTC Form 71 (Identification of Omnibus Accounts and Sub-Accounts). In order for CFE to receive these new Forms relating to Exchange contracts that TPHs and non-TPHs will be required to report to the CFTC under the new OCR Rule, CFE is amending Rule 412B to expressly require TPHs and non-TPHs to file these new Forms with CFE concurrently with filing them to the CFTC. In addition, CFE is amending Rule 412B to require TPHs that are not clearing members (and are not covered under the new OCR Rule) to report certain information that relates to the identification and reporting of special accounts to the Exchange. CFE already requires that TPHs that are not clearing members report this type of information under existing CFE Rule 412B(a). To require TPHs that are not clearing members to continue to report certain information to CFE that is consistent with what they already report to CFE in this regard, CFE is proposing to add CFE Rule 412B(c) to make this clear.

Specifically, CFE is proposing to amend the title of CFE Rule 412B (Reportable Positions) by replacing the currently existing rule title with CFE Rule 412B (Ownership and Control Reports). This change incorporates the title of the new OCR Rule.

CFE is proposing to replace CFE Rule 412B(a) to reflect the new OCR Rule. CFE Rule 412B(a) currently provides that all TPHs shall report to the Exchange in a form and manner prescribed by the Exchange reportable positions and related information relating to Exchange contracts that TPHs are required to report to the CFTC pursuant to CFTC regulations. The amendments replace this language and provide that each TPH shall, in a form and manner prescribed by the Exchange, concurrently file with the Exchange a copy of all CFTC Form 102 (including CFTC Form 102A and CFTC Form 102B) and CFTC Form 71 submissions (including any attachments, related submissions, or related information) relating to Exchange Contracts that each TPH is required to report to the CFTC pursuant to CFTC regulations.

CFE is also proposing to replace CFE Rule 412B(b) to reflect the new OCR Rule. CFE Rule 412B(b) currently provides that any Person (which is defined in CFE Rule 155[5]) that is not a TPH and that is required to report to the CFTC pursuant to CFTC regulations reportable positions and related information relating to Exchange contracts shall report the foregoing reportable positions and related information to the Exchange in a form and manner prescribed by the Exchange. The amendments replace this language and provide that any Person that is not a TPH and that is required to make to the CFTC pursuant to CFTC regulations CFTC Form 102 (including CFTC Form 102A and CFTC Form 102B) or CFTC Form 71 submissions (including any attachments, related submissions, or related information) relating to Exchange contracts shall concurrently file with the Exchange copies of all of the foregoing CFTC Form 102 (including CFTC Form 102A, CFTC Form 102B, and CFTC Form 102S) or CFTC Form 71 submissions (including any attachments, related submissions, or related information) in a form and manner prescribed by the Exchange.

CFE is proposing to amend CFE Rule 412B to add CFE Rule 412B(c) to require that each TPH that is a not a clearing member shall, in a form and manner prescribed by the Exchange, report to the Exchange the same information regarding the identification and reporting of special accounts relating to Exchange contracts that each TPH that is a clearing member is required to report to the CFTC pursuant to CFTC regulations.

Lastly, CFE is proposing to amend the contract specifications for its security futures products to reflect the new OCR Rule's definition of reportable trading volume as trading volume of 50 or more contracts, during a single trading day, on a single reporting market that is a designated contract market or swap execution facility, in all instruments that such reporting market designates with the same product identifier. Specifically, CFE is amending CFE Rule 1602(n) to provide, ''Pursuant to Commission Regulation § 15.04 and Commission Regulation Part 17, the trading volume that is required to be reported to the Commission is 50 or more futures contracts in a Volatility Index futures contract during a single trading day.''[6]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with

[3] 78 FR 69178 (Nov. 18, 2013).

[4] 15 U.S.C. 78s(b)(7).

[5] CFE Rule 155 defines Person to mean any natural person, association, partnership, limited liability company, joint venture, trust or corporation.

[6] CFE Rule 1601 defines Volatility Index futures contracts as Individual Stock Based and Exchange-Traded Fund Based Volatility Index security futures contracts and provides a list of the Volatility Index futures contracts that CFE may list for trading.

Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(5)[8] and 6(b)(7)[9] in particular in that it is designed:

- To prevent fraudulent and manipulative acts and practices,
- to promote just and equitable principles of trade,
- to foster cooperation and coordination with persons engaged in facilitating transactions in securities,
- to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change will strengthen its ability to carry out its responsibilities as a self-regulatory organization. CFE must receive the information that TPHs and non-TPHs provide to the CFTC under the new OCR Rule in order to carry out CFE's market surveillance program. For this same reason, CFE also must receive the information that TPHs that are not clearing members provide to the CFTC regarding the identification and reporting of special accounts that TPHs that clearing members must provide to the CFTC under the OCR Rule. In addition, the amendments expressly provide that these TPHs and non-TPHs must provide this information in the form and manner prescribed by the Exchange, which will allow the information's seamless integration into the Exchange's market surveillance program and systems utilized by CFE and its regulatory services provider.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE 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, in that the rule change enhances CFE's market surveillance program. The Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because the amendments would apply equally to all TPHs and non-TPHs that are subject to the applicable requirements.

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 proposed rule change will become effective on or after February 11, 2015, on a date to be announced by the Exchange through the issuance of a circular. The Exchange will make the effective date of the rule change consistent with the timing of the implementation of the new OCR Rule by the CFTC.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.[10]

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–CFE–2015–001 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–CFE–2015–001. 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–CFE–2015–001, and should be submitted on or before March 3, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Brent J. Fields,

Secretary.

[FR Doc. 2015–02643 Filed 2–9–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Med Pro Venture Capital, Inc; Order of Suspension of Trading

February 6, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Med Pro Venture Capital, Inc., f/k/a Modern PVC, Inc. because of questions regarding the accuracy of publicly available information about the company's operations, including questions about the accuracy of statements in a company press release dated January 12, 2015 and a paid analyst's report issued on January 9, 2015 describing a strategic partnership with GO CNG technologies. Med Pro Venture Capital, Inc. is a Nevada corporation with its principal place of business located in Scottsdale, Arizona. Its stock is quoted on OTC Link, operated by OTC Markets Group Inc., under the ticker: MPVC.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, It Is Ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed company is suspended for the period from 9:30 a.m.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78f(b)(7).

[10] 15 U.S.C. 78s(b)(1).

[11] 17 CFR 200.30–3(a)(12).

EST on February 6, 2015, through 11:59 p.m. EST on February 20, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–02794 Filed 2–6–15; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 03/73–0208 issued to Liberty Ventures I, L.P., said license is hereby declared null and void.

Dated: January 9, 2015.

United States Small Business Administration.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2015–02648 Filed 2–9–15; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small business Investment Company License No. 09/09–0406 issued to Pinecreek Capital Partners, L.P., said license is hereby declared null and void.

Dated: January 30, 2015.

United States Small Business Administration.

Javier E. Saade,

Associate Administrator for Investment.

[FR Doc. 2015–02654 Filed 2–9–15; 8:45 am]

BILLING CODE P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2015–0002]

Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and an extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2015–0002].

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than April 13, 2015. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Certification by Religious Group—20 CFR 404.1075—0960–0093.* SSA is responsible for determining whether religious groups meet the qualifications exempting certain members and sects from payment of Self-Employment Contribution Act taxes under the Internal Revenue Code, section 1402(g). SSA sends Form SSA–1458, Certification by Religious Group, to a group's authorized spokesperson to complete and to verify that organizational members meet or continue to meet the criteria for exemption. The respondents are spokespersons for religious groups or sects.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1458	180	1	15	45

2. *Claim for Amounts Due in the Case of a Deceased Beneficiary—20 CFR 404.503(b)—0960–0101.* When a Social Security payment was due to a deceased beneficiary at the time of death, and there is insufficient information in the file to identify the person(s) entitled to the payment or the person's address, SSA asks the surviving spouse, next of kin, or legal representative of the estate to complete Form SSA–1724, Claim for Amounts Due in the Case of a Deceased Social Security Recipient. SSA collects the information when a surviving widow(er) is not already entitled to a monthly benefit on the same earnings record, or is not filing for a lump-sum death payment as a former spouse. SSA uses the information from Form SSA–1724 to ensure proper payment of an underpayment due a deceased beneficiary. The respondents are applicants for underpayments owed to deceased beneficiaries.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1724	250,000	1	10	41,667

3. *Request for Reconsideration—Disability Cessation—20 CFR 404.909, 416.1409—0960–0349.* When SSA determines that claimants' disabilities ceased or are no longer sufficiently disabling, these claimants may ask SSA to reconsider that determination. SSA uses Form SSA–789–U4 to arrange for a hearing or to prepare a decision based on the evidence of record. Specifically, claimants or their representatives use Form SSA–789–U4 to: (1) Ask SSA to reconsider a determination; (2) indicate if they wish to appear at a disability hearing; (3) submit any additional information or evidence for use in the reconsidered determination; and (4) indicate if they will need an interpreter for the hearing. The respondents are applicants or claimants for Social Security benefits or Supplemental Security Income (SSI) payments.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–789–U4	30,000	1	13	6,500

4. *Certificate of Election for Reduced Spouse's Benefits—20 CFR 404.421—0960–0398.* SSA cannot pay reduced Social Security benefits to an already entitled spouse unless the spouse elects to receive reduced benefits and is (1) at least age 62, but under full retirement age; and (2) no longer is caring for a child. In this situation, spouses who decide to elect reduced benefits must file Form SSA–25, Certificate of Election for Reduced Spouse's Benefits. SSA uses the information to pay qualified spouses who elect to receive reduced benefits. Respondents are entitled spouses seeking reduced Social Security benefits.

Type of Request: Revision of an OMB approved information collection.

Collection instrument	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–25	30,000	1	2	1,000

5. *Prohibition of Payment of SSI Benefits to Fugitive Felons and Parole/Probation Violators—20 CFR 416.708(o)—0960–0617.* Section 1611(e)(4) of the Social Security Act precludes eligibility for SSI payments for certain fugitives and probation/parole violators. Regulations at 20 CFR 416.708(o) require individuals applying for or receiving SSI to report to SSA that (1) they are fleeing to avoid prosecution for a crime; (2) they are fleeing to avoid custody or confinement after conviction of a crime; or (3) they are violating a condition of probation or parole. SSA uses the information we receive to deny eligibility, or suspend recipients' SSI payments. The respondents are SSI applicants and recipients, or representative payees of SSI applicants and recipients, who are reporting their status as a fugitive felon or probation/parole violator.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Modernized SSI Claims System	1,000	1	1	17

6. *Identifying Information for Possible Direct Payment of Authorized Fees—0960–0730.* SSA collects information from claimants' appointed representatives on Form SSA–1695 to: (1) Process and facilitate direct payment of authorized fees; (2) issue a Form 1099–MISC, if applicable; and (3) establish a link between each claim for benefits and the data we collect on the SSA–1699 for our appointed representative database. The respondents are attorneys and other individuals who represent claimants for benefits before SSA.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1695	10,000	40	10	66,667

7. *Request for Business Entity Taxpayer Information—0960–0731.* Law firms or other business entities must complete Form SSA–1694, Request for Business Entity Taxpayer Information, if they wish to serve as appointed representatives and receive direct payment of fees from SSA. SSA uses the information to issue a Form 1099–MISC. SSA also uses the information to allow business entities to designate individuals to serve as entity administrators authorized to perform certain administrative duties on their behalf, such as providing bank account information, maintaining entity information, and updating individual affiliations. Respondents are law firms or other business entities with attorneys or other qualified individuals as partners or employees who represent claimants before SSA.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1694—Paper Version	1,000	1	10	167
SSA–1694—Business Services Online Submission	1,000	1	10	167
Totals	2,000			334

8. *Request to Pay Civil Monetary Penalty by Installment Agreement—20 CFR 498—0960–0776.* When SSA imposes a civil monetary penalty (CMP) on individuals for various fraudulent conduct related to SSA-administrated programs, those individuals may request to pay the CMP through benefit withholding, or an installment agreement. To negotiate a monthly payment amount, fair to both the individual and the agency, SSA needs financial information from the individual. The agency uses Form SSA–640 to obtain the information necessary to determine a monthly installment repayment rate for individuals owing a CMP. The respondents are recipients of Social Security benefits and non-entitled individuals who must repay a CMP to the agency and choose to do so using an installment plan.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–640	400	1	120	800

Dated: February 5, 2015.

Faye Lipsky,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2015–02657 Filed 2–9–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 9033]

Culturally Significant Objects Imported for Exhibition Determinations: ''Diego Rivera and Frida Kahlo in Detroit'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Diego Rivera and Frida Kahlo in Detroit,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Detroit Institute of Arts, Detroit, Michigan, from on or about March 15, 2015, until on or about July 12, 2015, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including lists of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: February 4, 2015.

Kelly Keiderling,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2015–02699 Filed 2–9–15; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Report of Inspections Required by Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 4, 2014. Airworthiness Directives (ADs) are regulations issued to require correct corrective action to correct unsafe conditions in aircraft, engines, propellers, and appliances. Reports of inspections are often needed when emergency corrective action is taken to determine if the action was adequate to correct the unsafe condition. The respondents are aircraft owners and operators.

Currently, FAA has blanket Paperwork Reduction Act approval from OMB for all ADs with information collection requirements. Per OMB's request, this collection is being converted to a generic information collection request, which will require FAA to submit individual ADs with reporting requirements to OMB for approval prior to their release.

DATES: Written comments should be submitted by March 12, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0056.

Title: Report of Inspections Required by Airworthiness Directives.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection; conversion to generic information collection request.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 4, 2014 (79 FR 72054). Title 14 CFR part 39, Airworthiness Directives (AD), authorized by §§ 40113(a), 44701, and 44702 of Title 49 United States Code, prescribes how the FAA issues ADs. The FAA issues ADs when an unsafe condition is discovered on a specific aircraft type. If the condition is serious enough and more information is needed to develop corrective action, specific information may be required from aircraft owners/operators. If it is necessary for the aircraft manufacturer or airworthiness authority to evaluate the information, owners/operators will be instructed to send the information to them.

Respondents: Approximately 1,120 aircraft owners/operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 5 minutes.

Estimated Total Annual Burden: 3,080 hours.

Issued in Washington, DC, on February 4, 2015.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–02647 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Fractional Aircraft Ownership Programs

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 4, 2014. Fractional Ownership offers increased flexibility in aircraft ownership. Owners purchase shares of an aircraft and agree to share their aircraft with others having an ownership share in that same aircraft. Owners agree to put their aircraft into a ''pool'' of other shared aircraft and to lease their aircraft to another owner in that pool.

DATES: Written comments should be submitted by March 12, 2015.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0684.

Title: Fractional Aircraft Ownership Programs.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Extension without change of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 4, 2014 (79 FR 72056). Each fractional ownership program manager and each fractional owner must comply with the requirements of 14 CFR part 91, subpart K. Information is used to determine if these entities are operating in accordance with the minimum safety standards of these regulations. The FAA will use the information it reviews and collects to evaluate the effectiveness of the program and make improvements as needed, and ensure compliance and adherence to regulations.

Respondents: 11 fractional aircraft program managers/operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 46 minutes.

Estimated Total Annual Burden: 19,609 hours.

Issued in Washington, DC, on February 4, 2015.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2015–02651 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Confidential Business Information Reporting Requirements

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), DOT.

ACTION: Request for Public Comments.

SUMMARY: Pursuant to the Department's regulations, certain air carriers are required to file BTS Schedule B–7 (Airframe and Aircraft Engine Acquisitions and Retirements) and Schedule B–43 (Inventory of Airframes and Aircraft Engines). Under the Department's regulations, the Department can withhold confidential business information if release of the confidential information is likely to cause substantial competitive harm to the entity that submitted the information to the Department. The BTS routinely grants, based on the sensitive nature of this cost data, a ten-year confidentiality period. After receiving notification that, upon the expiration of the ten-year confidentiality period, the BTS intended to release the cost data, the United Parcel Service Co. (UPS) and United Air Lines, Inc. (United) filed objections to the pending release. Both UPS and United claimed that the cost data, although ten years old, remained sensitive and its release would result in competitive harm. The cost data is now 20 years old.

BTS is seeking public comments on the merits of the UPS and United positions and views on whether the BTS should increase the confidentiality period for certain airframe and aircraft engine cost data.

DATES: Comments must be received by April 13, 2015.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, BTS, 1200 New Jersey Avenue SE., Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or EMAIL *jeff.gorham@dot.gov*

Request for Public Comments

We are inviting public comments on the UPS and United requests and views on whether BTS' confidentiality period should be retained or amended. Based on the public comments and a review of the requests to extend the confidentiality period, BTS will consider retaining or amending its confidentiality period.

We are posing a series of questions in the hope that the public comments will address several issues in particular:

(1) Do you use the airframe and aircraft engine cost data required under Part 241 and, if so, how do you use the data elements?

(2) Should BTS amend or retain its confidentiality period for airframe and aircraft engine cost data?

(3) Should BTS change the manner in which it collects these data elements?

(4) Would it be in the public interest for BTS to grant the confidentiality extension requests?

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all 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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access: You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

SUPPLEMENTARY INFORMATION: Pursuant to 14 CFR part 241, certain air carriers are required to file BTS Schedule B–7 (Airframe and Aircraft Engine Acquisitions and Retirements) and Schedule B–43 (Inventory of Airframes and Aircraft Engines). These schedules contain cost data concerning airframes and aircraft engines. In previous confidentiality requests, UPS and United requested and the Department granted a ten-year period of confidentiality for the cost data reported on the Form 41, Schedules B–7 and B–43.

Prior to the expiration of the ten-year period, BTS informed twelve air carriers that, at the close of the ten-year period (October 1, 2004), the agency intended to release the information. In a September 14, 2004 letter, UPS filed objections to the release and, in a September 23, 2004 letter, United also filed objections to the release (see BTS

Docket No. 2004–19380). Both UPS and United claim that the information, although ten years old, is so sensitive that each company would suffer ''competitive harm'' if the BTS releases the information.

In its letter, UPS maintains that the information is still ''commercially sensitive'' based on three main points: (1) Disclosure of the data diminishes competition among the major aircraft manufacturers; engine manufacturers, and new and used aircraft owners and lessors who can use the commercially sensitive data to closely track UPS' acquisition and retirement costs; (2) disclosure of the data impairs competition among competing domestic and foreign airlines in the international arena, because United States airlines are required to reveal major elements of their cost structures when their foreign competitors are not; and (3) the Securities and Exchange Commission (SEC) has determined that these data should be withheld from public disclosure.

In addition, UPS requested that the Department withhold the information under Exemptions 3 and 4 of the Freedom of Information Act (FOIA) (See 5 U.S.C. 552(b)(3) and 4)). Exemption 3 allows the withholding of information if the disclosure is prohibited by another statute and the statute either: ''(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;'' (see 5 U.S.C. 552(b)(3)). UPS stated that a provision in the United States Code (see 49 U.S.C. 40115) qualifies as an Exemption 3 statute in that the statute allows the Department to order certain information withheld from public disclosure if the disclosure would ''have an adverse effect on the competitive position of an air carrier in foreign air transportation.'' (See 49 U.S.C. 40115(a)(2)(B)).

In light of its objections, UPS requested that ''the Department continue to afford confidential treatment to Form 41, Schedules B–7 and B–43 and that such confidential treatment be continued indefinitely or, at a minimum, for [another] ten (10) years.''

United requested an extension based on the fact that prices have changed little since the 1992 to 1996 period. According to United, its ''747s delivered in 1994 . . . have aircraft/engine prices which are the same as the prices of the later delivered 747s, except for some minor changes due to price escalation provisions and any minor configuration changes.'' United also claimed that Exemptions 3 and 4 of FOIA protected this information from disclosure. United also cited the fact that the SEC had provided a period of confidentiality for this information. Thus, United requested that the BTS extend its period of confidentiality until December 31, 2006, the expiration date for the SEC confidentiality period.

Ten years have passed since the initial confidential treatment period, and BTS is again asking whether we should increase the confidentiality period for certain airframe and aircraft engine cost data, or release the data to the public.

Issued in Washington, DC, on February 5, 2015.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2015–02665 Filed 2–9–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Proposed Information Collection; Comment Request; Renewal Without Change of Bank Secrecy Act Suspicious Activity Reporting Requirement for Residential Mortgage Lenders and Originators

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites all interested parties to comment on its proposed renewal without change of the Bank Secrecy Act (''BSA'') Suspicious Activity Reporting requirements for residential mortgage lenders and originators. FinCEN intends to submit this requirement for approval by the Office of Management and Budget (''OMB'') of a three-year extension of Control Number 1506–0061. This request for comments is made pursuant to the Paperwork Reduction Act (''PRA'') of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments should be received on or before April 13, 2015 to be assured of consideration.

ADDRESSES: Written comments should be submitted to: Policy Division, Financial Crimes Enforcement Network, U.S Department of the Treasury, P.O. Box 39, Vienna, VA 22183. *Attention:* PRA Comments—BSA Suspicious Activity Reporting Requirement for residential mortgage lenders and originators. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.gov* with the caption in the body of the text, ''Attention: PRA Comments—BSA Suspicious Activity Reporting Requirements 1506–0061.'' It is preferable for comments to be submitted by electronic mail. Please submit comments by one method only. All submissions received must include the agency name and the specific OMB control number for this notice.

Inspection of comments. Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905–5034 (not a toll free call).

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or email *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The BSA, Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C.1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1]

Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assists Federal, state, and local law enforcement as well as regulatory authorities in the identification, investigation, and prosecution of money laundering and other matters. In accordance with the requirements of the PRA, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, the following information is presented concerning the recordkeeping requirements listed below.

Title: Suspicious Activity Report by Residential Mortgage Lenders and Originators.

OMB Number: 1506–0061.

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, P.L. 107–56.

Abstract: In accordance with 31 CFR 1029.320, covered financial institutions are required to report suspicious activity and maintain the records for a period of five years. Covered financial institutions may satisfy these requirements by using their internal records management system.

Current Action: Renewal without change to the existing regulations.

Type of Review: Extension of currently approved reporting requirement.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Burden: The administrative burden of 1 hour is assigned to maintain the requirement in force. The burden for actual reporting is reflected in OMB Control number 1506–0065.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: February 3, 2015.

Jennifer Shasky Calvery,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2015–02732 Filed 2–9–15; 8:45 am]

BILLING CODE 4810–2P–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Proposed Collection; Comment Request; Renewal Without Change of the Registration of Money Services Business, FinCEN Form 107

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comment on a renewal without change to a currently approved information collection contained in the Registration of Money Services Business, FinCEN Form 107. The form will be used by dealers in foreign exchange, check cashers, issuers or sellers of traveler's checks or money orders, issuers, sellers, or redeemers of stored value, and money transmitters to register with the Department of the Treasury as required by statute. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments are welcome and must be received on or before April 13, 2015.

ADDRESSES: Written comments should be submitted to: Policy Division, Financial Crimes Enforcement Network, U.S Department of the Treasury, P.O. Box 39, Vienna, VA 22183. Attention: PRA Comments—MSB Registration-Form 107. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.gov,* again with a caption, in the body of the text, ''Attention: PRA Comments—MSB Registration-Form 107.'' Please cite specific OMB Control Number(s) listed above when commenting.

Instructions. It is preferable for comments to be submitted by electronic mail. Please submit comments by one method only. All submissions received must include the agency name and the specific OMB control number for this notice.

Inspection of comments. Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905–5034 (not a toll free call).

FOR FURTHER INFORMATION CONTACT: The FinCEN Regulatory helpline at (800) 767–2825 or email *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The statute generally referred to as the ''Bank Secrecy Act,'' Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5330, authorizes the Secretary of the Treasury, *among other things,* to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Regulations implementing Title II of the Bank Secrecy Act (codified at 31 U.S.C. 5311–5330) appear at 31 CFR Chapter X. The authority of the Secretary to administer the Bank Secrecy Act has been delegated to the Director of FinCEN.

Title: Registration of Money Services Business.

OMB Number: 1506–0013.

Form Number: FinCEN Form 107.

Abstract: Under 31 U.S.C. 5330 and its implementing regulations, money services businesses must register with the Department of the Treasury, maintain a list of their agents, and renew their registration every two years. Currently, money services businesses register by filing FinCEN Form 107, which is being renewed without change. The information collected on the form is required to comply with 31 U.S.C. 5330 and its implementing regulations. The information will be used to assist supervisory and law enforcement agencies in the enforcement of criminal, tax, and regulatory laws and to prevent money services businesses from being used by those engaging in money laundering. The collection of information is mandatory.

Current Actions: The current Form 107 and instructions are being renewed without change.

Type of Review: Renewal of currently approved collection report.

Affected Public: Individuals, business or other for-profit institutions, and not-for-profit institutions.

Frequency: As required.

Estimated Burden: Reporting average of 30 minutes per response; recordkeeping average of 30 minutes per response.

Estimated Number of Respondents: 42,000.

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

Estimated Total Annual Burden Hours: 42,000 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the Bank Secrecy Act must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: February 3, 2015.

Jennifer Shasky Calvery,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2015–02726 Filed 2–9–15; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Proposed Information Collection; Comment Request; Renewal Without Change of Bank Secrecy Act Suspicious Activity Reporting Requirement for Money Services Businesses

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN invites all interested parties to comment on its proposed renewal without change of the Bank Secrecy Act (''BSA'') Suspicious Activity Reporting requirements for money services businesses. FinCEN intends to submit this requirement for approval by the Office of Management and Budget (''OMB'') of a three-year extension of Control Number 1506–0015. This request for comments is made pursuant to the Paperwork Reduction Act (''PRA'') of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments should be received on or before April 13, 2015 to be assured of consideration.

ADDRESSES: Written comments should be submitted to: Policy Division, Financial Crimes Enforcement Network, U.S Department of the Treasury, P.O. Box 39, Vienna, VA 22183. *Attention:* PRA Comments—BSA Suspicious Activity Reporting Requirement for money services business. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.gov* with the caption in the body of the text, ''Attention: PRA Comments—BSA Suspicious Activity Reporting Requirements 1506–0015.'' It is preferable for comments to be submitted by electronic mail. Please submit comments by one method only. All submissions received must include the agency name and the specific OMB control number for this notice.

Inspection of comments. Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Vienna, VA. Persons wishing to inspect the comments submitted must request an appointment with the Disclosure Officer by telephoning (703) 905–5034 (not a toll free call).

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or email *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The BSA, titles I and II of Pub. L. 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C.1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1]

Regulations implementing title II of the BSA appear at 31 CFR chapter X. The authority of the Secretary of the Treasury to administer the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement as well as regulatory authorities in the identification, investigation, and prosecution of money laundering and other matters. In accordance with the requirements of the PRA, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, the following information is presented concerning the recordkeeping requirements listed below.

1. Title: Suspicious Activity Report by Money Services Businesses.

OMB Number: 1506–0015.

Abstract: In accordance with 31 CFR 1022.320, covered financial institutions are required to report suspicious activity and maintain the records for a period of five years. Covered financial institutions may satisfy these requirements by using their internal records management system.

Current Action: Renewal without change to the existing regulations.

Type of Review: Extension of currently approved reporting requirement.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Estimated Burden: The administrative burden of 1 hour is assigned to maintain the requirement in force. The burden for actual reporting is reflected in OMB Control number 1506–0065.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. 107–56.

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: February 3, 2015.

Jennifer Shasky Calvery,

Director, Financial Crimes Enforcement Network.

[FR Doc. 2015–02731 Filed 2–9–15; 8:45 am]

BILLING CODE 4810–2P–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before April 13, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie A. Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and the Internal Revenue Service, as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*).

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has 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 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 the requested information.

Currently, the IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

Title: Distributions From an HSA, Archer MSA or Medical Advantage MSA.

OMB Number: 1545–1517.

Form Number: 1099–SA.

Abstract: This form is used to report distributions from a medical savings account as required by Internal Revenue Code section 220(h).

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Responses: 25,839.

Estimated Time per Response: 8 min.

Estimated Total Annual Burden Hours: 3,618.

Title: Payment of Gift/GST Tax and/or Application for Extension to File Form 709.

OMB Number: 1545–1913.

Form Number: Form 8892

Abstract: Form 8892 was created to serve a dual purpose. First, the form enables the taxpayers to request an extension of time to file Form 709 when they are not filing an individual income tax extension. Second, it serves as a payment voucher for taxpayers who are filing an individual income tax extension (by Form 4868) and will have a gift tax balance due on Form 709.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time per Respondent: 43 mins.

Estimated Total Annual Burden Hours: 7,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Approved: February 3, 2015.

Christie A. Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–02639 Filed 2–9–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0165]

Proposed Information Collection (Financial Status Report) Activity: Comment Request

AGENCY: Office of Management, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to determine a claimant's financial status.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 13, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Dawn M. Eggers, VA Debt Management Center, Bishop Henry Whipple Federal Building, P.O. Box 11930, St. Paul, MN 55111–0930 or email to: *dawn.eggers@va.gov.* Please refer to ''OMB Control No. 2900–0165'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Dawn M. Eggers at (612) 713–6361 or FAX (612) 970–5687.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501—3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Financial Status Report, VA Form 5655.

OMB Control Number: 2900–0165.

Type of Review: Revision of a currently approved collection.

Abstract: Claimants complete VA Form 5655 to report their financial status. VA uses the data collected to determine the claimant's eligibility for a waiver of collection, setup a payment plan or for the acceptance of a compromise offer on their VA benefit debt.

Affected Public: Individuals or households.

Estimated Annual Burden: 95,570 hours.

Estimated Average Burden per Respondent: 1 hour.

Frequency of Response: Annually.

Estimated Number of Respondents: 95,570.

Dated: February 5, 2015.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–02673 Filed 2–9–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0826]

Proposed Information Collection (Intent To File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice. VA Form 21–0966 will be used by claimants and/or their authorized representatives to indicate an intent to file a claim for compensation and/or pension, or survivors pension and/or DIC, to establish an effective date for an award granted in association with a complete claim filed within 1 year of such form.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 13, 2015.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0826'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–21), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Intent to File a Claim for Compensation and/or Pension, or Survivors Pension and/or DIC (VA Form 21–0966).

OMB Control Number: 2900–0826.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–0966 will be used by claimants and/or their authorized representatives to indicate intent to file a claim for compensation and/or disability benefits to establish an effective date for an award granted in association with a complete claim filed within 1 year of such form. VA will use this form to identify claimants in its internal business operational systems to record the date of receipt of this document for the purposes of establishing a date of claim for a complete claim that is filed within 1 year. VA also uses the information to furnish the claimant with the appropriate VA form or application for VA benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 181,140.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 724,561.

Dated: February 5, 2015.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–02677 Filed 2–9–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Using Peer Monitors To Support PACT Team Efforts To Improve Diabetes—PACT Demo Lab VHA–VISN 4)

ACTIVITIES: Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 12, 2015.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov,* or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–NEW (Using Peer Mentors to Support Patient Aligned Care Team (PACT) Team Efforts to Improve Diabetes)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–NEW (Using Peer Mentors to Support PACT Team Efforts to Improve Diabetes)'' in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Using Peer Mentors to Support PACT Team Efforts to Improve Diabetes.

OMB Control Number: 2900–NEW.

Type of Review: New Data Collection.

Abstract: This project is being conducted under the auspices of the VISN 4 Demonstration Lab, which was funded by Patient Care Services to assess the Patient Aligned Care Team (PACT) model of care for Veterans. There is considerable interest in and urgency to implement the PACT model—reflecting both a desire to improve health care for Veterans and to sustain the VA's leadership in health care quality. This study aims to contribute to these goals by evaluating the effects of the VA PACT initiative and by test new, innovative strategies for patient care that can be spread if proven effective.

Title: Baseline Survey.

Affected Public: Individuals or households.

Estimated Annual Burden: 450 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 600.

Title: 10–10138a 6 Month Survey.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 600.

Title: Qualitative Interview.

Affected Public: Individuals or households.

Estimated Annual Burden: 202.5 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 270.

Title:12 Month Survey 10–10138b.

Affected Public: Individuals or households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 600.

Title: 18 Month Survey.

Affected Public: Individuals or households.

Estimated Annual Burden: 80 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 160.

Title: Hypoglycemic Symptoms.

Affected Public: Individuals or households.

Estimated Annual Burden: 40 hours.

Estimated Average Burden per Respondent: 2 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 600.

Title: Monthly Peer Mentor Questions.

Affected Public: Individuals or households.

Estimated Annual Burden: 100 hours.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 240.

Dated: February 5, 2015.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2015–02690 Filed 2–9–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Secretary of Veterans Affairs Advisory Committee Chairs Summit; Retraction of Published Notice of Meeting

The Department of Veterans Affairs (VA) previously gave notice in 80 FR 3015 under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Secretary of Veterans Affairs will would host an open meeting, ''Secretary of Veterans Affairs Advisory Committee Chairs Summit,'' on March 13, 2015, at the Department of Veterans Affairs

Central Office, 810 Vermont Avenue NW., Washington, DC.

VA is retracting the notice because the meeting will not be open to the public. The scope and size of the meeting have been scaled back significantly, to be only a briefing by the Secretary regarding the MyVA initiative. The Secretary will not seek advice or recommendations regarding VA policy from the group of attendees.

Members of the public who have questions about this change may contact Jeffrey Moragne, Director, Advisory Committee Management Office (00AC), at (202) 266–4660.

Dated: February 5, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–02659 Filed 2–9–15; 8:45 am]

BILLING CODE 8320–01–P

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